

FAX

Fax Transmittal Form		1	
To: Chock Bownan	From: <u> </u>	hey Ande.	<u> (50-7</u>
company: WV Porchasing Div.		lerson Excavating, LLC	
Phone #: 304-558-2157	Phone #: 304-	983-2296	
Fax#: 304 - 558-3970	Fax#: 304-983	-4755	
Date Sent: 4-14-10			
Number of pages: 25 includin	g coversheet		
Urgent Please review	Please Reply	Comment	
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Boyer:	CB-23		
RFO No.: 1	DEP 14913	 	
Bid Opening L) ate: 4/14/	PM WISHING	
Bid Opening	Time: 1:30	411 S	= j



Request for

CHUCK BOWMAN

ADDRESS CORNESPONDENCE TO ATTENTION OF 304-558-2157

RFQ COPY TYPE NAME/ADDRESS HERE

> Anderson Excavating, LLC 343 Williams Road Morgantown, WV 26501

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. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.

- 4. 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.
- 5. Payment may only be made after the delivery and acceptance of goods or services.
- 6. Interest may be paid for late payment in accordance with the West Virginia Code.
- 7. Vendor preference will be granted upon written request in accordance with the West Virginia Code.
- 8. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes,
- 9. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
- 10. The laws of the State of West Virginia and the Legislative Rules of the Purchasing Division shall govern the purchasing process.
- 11. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
- In the event the vendor/contractor files for bankruptcy protection, the State may deem 12. BANKRUPTCY: this contract null and void, and terminate such contract without further order.
- 13. HIPAA BUSINESS ASSOCIATE ADDENDUM: The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, is available online at www.state.wv.us/admin/purchase/vro/hipaa.htm and 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.
- 14. 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.
- 15. 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, and the West Virginia Insurance Commission. 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.
- 16. 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 eauses 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 material, 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.

INSTRUCTIONS TO BIDDERS

- 1. Use the quotation forms provided by the Purchasing Division. Complete all sections of the quotation form.
- 2. 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 walve minor deviations to specifications.
- 3. Unit prices shall prevail in case of discrepancy. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
- 4. 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
- 5. Communication during the solicitation, bld, evaluation or award periods, except through the Purchasing Division, is strictly prohibited (W.Va. C.S.R. §148-1-6.6).



Request for

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AODRESS CORRESPONDENCES O A D'ENTION OF CHUCK BOWMAN 304-558-2157

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

25304

304-926-0499

TYPE NAME/ADDRESS HERE

RFQ COPY

Anderson Excavating, LLC 343 Williams Road Morgantown, WV 26501

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Request for Quotation

DEP14913

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CHUCK BOWMAN 304-558-2157

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

REQ COPY TYPE NAME/ADDRESS HERE Anderson Excavating, LLC 343 Williams Road Morgantown, WV 26501

SHIP VIA FOR FREIGHT TEAMS DATE PRINTED ZERMS OF SALE 02/16/2010 BID OPENING TIME 01:30PM BID OPENING DATE 04/14/2010 CIVANTITY UNITPRICE AMOUNT TEM NUMBER LINE UOP 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. 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 WAG RATES AS ESTABLISHED FOR MONONGALIA COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET, SEQ. (PREVAILING WAGE RATES APPLY TO THIS PROJECT.) ANY REFERENCES MADE TO ARBITRATION OR ARBITRATION: INTEREST FOR PAYMENTS DUE (EXCEPT FOR ANY INTEREST REQUIRED BY STATE LAWN CONTAINED IN THIS CONTRACT OR IN ANY AMERICAN INSTITUTE OF ARCHITECTS DOCUMENTS PERTAINING TO THIS CONTRACT ARE HEREBY DELETED. WORKERS' COMPENSAITION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL ALL OF THE INTEMS CHECKED BELOW WILL BE A REQUIREMENT OF THIS CONTRACT: (XX) INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF COMMERCIAL GENERAL LIABILITY INSURANCE PRIOR TO SEEMEVERSE SIDE FOR TEAMS AND CONDITIONS TELEPHONE SIGNATURE 4-14-10 304-98R ~2290 ADDRESS CHANGES TO BE NOTED ABOVE 55-0785115 P6(WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



RFQ CDPY

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

Request for RECONUMBERS Quotation

DEP14913

ADDRESS COHRESPONDENCE TO ATTENHOUSE

CHUCK BOWMAN 304-558-2157

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

TYPE NAME/ADDRESS HERE Anderson Excavating, LLC 343 Williams Road Morgantown, WV 26501

FREIGHT TERVS TERMS OF SALE PATE PRINTED 02/16/2010 01:30PM BID OPENING TIME 04/14/2010 BID OPENING DATE: AMOUNT item number UNITERICE ing QUANTITY YOP UNLESS OTHERWISE SPECIFIED IN ISSUANCE OF CONTRACT. THE BID DOCUMENTS, THE MINIMUM AMOUNT OF INSURANCE COVERAGE REQUIRED IS \$250,000. SUCCESSFUL VENDOR SHALL) BUILDERS RISK INSURANCE: FURNISH PROOF OF BUILDERS RISK - ALL RISK INSURANCE IN AN AMOUNT EQUAL TO 100% OF THE AMOUNT OF THE CONTRACT. FIVE PERCENT (5%) OF THE TOTAL AMOUNT OF (XX) BONDS: 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 A LETTER OF CREDIT SUBMITTED STATE OF WEST VIRGINIAL IN LIEU OF A BOND WILL ONLY BE ALLOWED FOR PROJECTS PERSONAL OR BUSINESS CHECKS ARE NOT UNDER \$100,000. ACCEPTABLE IN LIEU OF THE 5% BID BOND, PERFORMANCE BOND, OR LABOR/MATERIAL BOND.) MAINTENANCE BOND: A TWO (2) YEAR MAINTENANCE. BOND COVERING THE ROOFING SYSTEM WILL BE A REQUIREMENT VENDOR. OF THE SUCCESSFUL REV. 11/00 AML CONTRACTOR INFORMATION FORM OMB #1029-0119 CEXPIRATION DATE: 01/3/1/2010) IS ATTACHED. YOU MUST COMPLETE THIS ORIGINAL FORM TO OBTAIN AN AVS DATA EVALUATION TO DETERMINE YOUR ELIGIBILITY AS AN AML THIS IS A REQUIREMENT UNDER 30 CFR 874.16. CONTRACTOR. IF THE ORIGINAL OMB #1029-0119 IS NOT ATTACHED TO THE HEVERSE SIDE FOR TERMS AND CONDITIONS 1 304-983-2296 4-14-10 SIGNATURE ADDRESS CHANGES TO BE NOTED ABOVE 55-0785115 5W D66 WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



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

Request for Quotation

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CHUCK BOWMAN 304-558-2157

ENVIRONMENTAL PROTECTION

ADDRESS CORRESPONDENCE TO ATTENTION OF

TYPE NAME/ADDRESS HERE DEPARTMENT OF OFFICE OF AML&R Anderson Excavating, LLC 601 57TH STREET SE 343 Williams Road CHARLESTON, WV 304-926-0499 25304 Morgantown, WV 26501 PIC B FREIGHT TERMS DATE PAINTED. TERMS OF SALE 02/16/2010 BID OPENING TIME 01:30PM BID OPENING DATE: 04/14/2010 AMOUNT UNIT PRICE QUANTITY UOP. ITEM NUMBER **ENE** BIDDING DOCUMENTS YOU CAN CONTACT THE AVS OFFICE AT 800-643-9748 OR WWW.AVS.OSMRE.GOV CONTRACTORS LICENSE 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. WEST VIRGINIA STATE CODE 21-11-11 REQUIRES ANY PROSPECTIVE BIDDER TO INCLUDE THE CONTRACTORS LICENSE NUMBER ON THEIR BID. BIDDER TO COMPLETE: CONTRACTORS NAME: A Niderson C'XCavating. CC. CONTRACTORS LICENSE #: W.V.033687. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT.

APPLICABLE LAW.

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.

SIGNATURE 55-078511*5* 304-983-7296

ADDRESS CHANGES TO BE NOTED ABOVE

member WHEN RESPONDING TO REQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED VENDOR' N/ - 3

are reverse side for terms and conditions.



Request for Quotation

CHUCK BOWMAN 304-558-2157 RFQ COPY ENVIRONMENTAL PROTECTION TYPE NAME/ADDRESS HERE DEPARTMENT OF Anderson Excavating, LLC 343 Williams Road OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV Morgantown, WV 26501 304-926-0499 25304

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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

DEP14913

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CHUCK BOWMAN 304-558-2157

Anderson Excavating, LLC 343 Williams Road Morgantown, WV 26501

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

xxxxaddressicorrespondencendacennonce

DATE PRINTED: TERMS OF SALE 02/16/2010 BID OPENING TIME 01:30PM BID OPENING DATE: 04/14/2010 UNIT PRICE ITEM NOMBER YTHTING UNE THE ONE-YEAR GUARANTEE PERIOD SHALL NOT BE CONSTRUED AS BEING AN EXTENSION OF THE PERFORMANCE TIME ALLOTTED FOR WORK UNDER THE CONTRACT. GUARANTEES CONCERNING REVEGETATION MAY BE FURTHER DEFINED IN THE TECHNICAL SPECIFICATIONS CONTAINED HEREIN. TERMINATION: (3) (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. IT SHALL BE THE RESPONSIBILITY OF THE SUCCESSFUL (4) VENDOR TO: OBTAIN ALL NECESSARY DIVISION OF HIGHWAYS (A) PERMITS FOR ALL TRANSPORTATION OF EQUIPMENT AND MATERIALS TO AND FROM THE JOB SITE. OBTAIN ANY AND ALL REQUIRED CONSTRUCTION (B) PERMITS OR RELATED JOB PERMITS. TECHNICAL SPECIFICATIONS: ALL WORK UNDER THIS CONTRACT SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS PREPARED FOR THE RECLAMATION OF THE "WYMER PORTALS & AMD" PROJECT. PLANS & SPECS ARE INCORPORATED HERE IN BY REFERENCE AND ALL PROVISIONS, CLAUSES AND CONDITIONS THEREIN ARE MADE PROPERLY A PART OF THIS CONTRACT, AND CONSISTS OF 40 DRAWINGS AS PREPARED BY MICHAEL BAKER JR., INC. PAYMENTS AND COMPLETION: THE CONTRACTOR SHALL FURNISH TO DEP AN SEE REVERSE SIDE FOR TERMS AND CONDITIONS SIGNATURE 4-14-10 04-983-2296 ADDRESS CHANGES TO BE NOTED ABOVE 55-0785115 WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



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Request for Quotation

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TYPE NAME/ADDRESS HERE Anderson Excavating, LLC

343 Williams Road Morgantown, WV 26501

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

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CHUCK BOWMAN 304-558-2157

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

ARLESTON, WV 25304 304-926-0499

FOB

ADDRESS:CORRESPONDENCE TO ALVENHON OF

Anderson Excavating, LLC 343 Williams Road Morgantown, WV 26501

DATE PRINTED TERMS OF SALE

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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

DEP14913

CHUCK BOWNAN 304-558-2157

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

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Anderson Excavating, LLC 343 Williams Road Morgantown, WV 26501

TYPE NAME/ADDRESS HERE

DATE PRINTED TERMS OF SALE 02/16/2010 01:30PM BID OPENING TIME BID OPENING DATE: 04/14/2010 AMOUNT UNITPRICE CUANTITY CUOP TIME A CONTRACTOR WHO USES STEEL PRODUCTS IN VIOLATION OF THIS SECTION MAY BE SUBJECT TO CIVIL PENALTIES PURSUANT TO W. VA. CODE SECTION 54-3-56. 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. 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. FOREIGN MADE ALUMINUM, GLASS OR STEEL PRODUCTS MAY BE ACCEPTED ONLY IF THE COST OF DOMESTIC PRODUCTS IS FOUND SUCH COST IS UNREASONABLE IF IT IS TO BE UNREASIONABLE: 20% OR MORE HIGHER THAN THE BID PRICE FOR FOREIGN MADE 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. REVERSE SIDE FOR TERMS AND CONDITIONS TELEPHONE 304-983-2296 RIGNATUR ADDRESS CHANGES TO BE NOTED ABOVE 55-0785115 Womper



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

Request for Quotation

DEP14913

CHUCK BOWMAN 304-558-2157

TYPE NAME/ADDRESS HERE Anderson Excavating, LLC 343 Williams Road Morgantown, WV 26501

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

ADDRESS CORRESPONDENCE TO AN ENTION OF

DATE PRINTED. TERMS OF SALE. SHIP VIA 02/16/2010 01:30PM BID OPENING TIME BID OPENING DATE: 04/14/2010 AMOUNT UNITPRICE UOP CUANTITY LINE 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 SPENDIN 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: THE ARCHITECIT/ENGINEER SHALL PREPARE THE ADDENDUM AND A LIST OF ALL PARTIES THAT HAVE PROCURED DRAWINGS THE ADDENDUM AND AND SPECIFICATIONS FOR THE PROJECT. LIST SHALL BE FORWARDED TO THE BUYER IN THE STATE THE ARCHITECT/ENGINEER SHALL ALSO PURCHASING DIVISION. SEND A COPY OF THE ADDENDUM TO THE STATE AGENCY FOR WHICH THE CONTRACT IS ISSUED. THE BUYER SHALL SEND THE ADDENDUM TO ALL INTERESTED PARTIES AND, IF NECESSARY, EXTEND THE BID ANY ADDENDUM SHOULD BE RECEIVED BY THE OPENING DATE. BUYER WITHIN FOURTEEN (14) DAYS PRIOR TO THE BID OPENING DATE EE REVERSE SIDE FOR TERMS AND CONDITIONS DATE 4-14-10 SIGNATURE 501-983-2296 ADDRESS CHANGES TO BE NOTED ABOVE 55-0195115 WHEN RESPONDING TO REQ. INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



State of West Virginia
Department of Administration
Purchasing Division
2019 Washington Street East
Post Office Box 50130
Charleston 100/ 25705 0450 Charleston, WV 25305-0130

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CHUCK BOWMAN 304-558-2157

Anderson Excavating, LLC 343 Williams Road Morgantown, WV 26501

TYPE NAME/ADDRESS HERE

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

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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

Anderson Excavating, LLC

343 Williams Road

Morgantown, WV 26501

Request for Quotation

DEP14913

CHUCK BOWMAN 304-558-2157

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

304-926-0499

Address correspondence vo at lention of

DATE PRINTED. TERMS OF SALE 02/16/2010 01:30PM BID OPENING TIME BID OPENING DATE: 04/14/2010 AMOUNT COANTITY CINE 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 Anderson axeavating. L.C. Company REV. 11/96 NOTICE A SIGNED BID MUST BE SUBMITTED TO: DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST 25305-0130 CHARLESTON, WV THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED: SEALED BID 30U-983-229C BIGNATURE 4-14-10 ADDRESS CHANGES TO BE NOTED ABOVE 55-0785115 WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



Request for REGINDMEE Quotation

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RFQ COPY TYPE NAME/ADDRESS HERE

> Anderson Excavating, LLC 343 Williams Road Morgantown, WV 26501

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

DATE PRINTED STERMS OF SALE SHIP VI 02/16/2010 01:30PM BID OPENING DATE: BID OPENING TIME 04/14/2010 AMOUN) **YOP** QUANTITY ENES CB-23 BUYER: DEP14913 RFQ. NQ.: 04/14/2010 BID OPENING DATE: 1:30 PM BID OPENING TIME: PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: WENDOR SHOULD SUBMIT WITH THEIR BID THE CURRENT REMIT-TO ADDRESS TO BE USED FOR PAYMENT PROCESSING: William Morgantown, WY 2650! PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE: Kodney Anderson. SIGNATURE ADDRESS CHANGES TO BE NOTED ABOVE 55-0785115 WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

OMB#1029-0119 Expiration Date: 1/31/13

AML CONTRACTOR INFORMATION FORM

You must complete this form for your AML contracting officer to request an eligibility evaluation from the Office of Surface Mining to determine if you are eligible to receive an AML contract. This requirement applies to contractors and their sub-contractors and is found under OSM's regulations at 30 CFR 874.16.

Part A: General Information
Business Name: Anderson C. Z. Cayo trog. ILC Tax Payer ID No.: 55-0785/15 Address: 343 [W: 11/ccms Rd City: Morgan-town State: WV Zip Code: 2650] Phone: 304-983-7296 Fax No.: 304-983-4755 B-mail address: Canderson @ Anderson executating He, conc
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, Rodney Anderson have the express authority to certify that: (print name)
Information on the attached Entity Organizational Family Tree (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.
2. Part of the information on the attached Entity OFT from AVS is missing or incorrect and must be updated. If you select this option, you must attach an Entity OFT from AVS to this form. Use Part D to provide the missing or corrected information. Sign and date below and complete Part D.
Our business 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.
U-14-10 Date Member Title
IMPORTANT! In order to certify in Part C to the accuracy of existing information in AVS, you must obtain a copy of your business' Entity OFT. To obtain an Entity OFT, contact the AVS Office, toll-free, at 800-643-9748 or from the AVS website at

https://avss.osmre.gov.

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Contractor's Business Name: Anderson Exravating LLC

If the current 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. 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;
- e 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 Begin Date:	Rochey Anderson 343 Williams Rd. Morgantown LW 26501 2000	Position/Title Telephone # % of Ownership Ending Date:	Member 304-983-2290 100
Name Address			
Begin Date:		Ending Date:	, and the second
Name Address Begin Date:		Position/Title Telephone # % of Ownership Ending Date:	
Name Address Begin Date:		Position/Title Telephone # % of Ownership 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 range from 15 minutes to 1 hour, with an average of 22 minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. You may 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 202 S1B, Constitution Ave., NW, Washington, D.C. 20240.

Instructions for Completing AML Contractor Form OMB #1029-01191

Part A: General Information. Part A should be completed by the AML Contractor.

Part B: Legal Structure. Part B should be completed by the AML Contractor.

Part C: Certifying and updating information in the Applicant/Violator System (AVS). Part C should be completed by the AML Contractor, selecting the statement that best describes their situation.

If information is accurate, complete and up-to-date, then check the first statement and sign and date. Attach the Entity OFT printout to the OMB #1029-0119 form and submit the form and attachment to the AML Contracting Officer your business is working with. 2

Upon reviewing an Entity OFT printout, if you discover the information contained in AVS is not accurate, complete and up-to-date, then check the second statement and complete Part D to provide missing or corrected information that needs reflected in AVS. Attach the Entity OFT printout to the OMB #1029-0119 form and submit the form and attachment to the AML Contracting Officer your business is working with.

If your business does not appear to have any information in AVS, then check the third statement and complete Part D. Submit the OMB #1029-0119 form to the AML Contracting Officer your business is working with

Part D:

If current Entity OFT information for your business is incomplete, incorrect, or if you believe there is no information currently in the AVS for your business, you must complete Part D. Submit the OMB #1029-0119 form to the AML Contracting Officer your business is working with.

¹ If you need any assistance completing OMB #1029-0119, please contact the AVS Office at 800.643.9748.

² You may obtain your business' Butily OFT for certification purposes two ways. One way is to contact the AVS Office at 800.643,9748 and request the information. The second way is to access the AVS from your personal computer by visiting https://avss.osmre.gov. Click "Access AVS", and then Login as Guest. Place your cursor on the "Entity" Module and "Click". Type your business name in search box and press enter key. If more than one entity record appears, select your company and then "Click" on the "relationship" tab to display your Entity OFT information. Print the Entity OFT from AVS.

REVISED ADDENDUM NO. 1 WYMER PORTALS & AMD PROJECT Requisition DEP14913

Contractor's Bid Sheet

Company Name: Anderson Excavating, LLC
Address: 343 Williams Road
Morgantown, WV 26501

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

EM	OAK A DITTY OF S	DESCRIPTION	UNIT PRICE	AMOUNT
).	QUANTITY			
		Mobilization and Demobilization (not to exceed 10% of total amount bid)		\$ 100,000.00
0		Mobilization and Demobilization (not to exceed 1978 of total amount bid) Construction Layout Stakes (not to exceed 5% of total amount bid)		\$ 50,000
.0	1 L.S.	Construction Layout States (not to exceed 370 of total amount hid)		\$ 30,000.00
0	1 L.S.	Quality Control (not to exceed 3% of total amount bid)		\$ 100 000.00
1	1 L.S.	Site Preparation (not to exceed 10% of total amount bid)	110.00	18 64 000 Pm
.2	4,000 L.F.	Aggregate Access Road	4500. ¹⁶	18 4 500
.3		Single Barricade Gate	55.542	\$ 210 000
,1	8,000 L.F.	Reinforced Sediment Barrier	5, 50	18 6 000
.2	2,000 L.F.	Silt Fence Sediment Barrier	6.00	18 20 100
.3	3,350 L.F.	Diversion Barrier	1900.95	18 39 900, 30°
.0	21 Acres	Revegetation	38.00	18 3040
.1	80 L.F.	Type 1 Open Limestone Channel	42.50	\$ 16.380.00
.2	390 L.F.	Type 2 Open Limestone Channel	63.5	\$ 47,250.00
.3	750 L.F.	Type 3 Open Limestone Channel	54.90	\$ 38,070,0
.4	705 L.F.	Type 4 Open Limestone Channel	24.6	\$ 12,720.00
7.5	530 L.F.	Improved Roadside Ditch	37.59	\$ 1500,000
7.6	.40 L.F.	15-Inch HDPE Pipe Culvert	55.95	\$ 3300.96
7.7	60 L.F.	24-Inch HDPB Pipe Culvert	82.50	\$ 27,880.95
7.8	340 L.F.	36-Inch HDPE Pipe Culvert	47.25	\$ 318,750.
3,0	75,000 C.Y.	Unclassified Excavation	₹,000.90	\$ 72,000.00
9,1	9EA.	Typical Wet Seal	70,000.	\$ 8,000.00
9.2	1 EA.	Modified Wet Seal	8,000.00	
).3	1 L.S.	CMP Bat Gate and Pipe Arch	8,000.00	\$ 7,000.90
9.4	2 EA.	HDPE Bat Gate	3,500.00	\$ 81,000.°
9.5	2,250 L.F.	12-Inch PVC Mine Water Conveyance Pipe	36.95	
9.6	1 L.S.	Subsidence Crack Abatement	8,400.00	\$ 2,250.00
9.0 9.7	50 Fifty lb Bags		45.50	\$ 2,230.
1.0		Underdrain	48.00	
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304-983-4755

THIS POWER OF ATTORNEY SUPERCEDES ANY PREVIOUS POWER BEARING THIS SAME POWER # AND ISSUED PRIOR TO 05/06/03, FOR ANY PERSON OR PERSONS NAMED BELOW.

General Power of Attorney POWER NO. 4750401 01

Westfield Insurance Co. Westfield National Insurance Co. Ohio Farmers Insurance Co.

Westfield Center, Ohio

CERTIFIED COPY

Know Ail Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint

J. CHRISTOPHER PALLOTTA, MARK D. PALLOTTA, JOHN JAY PALLOTTA, JOINTLY OR SEVERALLY

and State of WV its true and lawful Attorney(s)-in-Fact, with tull power and authority hereby conferred in its name, of FAIRMONT place and stead, to execute, acknowledge and deliver any and all bonds, undertakings, and recognizances; provided, however, that the penal sum of any one such instrument executed hereunder shall not exceed ONE MILLION DOLLARS AND NO CENTS (\$1,000,000)----

THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY.

Be it Resolved, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for

and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact. may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon the Company as it signed by the President and sealed and attested by the Corporate Secretary.

Be it Further Resolved, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting

held on February 8, 2000).

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their Senior Executive and their corporate seals to be hereto affixed this Dath day of A.D., 2003 . MAY

Corporate Seals Affixed State of Onio County of Medina

WESTFIELD INSURANCE COMPANY WESTFIELD NATIONAL INSURANCE COMPANY OHIO FARMERS INSURANCE COMPANY

Richard L. Kinnaird, Jr., Senior Executive

A.D., 2003, before me personally came Richard L. Kinnaird, Jr. to me known, who, being by me duly On this O6th day of MAY sworn, did depose and say, that he resides in Medina, Ohio; that he is Senior Executive of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial Seal Affixed

State of Ohio County of Medina

55.3



William J. Kahelin, Attorney at Law, Notary Public

My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

M. Brooks Rorapaugh, Secretary of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and loregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect: and furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whoreof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Onio, this 14 thay of

SEAL



M. Brooks Rorapaugh, Secretary

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NOTE:

BID BOND PREPARATION INSTRUCTIONS

WV State Agency (Stated on Page 1 "Spending Unit") Request for Quotation Number (upper right comer of page #1) Your Company Name City, Location of your Company State, Location of Your Company State, Location of Surety State of Surety Incorporation Minimum amount of acceptable bid bond is \$% of total bid. You may state "\$% of bid" or a specific amount on this line in words. Amount of bond in figures Brief Description of scope of work Day of the month Month Year Name of Corporation Raised Corporate Seal of Principal Signature of President or Vice President Title of person signing Raised Corporate Seal of Surety Signature of Attorney in Fact of the Surety Signature of Attorney in Fact of the Surety Signature of Attorney with Raised Sarety Seal must accompany this bid bond. **Surety Seal must accompany this bid bond.** **Surety Seal must accompany this bid bond.** **Surety Seal must accompany this bid bond.** **Surety Seal must accompany this bid sond.** **Surety Seal must accompany this bid bond.** **Suret			AGENCY(A)
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(140the or prival)	•	Surety Corporate Seal	
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MPORTANT - Surety executing bonds must be licensed in West Virginia to transact surety insurance. Raised Corporate Seals must be affixed and a Power of Anomey must be attached.

Attorney-in-Fact



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

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

HERITAGE PROPERTY IN

1, Rodney	Anderson,	after	being	first	duly	sworn,	depose	and
state as follows:								

- I am an employee of Anderson Cx Cavating, LLC (Company Name) 1.
- I do hereby attest that Anderson Excavating 2.

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.

17.0	
	Anderson Excavating, LLC
,	(Company Name)
	By: Butty
	Title: <u>Member</u>
	Date: April 14.7010
SUBSTITUTE THE THE THE THE THE THE THE THE THE T	before me this 14 day of April 2010.
NOTARY PUBLIC TO THE PROPERTY STORY OF PHINTE Souncil A 3366 Collins Ferry Road	bruary 10,2014
Morgantown, W 26505 Morgantown, W 26505 My Commission Explice Feb. 10, 2014	Cally A Hackey
-	(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.

Rev March 2009

304-983-4755

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RFQ No. DEP 14913

STATE OF WEST VIRGINIA Purchasing Division

PURCHASING AFFIDAVIT

West Virginia Code §5A-3-10a states: 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.

DEFINITIONS:

"Debt" means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions. "Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities. "Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceed five percent of the total contract amount.

EXCEPTION: The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

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.

WITNESS THE FOLLOWING SIGNATURE	
Vendor's Name: Anderson Excavating	LLC
A I ID	Date: 4-14-10
Authorized Signature:	
State of West Viriginia	
county of Monongales, to-wit:	·0
Taken, subscribed, and sworn to before me this 14 day of	prel 20/0
My Commission expires February 10	2014.
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