

**BREAKAWAY, INC.**  
**1075 OLD TURNPIKE ROAD**  
**SUTTON, WV 26601**

**General Contractor**  
**WV037089**

**Voice: 304-765-5317**  
**FAX: 304-765-5389**

**FAX COVER PAGE**

To State of WV - Purchasing Division

Attention Chuck Bowman

Fax Number 304-558-3970 Date 1/18/11

From Tonya Vincent

Total Pages (Including this cover sheet) 23

RE:

**Sealed Bid Enclosed**

RFQ Number: DEP 15250  
 Buyer: CB-23  
 Bid Opening Date: 1/18/11  
 Bid Opening Time: 1:30

**Mail To:**

WV PURCHASING DIVISION  
 2019 WASHINGTON ST E  
 PO BOX 50130  
 CHARLESTON WV 25305-0130

RECEIVED  
 JAN 18 AM 11:14  
 PURCHASING DIVISION  
 STATE OF WV



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

# Request for Quotation

RFQ NUMBER
DEP15250

PAGE
1

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

VENDOR

\*510160447      304-765-5317  
 BREAKAWAY INC  
 1075 OLD TURNPIKE ROAD  
 SUTTON WV 26601

SHIP TO

ENVIRONMENTAL PROTECTION  
 DEPT. OF  
 OFFICE OF SPECIAL RECLAMATION  
 105 S. RAILROAD STREET  
 PHILIPPI, WV  
 26416-9998      304-457-3219

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
12/02/2010				

BID OPENING DATE: 01/12/2011      BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		\$594,960.00
<p>RECLAMATION: WATER TREATMENT PROJECT</p> <p>SPECIAL RECLAMATION/BOND FORFEITURE PROJECT</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, ON BEHALF OF THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FROM QUALIFIED CONTRACTORS FOR A CONTRACT TO PROVIDE ALL LABOR AND MATERIALS TO PERFORM RECLAMATION ON THE MINING OPERATION OF AMANDA NICOLE FUELS, INC., NOW UNDER REVOKED PERMIT NUMBER(S) S-1018-88. THIS SITE CONSISTS OF APPROXIMATELY 9 ACRES AND IS LOCATED NEAR TUNNELTON, WV IN PRESTON COUNTY.</p> <p>THE RECLAMATION SHALL BE PERFORMED UNDER THE GUIDANCE AND GENERAL SUPERVISION OF THE AGENT ASSIGNED TO THE PROJECT FOR THE STATE OF WEST VIRGINIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION.</p> <p>A MANDATORY ON-SITE PREBID CONFERENCE SHALL BE HELD ON 12/21/2010 @ 10:00 AM. ALL INTERESTED PARTIES ARE REQUIRED TO ATTEND THIS MEETING. FAILURE TO ATTEND THE MANDATORY PRE-BID SHALL RESULT IN DISQUALIFICATION OF THE BID. NO ONE PERSON MAY REPRESENT MORE THAN ONE BIDDER.</p> <p>AN ATTENDANCE SHEET WILL BE MADE AVAILABLE FOR ALL POTENTIAL BIDDERS TO COMPLETE. THIS WILL SERVE AS THE OFFICIAL DOCUMENT VERIFYING ATTENDANCE AT THE MANDATORY PRE-BID. FAILURE TO PROVIDE YOUR COMPANY AND REPRESENT</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS.

SIGNATURE	TELEPHONE	DATE
<i>[Signature]</i>	304-765-5317	1/18/11
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
President	13-4279911	

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



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DATE PRINTED: 12/02/2010	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: **01/12/2011** BID OPENING TIME: **01:30PM**

LINE	QUANTITY	UOP	QTY NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>ATTENTION: ACTIVE NAME ON THE ATTENDANCE SHEET WILL RESULT IN DIS-QUALIFICATION OF THE BID. THE STATE WILL NOT ACCEPT ANY OTHER DOCUMENTATION TO VERIFY ATTENDANCE. THE BIDDER IS RESPONSIBLE FOR ENSURING THEY HAVE COMPLETED THE INFORMATION REQUIRED ON THE ATTENDANCE SHEET. THE PURCHASING DIVISION AND THE STATE AGENCY WILL NOT ASSUME ANY RESPONSIBILITY FOR A BIDDER'S FAILURE TO COMPLETE THE PRE-BID ATTENDANCE SHEET. IN ADDITION, WE REQUEST THAT ALL POTENTIAL BIDDERS INCLUDE THEIR E-MAIL ADDRESS AND FAX NUMBER.</p> <p>ALL POTENTIAL BIDDERS ARE REQUESTED TO ARRIVE PRIOR TO THE STARTING TIME FOR THE PRE-BID. BIDDERS WHO ARRIVE LATE, BUT PRIOR TO THE DISMISSAL OF THE TECHNICAL PORTION OF THE PRE-BID WILL BE PERMITTED TO SIGN IN. BIDDERS WHO ARRIVE AFTER CONCLUSION OF THE TECHNICAL PORTION OF THE PRE-BID, BUT DURING ANY SUBSEQUENT PART OF THE PRE-BID WILL NOT BE PERMITTED TO SIGN THE ATTENDANCE SHEET.</p> <p>DIRECTIONS TO PRE-BID:                  IN PRESTON COUNTY, FROM TUNNELTON, TRAVEL SOUTH ON STATE ROUTE 26 FOR APPROX. 2.6 MILES. TURN LEFT ONTO MCGEE ROAD (COUNTY ROUTE 26/38). TRAVEL APPROX. 0.8 MILE TO RECLAMATION SITE.</p> <p>CONTACT &amp; PHONE #: DAVID B. MCCOY                  304-457-4588, EXT. 3218</p> <p>ALL WORK MUST BE COMPLETED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PREPARED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND PURCHASE ORDER ISSUED BY THE DEPARTMENT OF ADMINISTRATION, DIVISION OF PURCHASING.</p> <p>EXHIBIT 5</p>						

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<p>WEST VIRGINIA CODE 21-1D-5 PROVIDES THAT: ANY SOLICITATION FOR A PUBLIC IMPROVEMENT CONSTRUCTION CONTRACT REQUIRES EACH VENDOR THAT SUBMITS A BID FOR THE WORK TO SUBMIT AT THE SAME TIME AN AFFIDAVIT OF COMPLIANCE WITH THE BID. THE ENCLOSED PURCHASING AFFIDAVIT MUST BE SIGNED AND SUBMITTED WITH THE BID AS EVIDENCE OF THE VENDOR'S COMPLIANCE WITH THE PROVISIONS OF ARTICLE 1D, CHAPTER 21 OF THE WEST VIRGINIA CODE. FAILURE TO SUBMIT THE SIGNED PURCHASING AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF SUCH BID.</p> <p>NOTICE TO PROCEED: THIS CONTRACT IS TO BE PERFORMED WITH 365 CALENDAR DAYS AFTER THE NOTICE TO PROCEED IS RECEIVED. UNLESS OTHERWISE SPECIFIED, THE FULLY EXECUTED PURCHASE ORDER WILL BE CONSIDERED NOTICE TO PROCEED.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE MATERIALS OR WORKMANSHIP SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM WITH THE SPECIFICATIONS OF THE THE BID AND CONTRACT HERE IN.</p> <p>WAGE RATES: THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY THE HIGHER OF THE U.S. DEPARTMENT OF LABOR MINIMUM WAGE RATES AS ESTABLISHED FOR PRESTON COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET, SEQ. (PREVAILING WAGE RATES APPLY TO THIS PROJECT)</p> <p>ARBITRATION: ANY REFERENCES MADE TO ARBITRATION OR INTEREST FOR PAYMENTS DUE (EXCEPT FOR ANY INTEREST REQUIRED BY STATE LAW) CONTAINED IN THIS CONTRACT OR IN ANY AMERICAN INSTITUTE OF ARCHITECTS DOCUMENTS PERTAINING TO THIS CONTRACT ARE HEREBY DELETED.</p>						

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<p>WORKERS' COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL.</p> <p>ALL OF THE ITEMS CHECKED BELOW WILL BE A REQUIREMENT OF THIS CONTRACT:</p> <p>(XX) INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF COMMERCIAL GENERAL LIABILITY INSURANCE PRIOR TO ISSUANCE OF CONTRACT. UNLESS OTHERWISE SPECIFIED IN THE BID DOCUMENTS, THE MINIMUM AMOUNT OF INSURANCE COVERAGE REQUIRED IS \$250,000.</p> <p>( ) BUILDERS RISK INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF BUILDERS RISK - ALL RISK INSURANCE IN AN AMOUNT EQUAL TO 100% OF THE AMOUNT OF THE CONTRACT.</p> <p>(XX) BONDS: FIVE PERCENT (5%) OF THE TOTAL AMOUNT OF THE BID PAYABLE TO THE STATE OF WEST VIRGINIA, SHALL BE SUBMITTED WITH EACH BID AS A BID BOND. THE SUCCESSFUL BIDDER SHALL ALSO FURNISH A PERFORMANCE BOND AND LABOR/MATERIAL BOND FOR 100% OF THE AMOUNT OF THE CONTRACT. BONDS MAY BE PROVIDED IN THE FORM OF A CERTIFIED CHECK, IRREVOCABLE LETTER OF CREDIT, OR BOND FURNISHED BY A SOLVENT SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE OF WEST VIRGINIA. A LETTER OF CREDIT SUBMITTED IN LIEU OF A BOND WILL ONLY BE ALLOWED FOR PROJECTS UNDER \$100,000. PERSONAL OR BUSINESS CHECKS ARE NOT ACCEPTABLE IN LIEU OF THE 5% BID BOND, PERFORMANCE BOND, OR LABOR AND MATERIAL BOND.</p> <p>( ) MAINTENANCE BOND: A TWO (2) YEAR MAINTENANCE BOND COVERING THE ROOFING SYSTEM WILL BE A REQUIREMENT OF THE SUCCESSFUL VENDOR.</p>						

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	REV. 11/00			CONTRACTORS LICENSE		
<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, BUILDING 3, ROOM 319, CHARLESTON, WV 25305. TELEPHONE: (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: CONTRACTORS NAME: ..... Breakaway, Inc. .... CONTRACTORS LICENSE NO.: ..... WV037089 .....</p> <p>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT.</p> <p>APPLICABLE LAW</p> <p>THE WEST VIRGINIA STATE CODE, PURCHASING DIVISION RULES AND REGULATIONS, AND THE INFORMATION PROVIDED IN THE "REQUEST FOR QUOTATION" ISSUED BY THE PURCHASING DIVISION IS THE SOLE AUTHORITY GOVERNING THIS PROCUREMENT.</p> <p>ANY INFORMATION PROVIDED IN SPECIFICATION MANUALS, OR ANY OTHER SOURCE, VERBAL OR WRITTEN, WHICH CONTRADICTS OR ALTERS THE INFORMATION PROVIDED FROM THE SOURCES AS</p>						

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6

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01/12/2011		01:30PM		

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<p>DESCRIBED IN THE ABOVE PARAGRAPH IS VOID AND OF NO EFFECT.</p> <p><b>BANKRUPTCY:</b> IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THE STATE MAY DEEM THIS CONTRACT NULL AND VOID AND TERMINATE SUCH CONTRACT WITHOUT FURTHER ORDER.</p> <p><b>PREFERENCE FOR USE OF DOMESTIC STEEL PRODUCTS</b></p> <p>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,</p> <p>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.</p> <p>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.</p>						

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BREAKAWAY 304-765-5389>>  
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PAGE	
7	

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<p>C. "UNITED STATES" MEANS THE UNITED STATES OF AMERICA AND INCLUDES ALL TERRITORY, CONTINENTAL OR INSULAR, SUBJECT TO THE JURISDICTION OF THE UNITED STATES.</p> <p>2. THE DIRECTOR OF THE PURCHASING DIVISION MAY, IN WRITING, AUTHORIZE THE USE OF FOREIGN STEEL PRODUCTS IF:</p> <p>A. THE COST FOR EACH CONTRACT ITEM USED DOES NOT EXCEED ONE TENTH OF ONE PERCENT (.1%) OF THE TOTAL CONTRACT COST OR TWO THOUSAND FIVE HUNDRED DOLLARS (2,500.00), WHICHEVER IS GREATER. FOR THE PURPOSES OF THIS SECTION, THE COST IS THE VALUE OF THE STEEL PRODUCT AS DELIVERED TO THE PROJECT OR,</p> <p>B. THE DIRECTOR OF THE PURCHASING DIVISION DETERMINES THAT SPECIFIED STEEL MATERIALS ARE NOT PRODUCED IN THE UNITED STATES IN SUFFICIENT QUANTITY OR OTHERWISE ARE NOT REASONABLY AVAILABLE TO MEET CONTRACT REQUIREMENTS.</p> <p>3. A CONTRACTOR WHO USES STEEL PRODUCTS IN VIOLATION OF THIS SECTION MAY BE SUBJECT TO CIVIL PENALTIES PURSUANT TO WV CODE SECTION 5A-3-56.</p> <p>REV. 10/01/01</p> <p>EXHIBIT 7</p> <p>DOMESTIC ALUMINUM, GLASS &amp; STEEL IN PUBLIC WORKS PROJECTS</p> <p>IN ACCORDANCE WITH WEST VIRGINIA CODE 5-19-1 ET.,</p>						
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PAGE
8

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<p>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.</p> <p>FOREIGN MADE ALUMINUM, GLASS OR STEEL PRODUCTS MAY BE ACCEPTED ONLY IF THE COST OF DOMESTIC PRODUCTS IS FOUND TO BE UNREASONABLE. SUCH COST IS UNREASONABLE IF IT IS 20% OR MORE HIGHER THAN THE BID PRICE FOR FOREIGN MADE PRODUCTS. IF THE DOMESTIC ALUMINUM, GLASS OR STEEL PRODUCTS TO BE SUPPLIED OR PRODUCED IN A "SUBSTANTIAL LABOR SURPLUS AREA", AS DEFINED BY THE UNITED STATES DEPARTMENT OF LABOR, FOREIGN PRODUCTS MAY BE SUPPLIED ONLY IF DOMESTIC PRODUCTS ARE 30% OR MORE HIGHER IN PRICE THAN THE FOREIGN MADE PRODUCTS.</p> <p>IF, PRIOR TO THE AWARD OF A CONTRACT UNDER THE ABOVE PROVISIONS, THE SPENDING OFFICER OF THE SPENDING UNIT DETERMINES THAT THERE EXISTS A BID FOR LIKE FOREIGN ALUMINUM, GLASS OR STEEL THAT IS REASONABLE AND LOWER THAN THE LOWEST BID DOMESTIC PRODUCTS, THE SPENDING OFFICE MAY REQUEST, IN WRITING, A REEVALUATION AND REDUCTION IN THE LOWEST BID FOR SUCH DOMESTIC PRODUCTS. ALL VENDORS MUST INDICATE IN THEIR BID IF THEY ARE SUPPLYING FOREIGN ALUMINUM, GLASS OR STEEL.</p> <p>REV. 3/88</p>						

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ADDENDUM ACKNOWLEDGEMENT						
I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.						
ADDENDUM NOS.:						
	NO. 1	X				
	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 THE 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.						
 Tony L. Owen ..... SIGNATURE Breakaway, Inc ..... COMPANY 1/12/11 ..... DATE						

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 105 S. RAILROAD STREET  
 PHILIPPI, WV  
 26416-9998 304-457-3219

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
12/02/2010				

BID OPENING DATE: 01/12/2011 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>REV. 11/96</p> <p style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p style="text-align: center;">DEPARTMENT OF ADMINISTRATION          PURCHASING DIVISION          BUILDING 15          2019 WASHINGTON STREET, EAST          CHARLESTON, WV 25305-0130</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER: CB-23</p> <p>REQ. NO.: DEP15250</p> <p>BID OPENING DATE: 01/12/2011</p> <p>BID OPENING TIME: 1:30 P.M.</p> <p>PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:</p> <p style="text-align: center;">----- 304-765-5389 -----</p> <p>PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE:</p> <p style="text-align: center;">----- <i>Dolly Finckel</i> -----</p>						

SIGNATURE		TELEPHONE		DATE
TITLE	PPIN	ADDRESS CHANGES TO BE NOTED ABOVE		

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

RFQ NUMBER  
DEP15250

PAGE  
1

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

\*510160447 304-765-5317

BREAKAWAY INC  
1075 OLD TURNPIKE ROAD

SUTTON WV 26601

SHIP TO

ENVIRONMENTAL PROTECTION  
DEPT. OF  
OFFICE OF SPECIAL RECLAMATION  
105 S. RAILROAD STREET  
PHILIPPI, WV  
26416-9998 304-457-3219

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
01/07/2011				

BID OPENING DATE: 01/12/2011 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
***** ADDENDUM NO. 1 *****						
ADDENDUM ISSUED FOR THE AMANDA NICOLE FUELS WATER TREATMENT PROJECT IN PRESTON CO., WV, TO DISTRIBUTE THE PRE-BID SIGN-IN SHEETS, THE Q/A, AND ADDITIONAL DRAWINGS RESULTING FROM THE 12/21/2010, MANDATORY PRE-BID MEETING.						
BID OPENING DATE & TIME ARE EXTENDED TO 01/18/2011 AT 1:30 PM.						
***** NO OTHER CHANGES *****						
0001	1	JB		962-73		\$594,960.00
RECLAMATION: WATER TREATMENT PROJECT						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE *Donna Vincent*  
TITLE President

TELEPHONE 304-765-5317

DATE 1/18/11

FEIN 13-4279911

ADDRESS CHANGES TO BE NOTED ABOVE

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

BUYER CB-23	REQ. OR PO NO. DEP 15250
SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/SPECIAL RECLAMATION	

WV-36a STATE OF WEST VIRGINIA  
 REV. 3-15-10 PURCHASING CONTINUATION SHEET  
 VENDOR:

**SCOPE OF WORK**

The successful bidder shall provide appropriate equipment, materials, labor and any technical services needed for the successful reclamation of AMANDA NICOLE FUELS, INC., Permit S-1018-88, and any disturbance associated with such operation. The General Performance Standards (GPS) shall apply to all items in Scope of Work.

Work necessary on this site will include the following items, but is not limited to these:

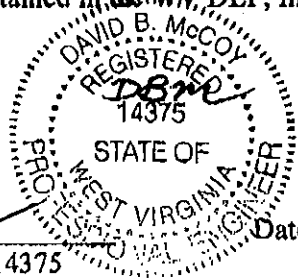
1. Upon mobilization to the site, which will be directed in a written Notice to Proceed, the access roads shall be developed in accordance with bid item #1.0. If, fuel and lubricants are to be stored on site, bid item #2.0 shall be in place before fuel is delivered. Project sign is to be obtained and installed, prior to start of work.
2. Storm water management, as necessary, in the form as described, in the National Pollutant Discharge Elimination System, Water Pollution Control Permit Number WV0115924, existing sediment control pond and in addition bid items #6-7 shall be installed (described locations). See Water Quality Control under the General Performance Standards.
3. Reclamation is to be according to the attached specifications, plans, and clarifying discussions at the Pre-Bid Conference.
4. Construction stakeout as necessary to carry out work. (Bid Item #5.4)
5. All bid items specified by ACRE on this project in the Bid Schedule shall require the submittal of a final survey to verify final acreages. This submittal shall include a copy of all field notes, a map to scale in paper and electronic form. The final survey must be conducted under the direct supervision of and certified by a Professional Surveyor or Professional Engineer licensed in the state of West Virginia. Partial payments may be made for estimated acreages that are field verified and agreed upon with the DEP onsite representative. Partial payments may not exceed 75% of bid item prior to final survey. This shall be paid from the Construction Stakeout bid item.
6. It shall be the contractor's responsibility to check for and locate all utilities within the work area to provide and maintain a safe working area in addition to preventing damage to the utility.
7. Construct riprap ditches and open limestone channels.
8. Construct underdrains and/or seep collectors.
9. Remove existing Anoxic Limestone Drain in a seep area at the end of the permit area, where a new riprap ditch is to be installed.
10. Install pre-cast manholes.
11. Install grouted limestone channels after the lime dispensing unit to the treatment ponds, and between each pond, and grout a section of culvert pipe as a flow measurement device in the exit channel after the final pond.
12. Install various size culverts as described at the Pre-Bid Conference. (Exact locations shall be determined by onsite DEP representative during construction.)
13. Upgrade existing haulroad with new road specifications, which also include a rocked ditch.

BUYER CB-23	REQ. OR PO NO. DEP 15250
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WV-36a STATE OF WEST VIRGINIA  
 REV. 3-15-10 PURCHASING CONTINUATION SHEET  
 VENDOR:

14. Install a new hydrated lime dispensing unit with a 30 ton capacity, 12 feet diameter silo, and steel enclosure.
15. Construct new haulroad access to hydrated lime dispensing unit.
16. Construct three settling ponds with synthetic liners, and concrete spreader structures at pond inlets and outlets.
17. Install all elements of Acid Mine Drainage Duplex Pump Station. This shall include a pre-cast concrete collection vault with aluminum lid; duplex non clog submersible pumps on rails; a pre-cast concrete valve vault; valves; 3 inch HDPE pump line; and an electric pump station panel board.
18. Coordinate with the local power utility company to extend single phase power to the pump station.
19. Construct two sludge cells with drain systems for onsite sludge disposal.
20. Install sludge pumping lines from treatment ponds to the sludge disposal cells.
21. Install fencing and gates around settling ponds and sludge disposal cells.
22. Regrade select areas along the old permit boundary sediment channels.
23. Vegetative cover with seed, lime, fertilizer, and mulch.
24. Enhance existing vegetation with liming.
25. Any other site specific items required.

I, David B. McCoy, the undersigned, hereby certify<sup>1</sup> that this Reclamation Plan is correct and shows to the best of my knowledge and belief all the information required by the surface mining laws of the State of West Virginia. The source of information was the approved mining and reclamation plan contained in the forfeited surface mine permit, existing site conditions and information contained in the WY, DEP, Inspection and Enforcement files.



*David B. McCoy*  
 Registered Professional Engineer WV No. 14375

Date: 10-26-2010

<sup>1</sup> The term "certify" as used herein is defined as follows: An engineer's certification of conditions is a declaration of professional judgment. It does not constitute a warranty or guarantee, either expressed or implied.

BREAKAWAY, INC.  
1075 Old Turnpike Road  
Sutton, WV 26001  
Voice: 304-765-5317

BUYER CB-23	REQ. OR PO NO. DEP 15250
SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/SPECIAL RECLAMATION	

WV-36a STATE OF WEST VIRGINIA  
REV. 3-15-10 PURCHASING CONTINUATION SHEET  
VENDOR:

ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
<b>BID SCHEDULE</b>				
<b>PERMIT NAME: AMANDA NICOLE FUELS, INC.</b>				
<b>PERMIT NUMBER(S): S-1018-88</b>				
The DEP reserves the right to request additional information and supporting documentation regarding unit prices when the unit price appears to be unreasonable.				
1.0	LUMP SUM	<u>MOBILIZATION/DEMobilIZATION/PROJECT SIGN</u> (5% Total Bid Maximum for this permit)	LUMP SUM	\$ 25,000. <sup>00</sup>
2.0	LUMP SUM	<u>SPILL CONTAINMENT AREA (S.C.A.)</u> (\$1,000.00 Maximum Bid for this permit)	LUMP SUM	\$ 1,000. <sup>00</sup>
3.0	3100 LF	<u>NEW HAULROAD/ACCESS ROAD WITH ROCK DITCH</u>	\$ 24. <sup>00</sup> PER LF	\$ 74,400. <sup>00</sup>
3.1	100 TON	<u>INCIDENTAL STONE</u>	\$ 30. <sup>00</sup> PER TON	\$ 3,000. <sup>00</sup>
3.2	1500 LF	<u>NEW HAULROAD/ACCESS ROAD</u>	\$ 18. <sup>00</sup> PER LF	\$ 27,000. <sup>00</sup>
4.0	180 LF	<u>15 INCH DUAL WALL CULVERT</u>	\$ 15. <sup>00</sup> PER LF	\$ 2,700. <sup>00</sup>
4.1	300 LF	<u>18 INCH DUAL WALL CULVERT</u>	\$ 18. <sup>00</sup> PER LF	\$ 5,400. <sup>00</sup>
4.2	100 LF	<u>24 INCH DUAL WALL CULVERT</u>	\$ 24. <sup>00</sup> PER LF	\$ 2,400. <sup>00</sup>
4.3	180 LF	<u>16 INCH HDPE PIPE</u>	\$ 16. <sup>00</sup> PER LF	\$ 2,880. <sup>00</sup>
<b><u>REVEGETATION</u></b>				
5.0	2 AC	<u>AGRICULTURAL LIME</u>	\$ 750. <sup>00</sup> PER ACRE	\$ 6,750. <sup>00</sup>
5.1	2 AC	<u>FERTILIZER</u>	\$ 500. <sup>00</sup> PER ACRE	\$ 4,500. <sup>00</sup>
5.2	2 AC	<u>MULCH</u>	\$ 500. <sup>00</sup> PER ACRE	\$ 4,500. <sup>00</sup>
5.3	2 AC	<u>VEGETATIVE SPECIES</u>	\$ 500. <sup>00</sup> PER ACRE	\$ 4,500. <sup>00</sup>
5.4	LUMP SUM	<u>CONSTRUCTION STAKEOUT</u> (Limited to 5% Total Bid)	LUMP SUM	\$ 100. <sup>00</sup>



BREAKAWAY, INC.  
1575 C-1 Turnpike Road  
Columb, WV 25601  
Vendor - 304-765-5317

BUYER CB-23	REQ. OR PO NO. DEP 15250
SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/SPECIAL RECLAMATION	

WV-36a STATE OF WEST VIRGINIA  
REV. 3-15-10 PURCHASING CONTINUATION SHEET  
VENDOR: -----

5.5	2 AC	<u>REGRAIDING</u>	\$ 100.00 PER ACRE	\$ 200.00
5.6	50 TN	<u>LIMING</u>	\$ 75.00 PER TN	\$ 3,750.00
6.0	4 EA	<u>CONSTRUCTED SEDIMENT CONTROL STRUCTURES</u>	\$ 500.00 PER EA	\$ 2,000.00
7.0	500 LF	<u>STORMWATER MANAGEMENT WITH SILT FENCE AND HAYBALE DIKE (Max. Bid \$5.00 Per LF)</u>	\$ 1.00 PER LF	\$ 500.00
8.0	3500 LF	<u>RIPRAP V-DITCH</u>	\$ 15.00 PER LF	\$ 52,500.00
9.0	600 LF	<u>GROUTED TRAPEZOIDAL DITCH</u>	\$ 35.00 PER LF	\$ 21,000.00
10.0	500 LF	<u>SEEP COLLECTOR UNDERDRAIN</u>	\$ 40.00 PER LF	\$ 20,000.00
10.5	800 LF	<u>6 INCH SOLID SDR 35 PIPE</u>	\$ 6.00 PER LF	\$ 4,800.00
11.0	NO BID ITEM	<u>UTILITIES</u>	NO BID ITEM	
12.0	6 EA	<u>CONCRETE SPREADER</u>	\$ 500.00 PER EA	\$ 3,000.00
13.0	1 EA	<u>SETTLING POND #1 WITH LINER</u>	\$ 7,500.00 PER EA	\$ 7,500.00
14.0	1 EA	<u>SETTLING POND #2 WITH LINER</u>	\$ 10,000.00 PER EA	\$ 10,000.00
15.0	1 EA	<u>SETTLING POND #3 WITH LINER</u>	\$ 12,500.00 PER EA	\$ 12,500.00
16.0	360 LF	<u>BAFFLE CURTAIN</u>	\$ 50.00 PER LF	\$ 18,000.00
17.0	10 LF (Depth)	<u>SUB-FOUNDATION PREPARATION</u>	\$ 100.00 PER LF	\$ 1,000.00
18.0	LUMP SUM	<u>FOUNDATION</u>	LUMP SUM	\$ 94,830.00
19.0	1 EA	<u>30 TON LIME DISPENSING UNIT, ENCLOSURE, AND SILO</u>	\$ 50,000.00 PER EA	\$ 50,000.00
20.0	LUMP SUM	<u>CRANE</u>	LUMP SUM	\$ 100.00
21.0	2 EA	<u>SLUDGE DISPOSAL UNDERDRAIN</u>	\$ 4,500.00 PER EA	\$ 9,000.00

BREAKAWAY, INC.  
1075 CH THURGOOD Road  
Sutton, WV 26051  
Voice: 304-765-5317

BUYER CB-23	REQ. OR PO NO. DEP 15250
SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/SPECIAL RECLAMATION	

WV-36a STATE OF WEST VIRGINIA  
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VENDOR: \_\_\_\_\_

22.0	2 EA	<u>SLUDGE DISPOSAL CELL</u>	\$ 5,000.00 PER EA	\$ 10,000.00
23.0	1200 LF	<u>6 INCH HDPE SLUDGE PIPE</u>	\$ 6.00 PER LF	\$ 7,200.00
24.0	4 EA	<u>PUMP ADAPTOR CONNECTION</u>	\$ 500.00 PER EA	\$ 2,000.00
25.0	1 EA	<u>PUMP ADAPTOR CONNECTION WITH 2 INCH DRAIN</u>	\$ 750.00 PER EA	\$ 750.00
26.0	2 EA	<u>WYES (6" HDPE LATERALS 45°)</u>	\$ 250.00 PER EA	\$ 500.00
27.0	1 EA	<u>TEES (6" HDPE TEE 90°)</u>	\$ 250.00 PER EA	\$ 250.00
28.0	1 EA	<u>CONNECTION AT DISPENSING UNIT</u>	\$ 1,000.00 PER EA	\$ 1,000.00
29.0	800 LF	<u>8 INCH HDPE OVERFLOW LINE</u>	\$ 8.00 PER LF	\$ 6,400.00
30.0	2 EA	<u>8 INCH CLEANOUT</u>	\$ 1,000.00 PER EA	\$ 2,000.00
31.0	800 LF	<u>4 INCH HDPE DRIVE LINE</u>	\$ 8.00 PER LF	\$ 6,400.00
32.0	2 EA	<u>4 INCH CLEANOUT</u>	\$ 500.00 PER EA	\$ 1,000.00
33.0	2 EA	<u>PRE-CAST MANHOLE</u>	\$ 1,000.00 PER EA	\$ 2,000.00
<b><u>AMD DUPLEX PUMP SYSTEM</u></b>				
34.0	LUMP SUM	<u>AMD DUPLEX PUMP STATION</u>	LUMP SUM	\$ 50,000.00
35.0	1 EA	<u>PUMP STATION PANEL BOARD</u>	\$ 2,500.00 PER EA	\$ 2,500.00
36.0	1450 LF	<u>3 INCH HDPE PUMP LINE</u>	\$ 3.00 PER LF	\$ 4,350.00
37.0	4 EA	<u>3 INCH CLEANOUT</u>	\$ 250.00 PER EA	\$ 1,000.00
38.0	1 EA	<u>VACUUM/AIR RELIEF VALVE</u>	\$ 1,000.00 PER EA	\$ 1,000.00

BREAKAWAY, INC.  
1077 S. Taylor Road  
Ex. 12708301  
Voice 304-765-5317

BUYER CB-23	REQ. OR PO NO. DEP 15250
SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/SPECIAL RECLAMATION	

WV-36a STATE OF WEST VIRGINIA  
REV. 3-15-10 PURCHASING CONTINUATION SHEET  
VENDOR:

		<u>SECURITY STRUCTURE</u>	
39.0	3000 LF	<u>FENCE</u>	\$ 5.00 PER LF \$15,000.00
40.0	6 EA	<u>10 FOOT GATES</u>	\$ 500.00 PER EA \$3,000.00
41.0	4 EA	<u>4 FOOT GATES</u>	\$ 200.00 PER EA \$ 800.00
42.0	1200 LF	<u>TEMPORARY FENCE</u>	\$ 2.50 PER LF \$3,000.00
<b>TOTAL PERMIT S-1018-88</b>			<u>\$594,960.00</u>

Agency Environmental Protection  
REQ. P.O.# DEP15250

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Breakaway, Inc.  
of Sutton, WV, as Principal, and Ohio Farmers Insurance Company  
of Westfield Center, OH, a corporation organized and existing under the laws of the State of  
OH with its principal office in the City of Westfield Center, as Surety, are held and firmly bound unto the State  
of West Virginia, as Obligee, in the penal sum of Five Percent of Amount Bid (\$ 5% ) for the payment of which,  
well and truly to be made, we jointly and severally bind ourselves, our heirs, administrators, executors, successors and assigns.

The Condition of the above obligation is such that whereas the Principal has submitted to the Purchasing Section of the  
Department of Administration a certain bid or proposal, attached hereto and made a part hereof, to enter into a contract in writing for  
The Mining Operation of Amanda Nicole Fuels, Inc., Preston County, WV

NOW THEREFORE,

(a) If said bid shall be rejected, or  
(b) If said bid shall be accepted and the Principal shall enter into a contract in accordance with the bid or proposal attached  
hereto and shall furnish any other bonds and insurance required by the bid or proposal, and shall in all other respects perform the  
agreement created by the acceptance of said bid, then this obligation shall be null and void, otherwise this obligation shall remain in full  
force and effect. It is expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event,  
exceed the penal amount of this obligation as herein stated.

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

IN WITNESS WHEREOF, Principal and Surety have hereunto set their hands and seals, and such of them as are corporations  
have caused their corporate seals to be affixed hereunto and these presents to be signed by their proper officers, this  
12th day of January, 2011

Principal Corporate Seal

Breakaway, Inc.

(Name of Principal)

By Tonya Tinent

(Must be President or  
Vice President)

President

(Title)

Surety Corporate Seal

Ohio Farmers Insurance Company

(Name of Surety)

By: Douglas P. Taylor

Douglas P. Taylor

Attorney-in-Fact

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

General Power of Attorney

POWER NO. 4750172 01
Westfield Insurance Co.
Westfield National Insurance Co.
Ohio Farmers Insurance Co.
Westfield Center, Ohio

CERTIFIED COPY

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center presents make, constitute and appoint ANDREW K. TEETER, KIMBERLY L. MILES, JANIS KAY PEACOCK, DOUGLAS P. TAYLOR, PAMELA D. OBRIEN, PRICE, TRAVIS A. HILL, JR., PAMELA V. LANHAM, GARY R. FREEMAN, JOINTLY OR SEVERALLY

of CHARLESTON and State of WV its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings, or other instruments or contracts of suretyship.

LIMITATION: 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 if 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 signatures or 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 12th day of JANUARY A.D., 2010.

Corporate Seals Affixed



WESTFIELD INSURANCE COMPANY
WESTFIELD NATIONAL INSURANCE COMPANY
OHIO FARMERS INSURANCE COMPANY

Richard L. Kinnaird, Jr. (Signature)

By: Richard L. Kinnaird, Jr., Senior Executive

State of Ohio County of Medina ss.:

On this 12th day of JANUARY A.D., 2010, before me personally came Richard L. Kinnaird, Jr. to me known, who, being by me duly 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



William J. Kahellin (Signature)
William J. Kahellin, Attorney at Law, Notary Public
My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio County of Medina ss.:

I, Frank A. Carrino, Secretary of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing 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 Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this 12th day of January A.D., 2011



Frank A. Carrino (Signature)
Frank A. Carrino, Secretary



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

STATE OF WV

COUNTY OF Braxton, TO-WIT:

I, Tonya Vincent, after being first duly sworn, depose and state as follows:

- 1. I am an employee of Breakaway, Inc.; and,  
(Company Name)
- 2. I do hereby attest that Breakaway, Inc.  
(Company Name)

maintains a valid written drug free workplace policy and that such policy is in compliance with **West Virginia Code §21-1D-5**.

The above statements are sworn to under the penalty of perjury.

Breakaway, Inc  
(Company Name)

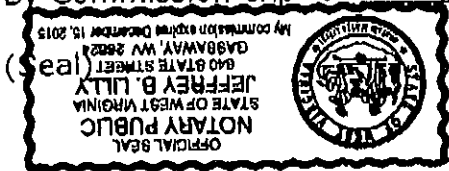
By: Tonya Vincent

Title: President

Date: 1/18/11

Taken, subscribed and sworn to before me this 18th day of January 2011

By Commission expires 12/15/2015



Jeffrey B. Lilly  
(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.**

RFQ No. DE P 15250

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 exceeds 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: Breakaway Inc.

Authorized Signature: [Signature] Date: 1/18/11

State of WV

County of Braxton, to-wit:

Taken, subscribed, and sworn to before me this 18th day of January, 2011.

My Commission expires 12/15, 2015.

AFFIX SEAL HERE

NOTARY PUBLIC

[Signature]

