

*709052657

51 STOCKETT RD

MORGANTOWN WV

BADGER CONSTRUCTION CO

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

26505

Request for Guotation AGR1226

ADDRESS CORRESPONDENCE TO ATTENTION OF

FRANK WHITTAKER 304-558-2316

304-594-1964

DEPARTMENT OF AGRICULTURE MARKETING & DEVELOPMENT BUILDING 1, ROOM M28

1900 KANAWHA BOULEVARD, EAST

CHARLESTON, WV

25305

558-2222

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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.
- 12. BANKRUPTCY: In the event the vendor/contractor files for bankruptcy protection, the State may deem this contract null and void, and terminate such contract without further order.
- 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/vrc/hipaa.html 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 entitles.
- 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 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 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 waive 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, bid, evaluation or award periods, except through the Purchasing Division, is strictly prohibited (W.Va. C.S.R. §148-1-6.6).



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Request for Quotation

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Quotation

Request for REGNUMBER AGR1226

PAGE

ADDRESS CORRESPONDENCE TO ATTENTION OF FRANK WHITTAKER <u> 804-558-2316</u>

304-594-1964 *709052657 BADGER CONSTRUCTION CO 51 STOCKETT RD

MORGANTOWN WV 26505

DEPARTMENT OF AGRICULTURE MARKETING & DEVELOPMENT ROOM M28 BUILDING 1, 1900 KANAWHA BOULEVARD, EAST CHARLESTON, WV 558-2222 25305

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Request for REGINUMBER Quotation

AGR1226

ADDRESS CORRESPONDENCE TO ATTENTION OF FRANK WHITTAKER

804-558-2316

304-594-1964 *709052657 BADGER CONSTRUCTION CO 51 STOCKETT RD

MORGANTOWN WV 26505 DEPARTMENT OF AGRICULTURE MARKETING & DEVELOPMENT BUILDING 1, ROOM M28 1900 KANAWHA BOULEVARD, EAST CHARLESTON, WV 558-2222 25305

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Request for Guotation AGR1226

PAGE 8

ADDRESS CORRESPONDENCE TO ATTENTION OF

FRANK WHITTAKER 804-558-2316

304-594-1964 *709052657 BADGER CONSTRUCTION CO 51 STOCKETT RD

MORGANTOWN WV 26505

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Quotation

Request for Fronumber AGR1226

ADDRESS CORRESPONDENCE TO ATTENTION OF FRANK WHITTAKER 304-558-2316

304-594-1964 *709052657 BADGER CONSTRUCTION CO 51 STOCKETT RD

MORGANTOWN WV 26505

DEPARTMENT OF AGRICULTURE MARKETING & DEVELOPMENT BUILDING 1, ROOM M28 1900 KANAWHA BOULEVARD, EAST CHARLESTON, WV 558-2222 25305

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304-594-1964

Request for REGNUMBER Quotation

AGR1226

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ADDRESS CORRESPONDENCE TO ATTENTION OF

FRANK WHITTAKER 304-558-2316

DEPARTMENT OF AGRICULTURE MARKETING & DEVELOPMENT ROOM M28 BUILDING 1,

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Demolition Contract-Lakin State Farm Property 9 Plant Lane Drive, West Columbia, WV 25287.

WV Department of Agriculture Marketing & Development Division, Land Section P. O. Box 160, Sistersville, WV 26175

To provide all labor, equipment and materials necessary for the demolition and proper debris removal of two (2) structures at the Lakin State Farm. Debris removal and disposal shall be in accordance with all applicable federal, state, and local laws.

Structure # 1 shall be known as Brick Duplex.
Structure # 2shall be known as Diary Barn and associated buildings that include 2 silos and adjacent fed manger and fences.

The two structures contained asbestos material and abatement has been completed in accordance with the current statewide contract vendor (Astar Abatement).

The successful vendor will ne required to have all necessary permits to perform this project. The vendor will be responsible for making all the proper notifications to other agencies.

No demolition will be permitted by explosive material. No burning of demolished material.

Utilities: Protection of all utility services along demolition site must be maintained at all times. All utilities will be disconnected prior to demolition to Structures and will be taken care of by WVDA.

- 1. The successful vendor shall furnish proof of commercial general liability insurance prior to the issuance of the contract. The minimum amount of insurance coverage required is \$100,000.00
- 2. The on-site pre-bid inspection of this project will be conducted on Tuesday March 27, 2012 at 10:00am. This inspection is mandatory. Failure to attend the pre-bid will result in disqualification of your bid. The successful bidder must be registered with the State of West Virginia.
- 3. The successful bidder will be required to furnish a copy of their contractor's

- license, plus a certificate of workers compensation coverage prior to the issuance of a purchase order contract.
- 4. Structure #1 is made of concrete, brick or cinder blocks may be crushed up and used as fill. The duplex brick structure contains a basement which will need to be filled in with the crushed block and brick. In addition three foot minimum of topsoil will be available from the farm for covering. All wood, tin, shingles, and other materials must be taken to an approved landfill. Basement floor must be chipped/broken apart to allow for drainage.
- 5. Dairy Barn Structure #2 is constructed of tin, wood, and concrete. Dairy Barn structure #2 will include demo of two 40' x 12' silos. All concrete bunks, water tanks, etc. will be removed down to concrete floor level. On-site requirements will be covered at pre bid meeting.
- 6. Pictures of the structures will be provided upon request. The brick duplex is approximately 28 feet wide by 85 feet long. The dairy barn is approximately 73 feet wide by 110 feet long. The two silos at either end of the dairy barn are approximately 12 feet wide by 40 feet tall. The brick duplex is located across from the Lakin State Hospital along Route 62 across from the entrance to the hospital. The dairy barn and silos are located along ten mile road on the left hand side of road. There will be some additional concrete and wooden feed structures included in this project; which will be explained further at the pre-bid inspection. All structures will be taken down to the concrete floor or pad level.
- 7. Wage Rates. The contractor or subcontractor shall pay the higher of the U. S. Department of Labor Minimum Wage Rates as established for Mason County. Prevailing wage rates apply to this contract. Vendor is required to provide a certificate from Workers Compensation.
- 8. Project must be completed and invoiced by 6/30/2012. A post demolition inspection by WVDA personnel will be required upon completion. Any disturbed area must be reseeded with Kentucky Fescue #31 Pasture Mix and covered with mulch by 6/30/2012. Any disturbed roads must be returned to their original condition prior to demolition.
- The Lakin farm is located on Route 62 adjacent to the Lakin State Hospital and the Lakin Correctional Center for Women. It is approximately 13 miles north of Point Pleasant, WV.

AGENCY

				RFQ/RFP#(B)
(A)	WV State Agency (Stated on Page 1 "Spending Unit")	KNOW ALL MEN BY (C) of as Principal, and (F)	Bid Bond THESE PRESENT (D)	S, That we, the undersigned,
	Request for Quotation Number (upper	as Principal, and(F)	of	(G) ,
(0)	right corner of page #1)	(H), a cor	poration organized	and existing under the laws
(C)	Your Company Name	of the State of(I)	with its princip	al office in the City of
(D)	City, Location of your Company	(J) as Su	refy, are held and i	firmly bound unto The State
(E)	State, Location of your Company	of West Virginia, as Obligee, in t	he penal sum of	(K)
(F) (G)	Surety Corporate Name City, Location of Surety	(\$) for the	ie payment of which	ch, well and truly to be made,
(H)	State, Location of Surety	we jointly and severally bind our successors and assigns.	serves, our neirs, ac	aministrators, executors,
(I)	State of Surety Incorporation		ove obligation is s	och that whereas the Principal
(1)	City of Surety Incorporation	has submitted to the Purchasing S		
(K)	Minimum amount of acceptable bid	a certain bid or proposal, attached		
` '	bond is 5% of total bid. You may state	contract in writing for		P
	"5% of bid" or a specific amount on		(M)	
	this line in words.			
(L)	Amount of bond in figures			
(M)	Brief Description of scope of work	NOW THEREFORE.		
(N)	Day of the month	(a) If said bid shall be t		
(O)	Month Year	(b) If said bid shall be a		
(P) (Q)	Name of Corporation	contract in accordance with the b any other bonds and insurance re-		
(R)	Raised Corporate Seal of Principal	other respects perform the agreen		
(S)	Signature of President or Vice	this obligation shall be null and v		
• /	President	force and effect. It is expressly u		
(T)	Title of person signing	Surety for any and all claims here		
(U)	Raised Corporate Seal of Surety	amount of this obligation as here		•
(V)	Corporate Name of Surety			ulates and agrees that the
(W)	Signature of Attorney in Fact of the	obligations of said Surety and its		
NOTE:	Surety Dated Bourse of Attampas with Baired	any extension of time within whi		
NOTE:	Dated, Power of Attorney with Raised Surety Seal must accompany this bid	Surety does hereby waive notice		ion. Surety have hereunto set their
	bond.	hands and seals, and such of them		
	oona.	seals to be affixed hereto and the		
		this (N) day of		
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		Principal Corporate Seal		(Q)
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		(U) Surety Corporate Seal		(V)
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			 	(W)
				Attorney-in-Fact

IMPORTANT – Surety executing bonds must be licensed in West Virginia to transact surety insurance. Raised Corporate Seals must be affixed and a Power of Attorney must be attached.



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

COUNTY OF montyomery TO-WIT:
I,, after being first duly sworn, depose and state as follows:
1. I am an employee of Badger Construction Co; and, (Company Name)
2. I do hereby attest that Badger Construction Co. (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. Backger Cowstructon Co. (Company Name)
Oll asid
Title: Tresidut
Date: 4/13/12 day of april 2013
Taken, subscribed and sworn to before me this 13 day of Upril 2013. By Commission expires 1711 6, 2013
SOUTH PRATCHETTE SOUTH PRATCHETTE
ROSERIA L. BRATCHETE Notary Public, State of Chio My Commission Expires April 6, 2013 THE AFFIDAVIT MUST BE SUBMITTED WITH THE BID IN ORDER TO THE AFFIDAVIT MUST BE SUBMITTED WITH THE BID INCLUDE THE

COMPLY WITH WV CODE PROVISIONS. FAILURE TO INCLUDE THE AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF Rev March 2009 THE BID.

RFQ No. AGR1226

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: Bradger Construction	Co,
Authorized Signature: Out assif	Date: 4//3/12
State of Athin	
County of Montgomery, to-wit:	
Taken, subscribed, and sworn to before me this 2 day	vof (1)7/1
My Commission expires	20 12.
way Commission expires	A for the later and the
AFFIX SPACHERE	NOTARY PUBLIC POWER AND WAR
ROSERTA L. BRATCHETTE	
Notary Public, State of Chio My Commission Expires April 6, 2013	



*709052657

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

304-594-1964

Request for Quotation

AGR1226

6

ADDRESS CORRESPONDENCE TO ATTENTION OF
--

FRANK WHITTAKER 304-558-2316

DEPARTMENT OF AGRICULTURE
MARKETING & DEVELOPMENT
BUILDING 1, ROOM M28
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV

51 STOCKETT RD

MORGANTOWN WV 26505

BADGER CONSTRUCTION CO

25305 FREIGHT TERMS F.O.B. SHIP VIA TERMS OF SALE DATE PRINTED 04/03/2012 BID OPENING DATE: 01 · 30PM BID OPENING TIME 04/19/2012 AMOUNT UNIT PRICE CAT. ITEM NUMBER UOP QUANTITY LINE *************** ADDENDUM NO. 1 ************ THIS ADDENDUM IS ISSUED TO: 1) PROVIDE THE ATTACHED MANDATORY PRE-BID SIGN-IN SHEE TECHNICAL QUESTIONS & ANSWERS 2) PROVIDE THE ATTACHED OF THE PROJECT INCLUDING 6 PHOTOGRAPHS BID OPENING DATE AND TIME HAVE NOT CHANGED. ***** *|*********** END ADDENDUM NO. 1 968-42 ob01 1 GENERAL CONSTRUCTION SEE REVERSE SIDE FOR TERMS AND CONDITIONS 304-685-2016 TELEPHONE SIGNATURE

TITLE President FEIN 550637084

ADDRESS CHANGES TO BE NOTED ABOVE

O TO BEC INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

SIGN IN SHEET

Request for Proposal No.

PLEASE PRINT

' PLEASE BE SURE TO PRINT LEGIBLY - IF POSSIBLE, LEAVE A BUSINESS CARD

TELEPHONE & FAX MINIBERS

FIRM & REPRESENTATIVE NAME	MAILING ADDRESS	NUMBERS
Company: DIANTIC PLANT SERVICE	Ġ	PHONE 304-633-3776
Rep: Michael 2 Micallista		FREE / 800-705-9393
Email Address:		FAX 304-522-6162
Company: JCJ Rosesh, INC		PHONE 304.6751537
Rep. JEFF Roiesh / John hipking	,	TOLL FRES
Email Address:		FAX 304 675 1539
Company: Empire Builders		PHONE 304 482-7872
Rep: MARK KEENEY & ZACK CAIN		TOLL FREE
Email Address:		FAX
Company: D'Calla Tuc:		PHONE 304-743-1162
RED: DWAYNE CARRE		TOLL FREE
Email Address: Chele INCWY @ Ad. Com-		FAX304- 748-7039
Company:		PHONE
Ref.		TOLL PRES
Fotal Address.		FAX
The state of the s		

SIGH IN SHEET

Request for Proposal No.

PLEASE PRINT

' PLEASE BE SURE TO PRINT LEGIBLY - IF POSSIBLE, LEAVE A BUSINESS CARD

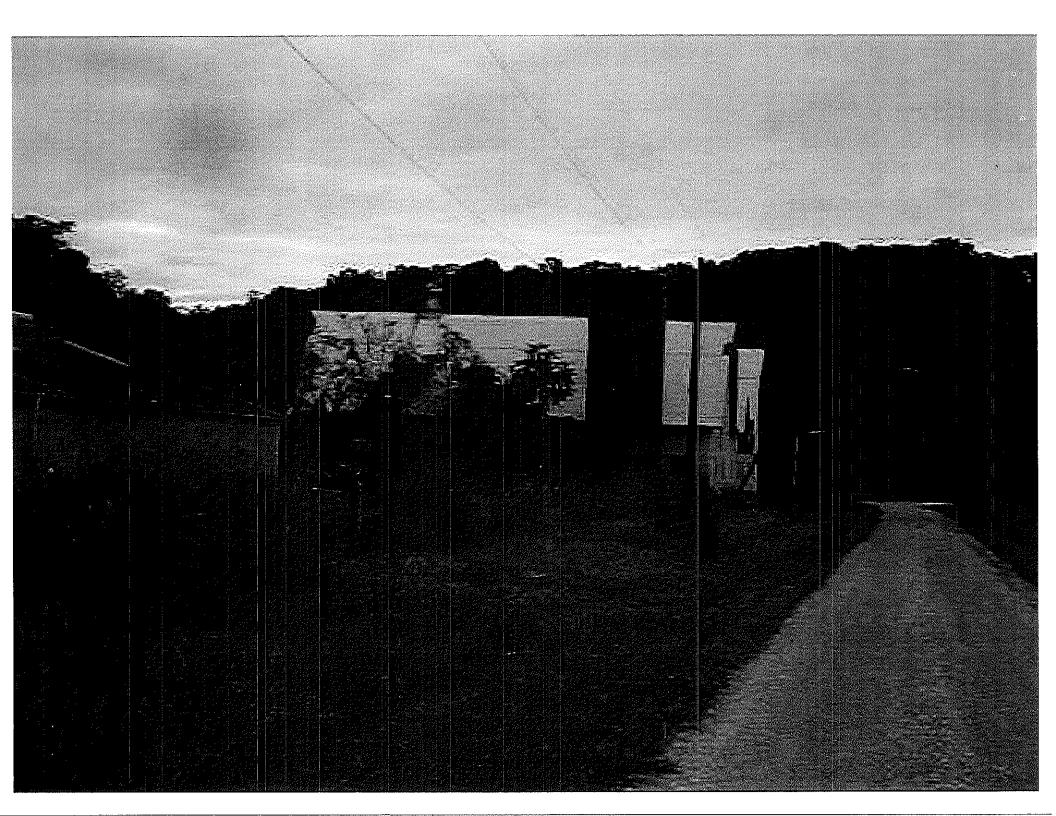
FIRM & REPRESENTATIVE NAME	MAILING ADDRESS	NUMBERS
Company: Reclaim Company	P.O. Box 2162	PHONE 364-346-7678
Rep: R.J. Williams	Fairmont WU 26555	TOLL FREE / 977 - 325 - 7411
Email Address: RJO Reclain Co. Com.		FAX [-304-816-6194
Company BADGER CORST CO.	51 STOCKEH RD	PHONE 304-685-62016
Rep: JEANY ASSIT	Morgantown, WV	TOLL FREE
Email Address: PJAS91F@a01, COM	26508	FAX 304-594~1964
Company: ASteah COLP	3400 FAICON DR	PHONE 364-349-0545
Aap: DENVER DAVIS	Char WV. 25312	TOLL FREE
Email Address: AStech CORP		FAX 304-342-0545
Company:		. /
Rep:		PHONE : TOLL FREE
Email Address:		FAX
Company:		PHONE
Сер.		TOLL PASE
Eritali Address:		
	A STATE OF THE PROPERTY OF THE	

QUESTIONS & ANSWERS FOR AGR1226

QUESTION: I would like to request the pictures associated with AGR1226 - Demolition of Two Structures at the Lakin State Farm.

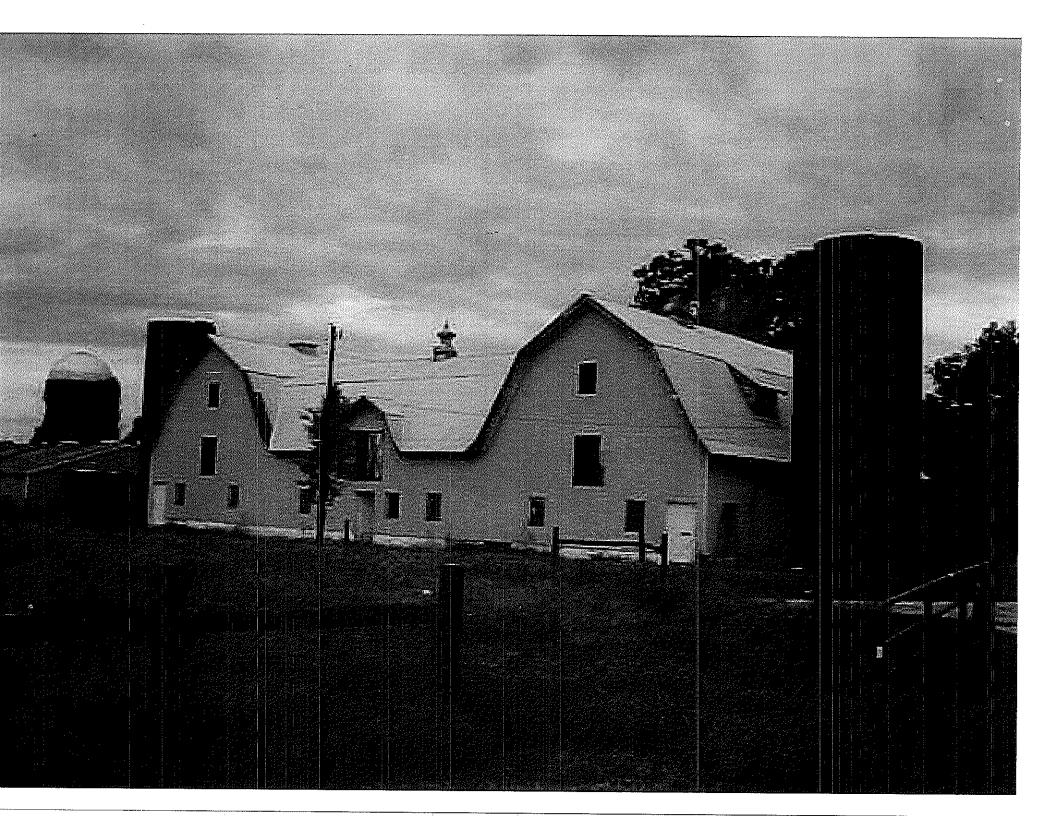
ANSWER: Pictures are attached.













Agency	13
REQ.P.O#	

BID BOND

WASHING AND ANGELOW DOOR	FORMER That we the undereigned	d, <u>Badger Construction Company</u>
KNOW ALL MEN BY THESE PRO	EL-L Winginio	, as Principal, and <u>Western Surety Company</u>
of <u>Morgantown</u>	West Virgilia	n organized and existing under the laws of the State of South
of Sioux Falls, So	uth Dakota , a corporation	, as Surely, are held and firmly bound unto the State
Dakota with its principal office in	the City of SIOUX PAILS	as Surety, are field and limity bound unto the older
of West Virginia, as Obligee, in the penal s	um of 5% of Bid	(\$ 5%) for the payment of which,
well and truly to be made, we jointly and so	everally bind ourselves, our heirs, a	administrators, executors, successors and assigns.
		and the state of the Continuous States
The Condition of the above obliga	ation is such that whereas the Princ	cipal 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
Damalihian d	of Muo (2) Structure	es at the Lakin State Farm
Deliotition	of two (2) Beluceure	
NOW THEREFORE,		
(a) If said bid shall be rejected, (b) If said bid shall be accepted	and the Principal shall enter into a	contract in accordance with the bid or proposal attached
to an to a suit also all formation and other hands of	and incurance required by the hid O	r nronosal, and snall in all other respects perform the
	said hid than thic anligation chall n	e null and void, otherwise this obligation shall remain in full e Surety for any and all claims hereunder shall, in no event,
force and effect. It is expressly understool exceed the penal amount of this obligation	a and agreed that the hability of the hability of the	o duroty for any and an oranne not on the same
The Surety, for the value receive way impaired or affected by any extensior waive notice of any such extension.	d, hereby stipulates and agrees the of the time within which the Oblig	at the obligations of said Surety and its bond shall be in no ee may accept such bid, and said Surety does hereby
IN MITNESS MHEREOF Princi	nat and Surety have hereunto set f	heir hands and seals, and such of them as are corporations
the second their cornerate scale to be a	ffixed hereunto and these presents	s to be signed by their proper officers, this
19th day of April	2012	
19En day of April		
		Badger Construction Company
Principal Corporate Seal		(Name of Principal)
		By Uf assif
		(Must be President or
		Vice President)
		Jeff Assif, President
		(Title)
		Western Surety Company
Surety Corporate Seal		(Name of Surety)
ž.		
		\circ
,		_ O. Johne
	* .	Attorney-in-Fact David A.
IMPORTANT Suratu executing hands	must be licensed in West Virgi	Sams

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.

Western Surety Company

POWER OF ATTORNEY - CERTIFIED COPY

Bond No. 61319563

Know All Men By These Presents, that WESTERN SURETY COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office in Sioux Falls, South Dakota (the "Company"), does by these presents make, constitute and appoint <u>David A Sams</u>
its true and lawful attorney(s)-in-fact, with full power and authority hereby conferred, to execute, acknowledge and deliver for and on its behalf as Surety, bonds for:
Principal: Badger Construction Company
Obligee: State of State of West Virginia
Amount: \$500,000.00
and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the Senior Vice President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said attorney(s)-in-fact may do within the above stated limitations. Said appointment is made under and by authority of the following bylaw of Western Surety Company which remains in full force and effect.
"Section 7. All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."
All authority hereby conferred shall expire and terminate, without notice, unless used before midnight of 19th
In Witness Whereof, Western Surety Company has caused these presents to be signed by its Senior Vice President, Paul T. Bruflat, and its corporate seal to be affixed this
D. KRELL NOTARY PUBLIC SEAL Notary Public - South Dakota My Commission Expires November 30, 2012 I the undersigned officer of Western Surety Company, a stock corporation of the State of South Dakota, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable, and furthermore, that Section 7 of the bylaws of the Company as set forth in the Power of Attorney is now in force.
In testimony whereof, I have hereunto set my hand and seal of Western Surety Company this 19th day of April 2012.
WESTERN SURETY COMPANY