

Cherokee Complex DEP15860 Contractor's Bid Sheet

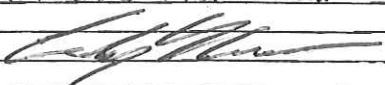
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WV PURCHASING
DIVISION

Company Name: Cody Energy Service
 Address: 1185 Coal Heritage Rd
Bluefield, WV 24701

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

| ITEM NO. | QUANTITY | DESCRIPTION | UNIT PRICE | AMOUNT |
|---|----------|---|--------------|----------------|
| 1.0 | 1 | "Mobilization and Demobilization," per lump sum. Cannot be more than 10% of the Total Amount Bid for the project. | l.s. | \$ 100,000.00 |
| 2.0 | 1 | "Construction Layout," per lump sum. Cannot be more than 5% of the Total Amount Bid for the project. | l.s. | \$ 50,000.00 |
| 3.0 | 1 | "Quality Control," per lump sum. Cannot be more than 3% of the Total Amount Bid for the project. | l.s. | \$ 30,000.00 |
| 4.1 | 1 | "Site Preparation," per lump sum. Cannot be more than 10% of the Total Amount Bid for the project. | l.s. | \$ 91,500.00 |
| 4.2 | 850 | "Class 1 Aggregate," per ton | \$ 27.60 | \$ 23,460.00 |
| 4.3 | 1 | "Demolition of Abandoned Mine Structures," per lump sum | l.s. | \$ 13,900.00 |
| 5.1 | 4,500 | "Silt Fence," per linear foot | \$ 4.00 | \$ 18,000.00 |
| 5.2 | 100 | "Super Silt Fence," per linear foot | \$ 10.00 | \$ 1,000.00 |
| 5.3 | 4,500 | "Straw Wattles," per linear foot | \$ 4.00 | \$ 18,000.00 |
| 5.4 | 2 | "Stone Construction entrance," per each | \$ 6,247.50 | \$ 12,495.00 |
| 5.5 | 1,100 | "Diversion Channel," per linear foot | \$ 12.00 | \$ 13,200.00 |
| 6.1 | 9 | "Revegetation," per plan acre | \$ 1,750.00 | \$ 15,750.00 |
| 6.2 | 1 | "Riparian Planting," per plan acre | \$ 15,000.00 | \$ 15,000.00 |
| 7.1 | 1,850 | "3-Foot Deep Riprap Vee Channel," per linear foot | \$ 50.00 | \$ 92,500.00 |
| 7.2 | 1,050 | "3-Foot Deep Grouted Riprap Vee Channel," per linear foot | \$ 100.00 | \$ 105,000.00 |
| 7.3 | 160 | "42-inch Diameter Culvert," per linear foot | \$ 75.86 | \$ 12,137.60 |
| 7.4 | 1,000 | "Natural Stream Restoration," per linear foot | \$ 200.00 | \$ 200,000.00 |
| 7.8 | 2,650 | "Streambank Protection," per square yard | \$ 15.00 | \$ 39,750.00 |
| 8.1 | 10,000 | "Unclassified Excavation," per cubic yard | \$ 10.00 | \$ 100,000.00 |
| 8.2 | 4 | "Soil Cover Placement," per plan acre | \$ 15,000.00 | \$ 60,000.00 |
| 10.1 | 50 | "Seep Collector," per linear foot | \$ 100.00 | \$ 5,000.00 |
| 10.2 | 150 | "Underdrain," per linear foot | \$ 100.00 | \$ 15,000.00 |
| Date: 7/16/12 | | | | |
| Bidders Authorized Signature | | | | |
|  | | | Total | \$1,031,692.60 |



**1185 Coal Heritage Road
Bluefield WV 24701
Phone (304) 325-3931 – Fax (304) 325-7248**

**Sub Contractor For Cody Energy
Cherokee Complex
Dep. 15860**

**Selco
Richard Bailey Surveying**

7/16/2012

State of West Virginia
Department of Administration – Purchasing Division
2019 Washington Street East
PO Box 50130
Charleston, W 25305-0130

Cody Energy Services Contact and Remit-to Information is as follows:

Jeff Harman
Cody Energy Services, Inc.
1185 Coal Heritage Rd.
Bluefield, WV 24701

PH: 304-325-3931
FAX: 304-325-3931

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Cody Energy Services, Inc.
of Bluefield, WV, as Principal, and Westfield 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
Cherokee Complex Project, McDowell 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
17th day of July, 2012.

Principal Corporate Seal

Cody Energy Services, Inc.
(Name of Principal)

By *Cody*
(Must be President or
Vice President)

President
(Title)

Surety Corporate Seal



Westfield Insurance Company
(Name of Surety)

By: *Cynthia Ellinwood*
Cynthia Ellinwood Attorney-in-Fact

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.

ACKNOWLEDGEMENTS

Acknowledgement by Principal if Individual or Partnership

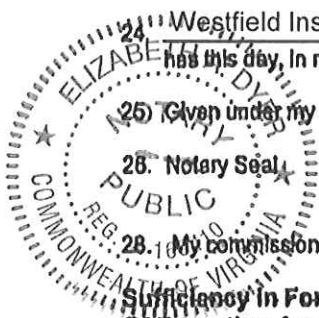
- 1. STATE OF _____
- 2. County of _____ to-wit:
- 3. I, _____, a Notary Public In and for the
- 4. county and state aforesaid, do hereby certify that _____ whose name is signed to the foregoing writing, has this day acknowledged the same before me in my said county.
- 5. Given under my hand this _____ day of _____.
- 6. Notary Seal
- 7. _____ (Notary Public)
- 8. My commission expires on the _____ day of _____.

Acknowledgement by Principal if Corporation

- 9. STATE OF West Virginia
- 10. County of _____ to-wit:
- 11. I, _____, a Notary Public In and for the
- 12. county and state aforesaid, do hereby certify that _____
- 13. who as, _____ signed the foregoing writing for
- 14. Cody Energy Services, Inc. a corporation, has this day, in my said county, before me, acknowledged the said writing to be the act and deed of the said corporation.
- 15. Given under my hand this _____ day of _____.
- 16. Notary Seal
- 17. _____ (Notary Public)
- 18. My commission expires on the _____ day of _____.

Acknowledgement by Surety

- 19. STATE OF Virginia
- 20. County of Roanoke to-wit:
- 21. I, Elizabeth A. Dyer, a Notary Public In and for the
- 22. county and state aforesaid, do hereby certify that Cynthia Ellinwood
- 23. who as, Attorney-in-Fact signed the foregoing writing for
- 24. Westfield Insurance Company a corporation, has this day, in my said county, before me, acknowledged the said writing to be the act and deed of the said corporation.
- 25. Given under my hand this 17th day of July, 2012.
- 26. Notary Seal
- 27. Elizabeth A. Dyer (Notary Public)
- 28. My commission expires on the 31st day of July, 2016.



Sufficiency in Form and Manner Of Execution Approved

Attorney General

This _____ day of _____

By _____ (Assistant Attorney General)

CERTIFIED COPY

Know All 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 their principal offices in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint DON Z. FILSON, WYATT H. WALTON, CYNTHIA ELLINWOOD, ELIZABETH A. DYER, JOINTLY OR SEVERALLY of Roanoke and State of VA their true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in their names, 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 cancelling 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 11th day of April, A.D., 2003.

Corporate
Seals
Affixed



WESTFIELD INSURANCE COMPANY
WESTFIELD NATIONAL INSURANCE COMPANY
OHIO FARMERS INSURANCE COMPANY

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

State of Ohio
County of Medina

ss.:

On this 11th day of April, A.D., 2003, 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 Board of Directors of said Companies; and that he signed his name thereto by like order.

Notarial
Seal
Affixed



By: *William J. Kahelin*
William J. Kahelin, Attorney at Law, Notary Public
My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio
County of Medina

ss.:

CERTIFICATE

I, M. Brooks Rorapaugh, Secretary of the 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 Board 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 seal of said Company at Westfield Center, Ohio, this 17th day of July, A.D., 2012.



By: *M. Brooks Rorapaugh*
M. Brooks Rorapaugh, Secretary

RFO No. _____

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: Cody Energy Services, Inc.

Authorized Signature: [Signature] Date: 7/16/12

State of Virginia

County of Tazewell, to-wit:

Taken, subscribed, and sworn to before me this 16 day of July, 2012

My Commission expires 8/31/2012, 20

AFFIX SEAL HERE

NOTARY PUBLIC Wanda D. Crawford





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

STATE OF Virginia
COUNTY OF Jazzwell, TO-WIT:

I, Cody Harman, after being first duly sworn, depose and state as follows:

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

Cody Energy Services, Inc.
(Company Name)

By: Cody Harman

Title: President

Date: 7/16/12

Taken, subscribed and sworn to before me this 16 day of July, 2012.

My commission expires 8/31/2012



Wanda D. Crawford
(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.

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: DEP15860

Instructions: Please acknowledge receipt of all addenda issued with this solicitation by completing this addendum acknowledgment form. Check the box next to each addendum received and sign below. Failure to acknowledge addenda may result in bid disqualification.

Acknowledgment: I hereby acknowledge receipt of the following addenda and have made the necessary revisions to my proposal, plans and/or specification, etc.

Addendum Numbers Received:

(Check the box next to each addendum received)

| | | | |
|-------------------------------------|----------------|--------------------------|-----------------|
| <input checked="" type="checkbox"/> | Addendum No. 1 | <input type="checkbox"/> | Addendum No. 6 |
| <input checked="" type="checkbox"/> | Addendum No. 2 | <input type="checkbox"/> | Addendum No. 7 |
| <input type="checkbox"/> | Addendum No. 3 | <input type="checkbox"/> | Addendum No. 8 |
| <input type="checkbox"/> | Addendum No. 4 | <input type="checkbox"/> | Addendum No. 9 |
| <input type="checkbox"/> | Addendum No. 5 | <input type="checkbox"/> | Addendum No. 10 |

I understand that failure to confirm the receipt of addenda may be cause for rejection of this bid. I further understand that 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.

Cody Energy Services
Company

[Signature]
Authorized Signature

7/16/12
Date

NOTE: This addendum acknowledgement should be submitted with the bid to expedite document processing.
 Revised 6/8/2012

CONTRACTOR LICENSE

Authorized by the

West Virginia Contractor Licensing Board

Number: WV049515

Classification:

EXCAVATION

CODY ENERGY SERVICES
DBA CODY ENERGY SERVICES
PO BOX 131
ROSEDALE, VA 24280


Date Issued

APRIL 30, 2012

Expiration Date

APRIL 30, 2013


Authorized Company Signature


Chair, West Virginia Contractor
Licensing Board

WEST VIRGINIA
CONTRACTOR
LICENSING
BOARD

This license, or a copy thereof, must be posted in a conspicuous place at every construction site where work is being performed. This license number must appear in all advertisements, on all bid submissions and on all fully executed and binding contracts. This license cannot be assigned or transferred by licensee. Issued under provisions of West Virginia Code, Chapter 21, Article 11.

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: Cody Energy Services Inc. Tax Payer ID No.: 27-3236232
Address: 1185 Coal Heritage Road
City: Bluefield State: WV Zip Code: 24701 Phone: (304) 325-3931
Fax No.: (304) 325-7248 E-mail address: cody@codyenergy.com

Part B: Legal Structure

Corporation () Sole Proprietorship () Partnership () LLC
() Other (please specify) _____

Part C: Certifying and updating information in the Applicant/Violator System (AVS).
Select only one of the following options, follow the instructions for that option, and sign below.

I, A. Cody Harman, President 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.
- 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.

7-16-12
Date


Signature

President
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>.

Part D.

Contractor's Business Name: Cody Energy Services Inc.

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;
- 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 | <u>A. Cody Harman</u> | Position/Title | <u>President</u> |
| Address | <u>PO Box 131</u> | Telephone # | <u>(304) 325-3931</u> |
| | <u>Rosedale, VA 24280</u> | % of Ownership | <u>25%</u> |
| Begin Date: | <u>August 11, 2010</u> | Ending Date: | _____ |

| | | | |
|-------------|-------------------------------|----------------|-----------------------|
| Name | <u>Jeff Harman</u> | Position/Title | <u>Secretary</u> |
| Address | <u>313 Cimmaren Lane</u> | Telephone # | <u>(304) 325-3931</u> |
| | <u>Pounding Mill VA 24637</u> | % of Ownership | <u>75%</u> |
| Begin Date: | <u>April 26, 2012</u> | Ending Date: | _____ |

| | | | |
|-------------|-------|----------------|-------|
| Name | _____ | Position/Title | _____ |
| Address | _____ | Telephone # | _____ |
| | _____ | % of Ownership | _____ |
| Begin Date: | _____ | Ending Date: | _____ |

| | | | |
|-------------|-------|----------------|-------|
| Name | _____ | Position/Title | _____ |
| Address | _____ | Telephone # | _____ |
| | _____ | % of Ownership | _____ |
| Begin Date: | _____ | Ending Date: | _____ |

PAPERWORK REDUCTION STATEMENT

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501) requires us to inform you that: Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. This information is necessary for all successful bidders prior to the distribution of AML funds, and is required to obtain a benefit.

Public reporting burden for this form is estimated to 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 SIB, Constitution Ave., NW, Washington, D.C. 20240.