



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

Solicitation

NUMBER
DEP16191

PAGE
1

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

RFO COPY

J L Pretzel Contracting, LLC
 13219 N. Preston Hwy.
 PO Box 240
 Bruceton Mills, WV 26525-0240

S H I P T O

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

DATE PRINTED
04/08/2013

05/22/13 09:29:20 AM
 West Virginia Purchasing Division

BID OPENING DATE: 05/22/2013	BID OPENING TIME 01:30PM
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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		\$172,000.00
<p>RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES</p> <p>REQUEST FOR SOLICITATION</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, ON BEHALF OF THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FROM QUALIFIED CONTRACTORS FOR A CONTRACT TO PROVIDE ALL LABOR AND MATERIALS FOR THE RECLAMATION OF .95-ACRE ABANDONED MINE PROJECT KNOWN AS THE "FISHER PORTALS" PROJECT. THE SITE IS LOCATED IN CLARKSBURG, WEST VIRGINIA, (HARRISON CO).</p> <p>A MANDATORY ON SITE PREBID CONFERENCE SHALL BE HELD. PREBID WILL INVOLVE EXTENSIVE FOOT TRAVEL OVER DIFFICULT TERRAIN AND/OR DURING INCLEMENT WEATHER.</p> <p>THE PRE-BID MEETING DESCRIBED IN THIS SOLICITATION WILL INCLUDE A SITE VISIT OF RESTRICTED ACCESS AREAS. DUE TO THE ACCESS LIMITATIONS, ALL VENDORS MUST BE PRESENT AT THE PRE-BID MEETING AT THE TIME THE SITE VISIT OF THE RESTRICTED ACCESS AREA COMMENCES. ANY VENDOR NOT PRESENT AT THE PRE-BID MEETING WHEN THE SITE VISIT OF THE RESTRICTED ACCESS AREA BEGINS WILL BE DEEMED TO HAVE MISSED THE PRE-BID MEETING.</p> <p>DIRECTIONS TO PREBID:</p> <p>FROM PHILIPPI, DRIVE TO I-79, TURN ONTO US 50 WEST TO CLARKSBURG. TAKE US 50 WEST TO THE WV AVE. EXIT NORTH AND TRAVEL APPROX. 400' TO WV AVE. TURN LEFT AND</p>						

SIGNATURE	TELEPHONE 304-379-7789	DATE 5/22/2013
TITLE Mgr	FEIN 20-8097120	ADDRESS CHANGES TO BE NOTED ABOVE

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



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VENDOR

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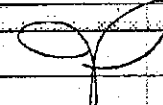
SHIP TO

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				<p>FOLLOW TO NORTH 20TH ST. TURN RIGHT ON NORTH 20TH ST. FOLLOW NORTH 20TH FOR APPROXIMATELY 0.5 MILES. NORTH 20TH BECDMES GLEN FALLS RD. CONTINUE TO JACK RUN RD. (CR 24/1). TURN RIGHT ON JACK RUN ROAD AND DRIVE 0.4 MILES TO CR 24/10, DANIELS RD. TURN LEFT. TRAVEL 500' AND TURN LEFT ONTO A STONE BASE DRIVEWAY.</p> <p>CONTACT & PH.#: MIKE CUTRIGHT, 304-842-1900</p> <p>PLANS & SPECS MAY BE OBTAINED BY THE FOLLOWING METHODS: 1) BY REQUEST, ON CD FROM THE WV DEPT. OF ENVIRONMENTAL PROTECTION, OFFICE OF AML & R, WITH NO CHARGE TO THE CONTRACTOR FOR THE CD OR MAILING. CALL LAWRENCE BURGESS, PH. 304-926-0499, EXT. 1668 OR 304-926-0485 TO ORDER CD. 2) PLANS AND SPECIFICATIONS WILL BE MADE AVAILABLE, ON CD, TO PRINT COMPANIES IN CHARLESTON, CLARKSBURG, AND OTHER AREAS UPON REQUEST. ***** THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL PRINTING COSTS. *****</p> <p>*****</p> <p>AML CONTRACTOR INFORMATION FORM OMB #1029-0119 (EXPIRATION DATE: 01/31/2013) IS ATTACHED. YOU MUST COMPLETE THIS ORIGINAL FORM TO OBTAIN AN AVS DATA EVALUATION TO DETERMINE YOUR ELIGIBILITY AS AN AML CONTRACTOR. THIS IS A REQUIREMENT UNDER 30 CFR 874.16 IF THE ORIGINAL OMB #1029-0119 IS NOT ATTACHED TO THE BIDDING DOCUMENTS YOU CAN CONTACT THE AVS OFFICE AT 800-643-9748 OR WWW.AVS.OSMRE.GOV</p> <p>*****</p>		

SIGNATURE  TELEPHONE 304-379-7189 DATE 5/22/2013

TITLE Mgr. FEIN 20-8097120 ADDRESS CHANGES TO BE NOTED ABOVE

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NUMBER	PAGE
DEP16191	3
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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
				<p>(1) GUARANTEE AND MAINTENANCE: (A) THE MATERIALS AND WORKMANSHIP AFFECTED BY THE CONTRACTOR ARE SUBJECT TO THE GUARANTEE ESTABLISHED BY CUSTOM OF THE RESPECTIVE TRADES. IN THE ABSENCE OF A TRADE GUARANTEE CUSTOM OR A SPECIAL GUARANTEE PROVISION, THE WORK, BOTH AS TO THE MATERIALS AND WORKMANSHIP, SHALL UPON ACCEPTANCE OF FINAL PAYMENT BY THE CONTRACTOR BE CONSIDERED GUARANTEED BY THE CONTRACTOR FOR ONE YEAR FROM THE DATE OF THE ACCEPTANCE OF THE WORK. NEITHER THE FINAL ACCEPTANCE NOR THE FINAL PAYMENT SHALL RELIEVE THE CONTRACTOR OF RESPONSIBILITY FOR NEGLIGENCE OR FAULTY MATERIALS, AND FOR DEFECTS APPEARING WITHIN THE GUARANTEE PERIOD SHALL BE REMEDIATED AT THE EXPENSE OF THE CONTRACTOR UPON WRITTEN NOTICE. (B) DURING THE ONE-YEAR GUARANTEE PERIOD, THE CONTRACTOR WILL MAINTAIN THE PROJECT TO THE CONDITIONS EXISTING AT THE DATE OF THE ACCEPTANCE OF THE WORK. ANY FAILURES DUE TO THE NEGLIGENCE OR WORKMANSHIP OF CONTRACTOR IN ANY OF THE WORK THAT DEVELOPS DURING THE GUARANTEE PERIOD SHALL BE CORRECTED BY THE CONTRACTOR AT ITS EXPENSE. (C) THE ONE-YEAR GUARANTEE PERIOD SHALL NOT BE CONSTRUED AS BEING AN EXTENSION OF THE PERFORMANCE TIME ALLOTTED FOR WORK UNDER THE CONTRACT. (D) GUARANTEES CONCERNING REVEGETATION MAY BE FURTHER DEFINED IN THE TECHNICAL SPECIFICATIONS CONTAINED HEREIN.</p> <p>(2) IT SHALL BE THE RESPONSIBILITY OF THE SUCCESSFUL VENDOR TO: (A) OBTAIN ALL NECESSARY DIVISION OF HIGHWAYS PERMITS FOR ALL TRANSPORTATION OF EQUIPMENT AND MATERIALS TO AND FROM THE JOB SITE. (B) OBTAIN ANY AND ALL REQUIRED CONSTRUCTION PERMITS OR RELATED JOB PERMITS.</p>		

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	304-379-7789	5/22/2013
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Mgr.	20-8097120	

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BID OPENING DATE: 05/22/2013 BID OPENING TIME 01:30PM

LINE	QUANTITY	UQP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
				<p>(3) TECHNICAL SPECIFICATIONS: ALL WORK UNDER THIS CONTRACT SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS PREPARED FOR THE RECLAMATION OF THE "FISHER PORTALS" PROJECT. SAID PLANS & SPECS ARE INCORPORATED HERE IN BY REFERENCE AND ALL PROVISIONS, CLAUSES AND CONDITIONS THEREIN ARE MADE PROPERLY A PART OF THIS CONTRACT, AND CONSISTS OF 12 DRAWINGS AS PREPARED IN-HOUSE BY THE WVDEP/AML.</p> <p>(4) PAYMENTS AND COMPLETION: THE CONTRACTOR SHALL FURNISH TO DEP AN APPLICATION FOR PAYMENT WITH AN ITEMIZED SCHEDULE OF VALUES AS HEREIN BEFORE REQUESTED. THE FORM INCLUDED IN THE SPECIFICATIONS SHALL BE USED FOR APPLICATIONS OF PAYMENT. IT IS THE DEP'S INTENT THAT THE PAYMENT TO THE CONTRACTOR BE MADE WITHIN 60 DAYS AFTER RECEIPT OF APPLICATION FOR PAYMENT.</p> <p>(5) APPLICATION FOR PARTIAL PAYMENT: THE CONTRACTOR MAY, ON A PERIODIC BASIS, SUBMIT FOR PARTIAL PAYMENT BASED ON THE AMOUNT OF WORK COMPLETED AT THE TIME OF THE SUBMITTAL. THE AMOUNT OF PAYMENT WILL BE DETERMINED FROM THE ACTUAL QUANTITY OF WORK COMPLETED IF BASED UPON UNIT MEASURES OR THE PERCENT COMPLETED IF BASED UPON A LUMP SUM.</p>		

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	20-8097120	

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S H I P P I N G

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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
***** THIS IS THE END OF RFQ DEP16191 ***** TOTAL:						\$172,000.00

SIGNATURE	TELEPHONE	DATE
	304-379-7789	5/22/2013
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M. G. L.	20-8097120	

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Fisher Portals
Requisition # DEP16191
Revised Contractor's Bid Sheet

Company **J L Pretzel Contracting, LLC**
 Address: **13219 N. Preston Hwy.**
PO Box 240
Bruceton Mills, WV 26525-0240

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.	Qty	Unit	DESCRIPTION	UNIT PRICE	AMOUNT
1.0	1	LS	Mobilization and Demobilization (Limited to 10% of Total Bid)	LS	15,000.00
2.0	1	LS	Construction Layout (Limited to 5% of Total Bid)	LS	3,000.00
3.0	1	LS	Quality Control (Limited to 3% of Total Bid)	LS	1,000.00
4.0	1	LS	Site Preparation (Limited to 10% of Total Bid)	LS	15,000.00
4.1	25	TN	Gravel Driveway Rehabilitation	\$ 25.00	\$ 625.00
4.2	75	TN	Access Road Stone	\$ 25.00	\$ 1,875.00
4.3	275	LF	Temporary Fencing	\$ 1.00	\$ 275.00
4.4	725	LF	Temporary Electric Fencing	\$ 2.00	\$ 1,450.00
4.5	250	LF	Fence Replacement	\$ 7.00	\$ 1,750.00
5.0	980	LF	Silt Fence Sediment Control	\$ 2.00	\$ 1,960.00
5.1	1,290	LF	12" Straw Wattles Erosion Control	\$ 4.50	\$ 5,805.00
5.2	75	TN	Stone Construction Entrance (70' x 12' Width)	\$ 150.00	\$ 11,250.00
6.0	1	LS	Revegetation	\$ 500.00	\$ 500.00
7.0	1	EA	Type "G" Inlet	\$ 12,945.00	\$ 12,945.00
7.1	1	EA	Splash Pad	\$ 100.00	\$ 100.00
7.2	30	LF	18" HDPE Pipe	\$ 30.00	\$ 900.00
7.3	76	LF	24" HDPE Pipe	\$ 35.00	\$ 2,660.00
7.4	205	LF	6' Grass Lined Channel (Channel "A")	\$ 20.00	\$ 4,100.00
7.5	312	LF	6' Riprap Channel (Channel "B")	\$ 30.00	\$ 9,360.00
7.6	185	LF	6' Grouted Riprap Channel (Channel "C")	\$ 40.00	\$ 7,400.00
7.7	55	LF	8' Grass Lined Swale	\$ 2.00	\$ 110.00
8.1	1	LS	Unclassified Excavation (Regrade Areas)	\$ 9,000.00	\$ 9,000.00
8.2	120	TN	12" Rock Fill	\$ 28.00	\$ 3,360.00
9.1	2	EA	Wet/Modified Mine Seals	\$ 11,750.00	\$ 23,500.00
9.2	1	EA	Bat Gate Mine Seal (36" HDPE)	\$ 16,000.00	\$ 16,000.00
9.3	1	EA	Bat Gate Mine Seal (48" HDPE)	\$ 20,000.00	\$ 20,000.00
9.4	165	LF	Mine Seal Conveyance Pipe (12" PVC SDR-35)	\$ 15.00	\$ 2,475.00
9.5	10	EA	Soda Ash Briquettes (50 LB Bags)	\$ 5.00	\$ 50.00
11.1	100	LF	3' x 3' Underdrain (12" PVC SDR-35)	\$ 5.00	\$ 500.00
11.2	10	LF	Underdrain Conveyance Pipe (12" PVC SDR-35)	\$ 5.00	\$ 50.00
TOTAL					\$ 172,000.00

One Hundred & Seventy Two
 Thousand Dollars and no/cents



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RECEIVED
 JUNE 11 2013

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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 1						
1. ADDENDUM ISSUED TO PROVIDE ANSWER TO QUESTIONS REGARDING THE ORIGINAL SOLICITATION.						
2. TO PROVIDE VENDORS A COPY OF THE MANDATORY PRE-BID MEETING SIGN-IN SHEET.						
3. TO PROVIDE A REVISED CONTRACTOR'S BID SHEET. ALL OF THE ABOVE MENTIONED DOCUMENTS ARE ATTACHED.						
4. TO PROVIDE ADDENDUM ACKNOWLEDGEMENT THIS DOCUMENT SHOULD BE SIGNED AND RETURNED WITH YOUR BID. FAILURE TO SIGN AND RETURN MAY RESULT IN THE DISQUALIFICATION OF YOUR BID.						
END OF ADDENDUM NO. 1						

SIGNATURE	TITLE	FEIN	TELEPHONE	DATE
	<i>mgh</i>	20-8097120	304-379-7789	5/22/13

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REVENUE

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RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES						
(2) IT SHALL BE THE RESPONSIBILITY OF THE SUCCESSFUL						
***** THIS IS THE END OF RFQ DEP16191 ***** TOTAL: \$172,000.00						

SIGNATURE	TELEPHONE	DATE
<i>[Signature]</i>	304-379-7789	5/22/2013
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
Mgr.	20-8097120	

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ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: DEP16191

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.

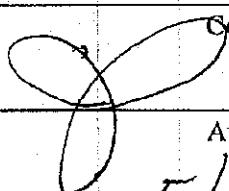
Acknowledgment: I hereby acknowledge receipt of the following addenda and have made the necessary revisions to my proposal, plans and/or specification, etc.

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 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 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.

J. L. Pretzel Contracting
Company


Authorized Signature

5/22/2013
Date

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

ADDITIONAL TERMS AND CONDITIONS (Construction Contracts Only)

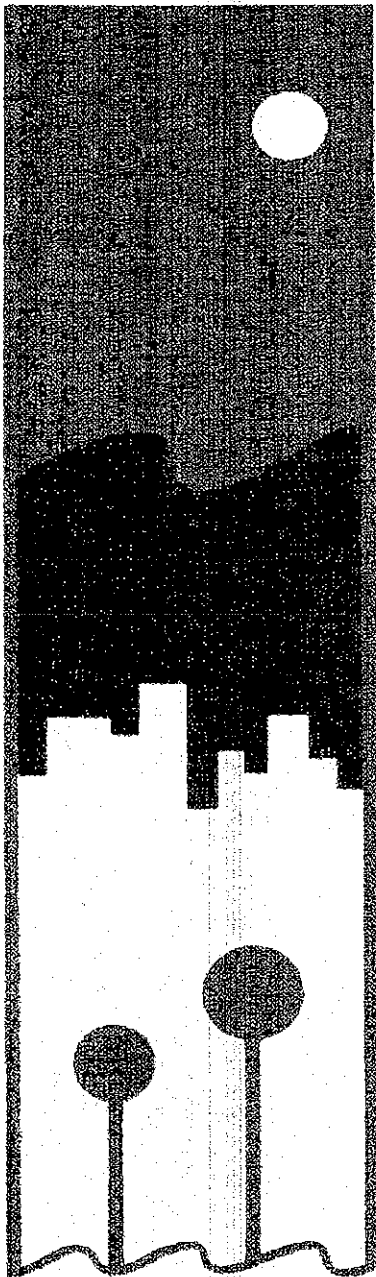
1. **CONTRACTOR'S LICENSE:** West Virginia Code § 21-11-2 requires that all persons desiring to perform contracting work in this state be licensed. The West Virginia Contractors Licensing Board is empowered to issue the contractor's license. Applications for a contractor's license may be made by contacting the West Virginia Division of Labor.

West Virginia Code § 21-11-11 requires any prospective Vendor to include the contractor's license number on its bid. Failure to include a contractor's license number on the bid shall result in Vendor's bid being disqualified. Vendors should include a contractor's license number in the space provided below.

Contractor's Name: J. L. Pretzel Contracting LLC
Contractor's License No. WV 042529

The apparent successful Vendor must furnish a copy of its contractor's license prior to the issuance of a purchase order/contract.

2. **DRUG-FREE WORKPLACE:** W. Va. Code § 21-1D-5 provides that any solicitation for a public improvement contract requires each Vendor that submits a bid for the work to submit at the same time an affidavit that the Vendor has a written plan for a drug-free workplace policy. To comply with this law, Vendor must either complete the enclosed drug-free workplace affidavit and submit the same with its bid or complete a similar affidavit that fulfills all of the requirements of the applicable code. Failure to submit the signed and notarized drug-free workplace affidavit, or a similar affidavit that fully complies with the requirements of the applicable code, with the bid shall result in disqualification of Vendor's bid.
3. **AIA DOCUMENTS:** All construction contracts that will be completed in conjunction with architectural services procured under Chapter 5G of the West Virginia Code will be governed by the AIA A101-2007 and A201-2007 or the A107-2007 documents, as amended by the Supplementary Conditions for the State of West Virginia, in addition to the terms and conditions contained herein.
4. **SUBCONTRACTOR LIST SUBMISSION:** In accordance with W. Va. Code § 5-22-1, The apparent low bidder on a contract for the construction, alteration, decoration, painting or improvement of a new or existing building or structure valued at more than \$500,000.00 shall submit a list of all subcontractors who will perform more than \$25,000.00 of work on the project including labor and materials. This provision shall not apply to any other construction projects, such as highway, mine reclamation, water or sewer projects.



**WEST VIRGINIA
CONTRACTOR
LICENSING
BOARD**

CONTRACTOR LICENSE

Authorized by the

West Virginia Contractor Licensing Board

Number: WV042529

Classification:

GENERAL BUILDING
GENERAL ENGINEERING

J L PRETZEL CONTRACTING LLC
DBA J L PRETZEL CONTRACTING LLC
PO BOX 240
BRUCETON MILLS, WV 26525

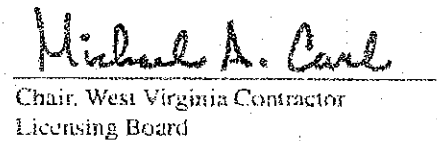
Date Issued

MAY 30, 2013

Expiration Date

MAY 30, 2014


Authorized Company Signature


Chair, 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.

OMB #1029-0119
Expiration Date: 1/31/16

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. When possible, please type your information onto this form to reduce errors on our end. NOTE: Signature and date this form is signed must be recent (within the last month) to be considered for a current bid

Part A: General Information

Business Name: J.L. Pretzel Contracting Tax Payer ID No.: 20-8097120
Address: PO 240
City: Bruceston Mills State: WV Zip Code: 26525 Phone: 304-379-7789
Fax No.: 304-379-7788 E-mail address: lpretzel@aol.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.

1. Jamie L. Pretzel, have the express authority to certify that:
(print name)

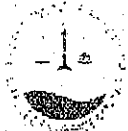
- 1. Information on the attached Entity Organizational Family Tree (OFT) from AVS is accurate, complete, and up-to-date. If you select this option, you must attach an Entity OFT from AVS to this form. Sign and date below and do not complete Part D.
- 2. _____ Part of the information on the attached Entity OFT from AVS is missing or incorrect and must be updated. If you select this option, you must attach an Entity OFT from AVS to this form. Use Part D to provide the missing or corrected information. Sign and date below and complete Part D.
- 3. _____ Our business currently is not listed in AVS. If you select this option, you must provide all information required in Part D. Sign and date below and complete Part D.

5/22/2013
Date

[Signature]
Signature

TOZGR
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>.



AVS OFT Report - 3/16/2012 10:16:17 AM

All OFT's where the selected entity is listed as an entity or related entity

Entity Selected (252864) J L Pretzel Contracting LLC

Parent Entity	Description	Related Entity	% Ownership	Begin Date	End Date
(252864) J L Pretzel Contracting LLC	Shareholder	(252865) Jamie L Pretzel	100%	1/1/2007	
(252864) J L Pretzel Contracting LLC	Manager	(252865) Jamie L Pretzel		1/1/2007	



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

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

I, Jamie Pretzel, after being first duly sworn, depose and state as follows:

1. I am an employee of J.L. Pretzel Contracting; and,
(Company Name)
2. I do hereby attest that J.L. Pretzel Contracting
(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.

J.L. Pretzel Contracting LLC.
(Company Name)

By: _____

Title: mgr.

Date: 5/22/2013

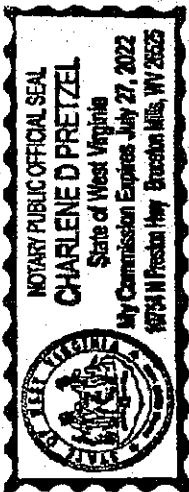
Taken, subscribed and sworn to before me this 22 day of May 2013

By Commission expires July 27, 2022

(Seal)

Charlene D. Pratt
(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. DEP 16191

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

MANDATE: Under W. Va. Code §5A-3-10a, 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: (1) the debt owed is an amount greater than one thousand dollars in the aggregate; or (2) the debtor is in employer default.

EXCEPTION: The prohibition listed above does not apply where a vendor has contested any tax administered pursuant to chapter eleven of the W. Va. 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.

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.

"Employer default" means having an outstanding balance or liability to the old fund or to the uninsured employers' fund or being in policy default, as defined in W. Va. Code § 23-2c-2, failure to maintain mandatory workers' compensation coverage, or failure to fully meet its obligations as a workers' compensation self-insured employer. An employer is not in employer default if it has entered into a repayment agreement with the Insurance Commissioner and remains in compliance with the obligations under the repayment agreement.

"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.

AFFIRMATION: By signing this form, the vendor's authorized signer affirms and acknowledges under penalty of law for false swearing (W. Va. Code §61-5-3) that neither vendor nor any related party owe a debt as defined above and that neither vendor nor any related party are in employer default as defined above, unless the debt or employer default is permitted under the exception above.

WITNESS THE FOLLOWING SIGNATURE:

Vendor's Name: J. L. Pretzel Contracting, LLC

Authorized Signature: [Signature] Date: 5/22/2013

State of West Virginia

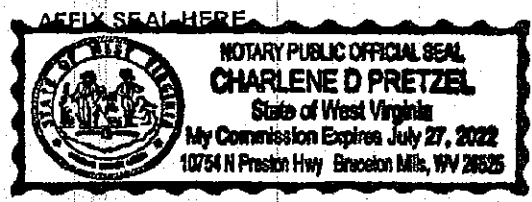
County of Preston, to-wit:

Taken, subscribed, and sworn to before me this 22 day of May, 2013

My Commission expires July 27, 2022

NOTARY PUBLIC Charlene D. Pretzel

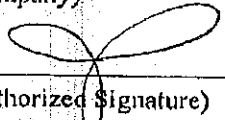
Purchasing Affidavit (Revised 07/01/2012)



CERTIFICATION AND SIGNATURE PAGE

By signing below, I certify that I have reviewed this Solicitation in its entirety; understand the requirements, terms and conditions, and other information contained herein; that I am submitting this bid or proposal for review and consideration; that I am authorized by the bidder to execute this bid or any documents related thereto on bidder's behalf; that I am authorized to bind the bidder in a contractual relationship; and that to the best of my knowledge, the bidder has properly registered with any State agency that may require registration.

J. L. Pretzel Contracting LLC
(Company)


(Authorized Signature)

Jamie L. Pretzel, mgr.
(Representative Name, Title)

304-379-7789 379-7788
(Phone Number) (Fax Number)

5/22/2013
(Date)

BID BOND

BOND #1000835458-05

KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED J L PRETZEL CONTRACTING, LLC
P O BOX 240, BRUCEYON MILLS, WV 26525 AS PRINCIPAL, AND
AMERICAN CONTRACTORS INDEMNITY COMPANY AS SURETY, ARE HEREBY HELD AND
 FIRMLY BOUND UNTO WV DEPT OF ENVIRONMENTAL PROTECTION AS OWNER IN THE
 PENAL SUM OF THIRTEEN THOUSAND SEVEN HUNDRED FIFTY FOR THE PAYMENT OF WHICH, WELL AND
 TRULY TO BE MADE, WE HEREBY JOINTLY AND SEVERALLY BIND OURSELVES, SUCCESSORS AND
 ASSIGNS,

SIGNED, THIS 22ND DAY OF MAY, 2013

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT WHEREAS THE PRINCIPAL HAS
 SUBMITTED TO WV DEPT OF ENVIRONMENTAL PROTECTION A CERTAIN BID, ATTACHED
 HERETO AND HEREBY MADE A PART HEREOF TO ENTER INTO A CONTRACT IN WRITING, FOR THE
.95 ACRE MINE RECLAMATION, CLARKSBURG, WV DEP 16191 FISHER PORTAL


NOW, THEREFORE,

- (A) If said Bid shall be rejected, or in the alternate,
- (B) If said Bid shall be accepted and the principal shall execute and deliver a contract in the form of contract attached hereto (properly completed in accordance with said Bid) and shall furnish a bond for his faithful performance of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said Bid.

Then this obligation shall be void, otherwise the same shall remain in force and effect: It being 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 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 OWNER MAY ACCEPT SUCH BID; AND SAID SURETY DOES HEREBY WAIVE NOTICE OF ANY SUCH EXTENSION.

IN WITNESS WHEREOF, THE PRINCIPAL AND THE SURETY HAVE HEREBUNTO SET THEIR HANDS AND SEALS, AND SUCH OF THEM AS ARE CORPORATIONS HAVE CAUSED THEIR CORPORATE SEALS TO BE HERETO AFFIXED AND THESE PRESENTS TO BE SIGNED BY THEIR PROPER OFFICERS. THE DAY AND YEAR FIRST SET FORTH ABOVE.



J L PRETZEL, MGR *J L Pretzel Mgr* (I.S.)
PRINCIPAL J L PRETZEL CONTRACTING LLC

AMERICAN CONTRACTORS INDEMNITY COMPANY

SURETY

BY: *Brenda G. Poff*

BRENDA G. POFF, ATTORNEY-IN-FACT

IMPORTANT -- Surety companies executing bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the project is located.

POWER OF ATTORNEY

AMERICAN CONTRACTORS INDEMNITY COMPANY UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

Charles W. Manning or Brenda G. Poff of Huntington, West Virginia

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, 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 to include riders, amendments, and consents of surety, providing the bond penalty does not exceed Three Million Dollars (\$ **3,000,000.00**).

This Power of Attorney shall expire without further action on December 08, 2016. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary 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:

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 or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, 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 binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and 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 signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 10th day of December, 2012.

AMERICAN CONTRACTORS INDEMNITY COMPANY UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

Corporate Seals



Daniel P. Aguilar, Vice President

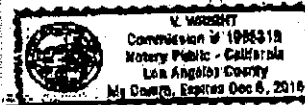
State of California

County of Los Angeles SS:

On 10th day of December, 2012, before me, Vanessa Wright, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature V. Wright (Seal)



I, Jeannie Lee, Assistant Secretary of American Contractors Indemnity Company, United States Surety Company and U.S. Specialty 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; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

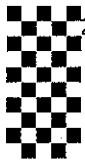
In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 22ND day of MAY, 2013

Corporate Seals

Bond No. 1000835458-05
Agency No. 9130



Jeannie Lee, Assistant Secretary



J.L. Pretzel Contracting, LLC

Jamie Pretzel

P.O. Box 240

Bruceton Mills, WV 26525

Sealed Bid Fax: 304-558-3970

**TO: WV Purchasing Division
2019 Washington Street, East
Charleston, WV 25305-0130**

From: J.L. Pretzel Contracting, LLC

SEALED BID

RFQ Number: DEP16191
Buyer: WV DEP, Office of AML & R
Bid Opening Date: May 22, 2013
Bid Opening Time: 1:30 PM