



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

Solicitation

NUMBER

DEP16273

PAGE

1

ADDRESS CORRESPONDENCE TO ATTENTION OF:

FRANK WHITTAKER
304-558-2316

*604150016 304-372-4378

EAGLE EXCAVATION INC
PO BOX 218

KENNA WV 25248

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

DATE PRINTED

06/06/2013

BID OPENING DATE:

07/11/2013

BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		\$ 56,331.00
RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES						
REQUEST FOR SOLICITATION						
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 .5-ACRE ABANDONED MINE PROJECT KNOWN AS THE "TRACE FORK COMPLEX" PROJECT. THE SITE IS LOCATED IN CHAPMANVILLE, WEST VIRGINIA, (LOGAN CO.).						
A MANDATORY ON SITE PREBID CONFERENCE SHALL BE HELD. PREBID WILL INVOLVE EXTENSIVE FOOT TRAVEL OVER DIFFICULT TERRAIN AND/OR DURING INCLEMENT WEATHER.						
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.						
DIRECTIONS TO PREBID:						
FROM CHARLESTON, FOLLOW RT. 119 SOUTH TO THE TRACE FORK EXIT ON THE RIGHT (BESIDE THORNHILL CHEVROLET); TURN RIGHT ONTO TRACE FORK; TRAVEL 0.5 MILE TO AN						

07/15/13 04:12:19 PM
West Virginia Purchasing Division

SIGNATURE

TITLE

TELEPHONE

DATE

ADDRESS CHANGES TO BE NOTED ABOVE

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



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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
	ACCESS ROAD ON THE RIGHT (GATE #702); TURN RIGHT AND TRAVEL UP THE ACCESS ROAD 0.2 MILE TO THE PROJECT SITE.					
	CONTACT & PHONE #: MARK PROCTOR, 304-465-1910					
	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. *****					

	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					

	(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					

SIGNATURE

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FEIN

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	<p>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.</p> <p>(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.</p> <p>(C) THE ONE-YEAR GUARANTEE PERIOD SHALL NOT BE CONSTRUED AS BEING AN EXTENSION OF THE PERFORMANCE TIME ALLOTTED FOR WORK UNDER THE CONTRACT.</p> <p>(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:</p> <p>(A) OBTAIN ALL NECESSARY DIVISION OF HIGHWAYS PERMITS FOR ALL TRANSPORTATION OF EQUIPMENT AND MATERIALS TO AND FROM THE JOB SITE.</p> <p>(B) OBTAIN ANY AND ALL REQUIRED CONSTRUCTION PERMITS OR RELATED JOB PERMITS.</p> <p>(3) TECHNICAL SPECIFICATIONS: ALL WORK UNDER THIS CONTRACT SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS PREPARED FOR THE</p>					

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06/06/2013

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07/11/2013

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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
	RECLAMATION OF THE "TRACE FORK COMPLEX" 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 7 DRAWINGS AS PREPARED IN-HOUSE BY THE WVDEP/AML.					
	(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.					
	(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.					
	***** THIS IS THE END OF RFQ DEP16273 ***** TOTAL:					\$ 56,331 ⁰⁰

SIGNATURE

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DATE

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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: EAGLE EXCAVATION INC.

Contractor's License No. WV032594

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.

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

Business Name: EAGLE EXCAVATION INC Tax Payer ID No.: 55-0762758
Address: P.O. Box 218
City: KENNA State: WV Zip Code: 25248 Phone: (304) 372-4378
Fax No.: (304) 372-4378 E-mail address: _____

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

I, MEIKED FRESHOUR, 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.

7-11-2013 Mike S. Freshorn PRESIDENT

Date Signature Title

IMPORTANT! In order to certify in Part C to the accuracy of existing information in AVS, you must obtain a copy of your business' Entity OFT. To obtain an Entity OFT, contact the AVS Office, toll-free, at 800-643-9748 or from the AVS website at <https://avss.osmre.gov>.



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	KENNA WV 25248

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
07/09/2013

BID OPENING DATE: 07/16/2013 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 1						
ADDENDUM IS ISSUED:						
1. TO PROVIDE ANSWERS TO QUESTIONS REGARDING THE ABOVE SOLICITATION AND TO ADDRESS ADDITIONAL COMMENTS TO THE SPECIFICATIONS.						
2. TO PROVIDE VENDORS A COPY OF THE MANDATORY PRE-BID MEETING SIGN-IN SHEETS.						
3. TO MOVE THE BID OPENING DATE;						
FROM:						
JULY 11, 2013 @ 1:30 P.M.						
TO:						
JULY 16, 2013 @ 1:30 P.M.						
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	<i>Meike S9 Freshour</i>	TELEPHONE	<i>372-4378</i>	DATE	<i>7-16-2013</i>
TITLE	<i>PRESIDENT</i>	FAX	<i>55-0762758</i>	ADDRESS CHANGES TO BE NOTED ABOVE	

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1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		
RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES						
***** THIS IS THE END OF RFQ DEP16273 ***** TOTAL:						

\$ 56,331.00
NDF

SIGNATURE

Meiko D Freshour

TELEPHONE

372-4378

DATE

7-16-13

TITLE

PRESIDENT

FEIN

55-0762758

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SOLICITATION NUMBER: DEP16273

Addendum Number: 01

The purpose of this addendum is to modify the solicitation identified as ("Solicitation") to reflect the change(s) identified and described below.

Applicable Addendum Category:

- ☒ Modify bid opening date and time
- ☐ Modify specifications of product or service being sought
- ☒ Attachment of vendor questions and responses
- ☒ Attachment of pre-bid sign-in sheet
- ☐ Correction of error
- ☒ Other

Description of Modification to Solicitation:

1. To provide answers to questions regarding the above RFQ & to address additional comments to the specifications.
2. To provide mandatory pre-bid meeting sign-in sheets.
3. To move the bid opening date from; 07/11/2103 to; 07/16/2103. Bid opening time of 1:30 remains the same.
4. To provide Addendum Acknowledgement.

Additional Documentation: Documentation related to this Addendum (if any) has been included herewith as Attachment A and is specifically incorporated herein by reference.

Terms and Conditions:

1. All provisions of the Solicitation and other addenda not modified herein shall remain in full force and effect.
2. Vendor should acknowledge receipt of all addenda issued for this Solicitation by completing an Addendum Acknowledgment, a copy of which is included herewith. Failure to acknowledge addenda may result in bid disqualification. The addendum acknowledgement should be submitted with the bid to expedite document processing.

DEP16273
Trace Fork Complex
Addendum # 1

Item 1: The contractor will have 60 days from the date of the Notice to Proceed to complete construction activities on the project. The \$250 per day liquidated damage clause will be in effect after the 60 days. However, the total performance period will be 365 days from the date of the Notice to Proceed for invoicing purposes.

Item 2: The Contractor is reminded to install erosion and sediment control items prior to any excavation/disturbance activities.

Item 3: Q: Does the piezometer have to be abandoned?

A: Upon completion of mine dewatering and mine seal installation the piezometers will be removed and the drill hole will be grouted. Piezometer Abandonment: Piezometers are to be removed and abandoned by an individual who has been certified by the State of West Virginia in accordance with 47CSR59 "Monitoring Well Regulations." This certification is required for construction, installation, alteration and/or abandonment of any monitoring wells and select boreholes. Piezometers should not be abandoned until mine dewatering is completed. Please refer to Section 9.0 of the Specifications.

Item 4: Q: How wide is the tied concrete block mat?

A: Ten feet wide. A section view and plan view are included on Sheet 5 of the project plans.

Item 5: Q: Is a ditch profile included?

A: Yes. Please refer to Sheet 2 of the project plans.

TRACE FORK

SIGN IN SHEET

Page 1 of 3REQUEST FOR QUOTATION NO. DEP16273

PLEASE PRINT

Date: 6-26-13

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

FIRM & REPRESENTATIVE NAME	MAILING ADDRESS	TELEPHONE & FAX NUMBERS
Company: <u>5 Star Contracting</u>	<u>Po Box 326</u>	PHONE <u>304-785-6713</u>
Rep: <u>Charlie Horn</u>	<u>Hermit WV</u>	TOLL FREE
Email Address: _____	<u>25674</u>	FAX <u>304-393 1524</u>
Company: <u>Jones Exc. Co.</u>	<u>1855 Charleston Hwy</u>	PHONE <u>304 984 0498</u>
Rep: <u>Roger Jones</u>	<u>Charlottesville</u>	TOLL FREE <u>304 984 3028</u>
Email Address: <u>RJJCAT@Frontier.com</u>	<u>25312</u>	FAX
Company: <u>Aspen Corporation</u>	<u>2400 Ritter Drive</u>	PHONE <u>304-887-0108</u>
Rep: <u>Richard Koger II</u>	<u>Danville WV 25832</u>	TOLL FREE
Email Address: <u>rkoger@aspen-golf.com</u>		FAX <u>304-763-4591</u>
Company: <u>GREEN MOUNTAIN COMPANY</u>	<u>511 50th ST</u>	PHONE <u>304-925-0253</u>
Rep: <u>David H. Bowman</u>	<u>Charleston WV</u>	TOLL FREE
Email Address: <u>DHB722@yahoo.com</u>	<u>25304</u>	FAX <u>304-925-9230</u>
Company: <u>COWGIRL HP INC</u>	<u>PO Box 243</u>	PHONE <u>304-739-4397</u>
Rep: <u>DENNIS C. ELBON</u>	<u>SIMMONS WV</u>	TOLL FREE
Email Address: <u>DCE_COWGIRLHP@EARTHINK.NET</u>	<u>26435</u>	FAX <u>304-739-4401</u>

TRACE FORK

SIGN IN SHEET

Page 2 of 3REQUEST FOR QUOTATION NO. DEP 16273

PLEASE PRINT

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FIRM & REPRESENTATIVE NAME	MAILING ADDRESS	TELEPHONE & FAX NUMBERS
Company: <u>ALL-CON, LLC</u>	<u>124 PHILPOTT LANE</u>	PHONE <u>304 731 0190</u>
Rep: <u>DAVID IRLE</u>	<u>BEAVER WV 25813</u>	TOLL FREE
Email Address: <u>DIRE.CACI-WV.COM</u>		FAX <u>304 255 4232</u>
Company: <u>LITTLE ROCK LLC</u>	<u>19395 Charleston Rd.</u>	PHONE <u>304 377-4066</u>
Rep: <u>Travis Raines</u>	<u>Kenna WV 25248</u>	TOLL FREE
Email Address: <u>traines2@frontier.com</u>		FAX
Company: <u>EAGLE EXCAVATION INC.</u>	<u>P.O. BOX 218</u>	PHONE <u>(304) 372-4378</u>
Rep: <u>GEORGE FRIESTHOUR</u>	<u>KENNA, WV</u>	TOLL FREE
Email Address: _____	<u>25248</u>	FAX <u>(304) 372-4378</u>
Company: <u>ABC Excavation LLC</u>	<u>PO BOX 44</u>	PHONE <u>304 369 6798</u>
Rep: <u>Josh McNeely</u>	<u>Foster WV 25081</u>	TOLL FREE
Email Address: <u>joshmcneely6@gmail.com</u>		FAX
Company: <u>Boone Transporting</u>	<u>PO Box 92</u>	PHONE <u>304 369 0159</u>
Rep: <u>Kevin Gillispie</u>	<u>Foster WV 25081</u>	TOLL FREE
Email Address: <u>Gillispie 1975 at gmail</u>		FAX

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Page 3 of 3

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FIRM & REPRESENTATIVE NAME	MAILING ADDRESS	TELEPHONE & FAX NUMBERS
Company: <u>Carpenter Reclamation</u>	<u>PO BX 13015</u>	PHONE <u>304-584-1115</u>
Rep: <u>Randy Carpenter</u>	<u>Sissonville, WV</u>	TOLL FREE
Email Address: <u>Rcarpen103@aol.com</u>	<u>25360</u>	FAX <u>989-2770</u>
Company: <u>NEMESIS Contracting</u>	<u>44446 Pond Fork RD</u>	PHONE <u>304-247-6934</u>
Rep: <u>IRA RASH</u>	<u>Wharton WV 25208</u>	TOLL FREE
Email Address: <u>in@nemesiscontracting.com</u>		FAX
Company: <u>TEASTERN Arrow Corp</u>	<u>PO Box 4108</u>	PHONE <u>304-414-0255</u>
Rep: <u>Ann Wambrell</u>	<u>CHARLESTON, WV</u>	TOLL FREE
Email Address: <u>easternarrow@hotmail.com</u>	<u>25364</u>	FAX <u>0256</u>
Company: _____	_____	PHONE _____
Rep: _____	_____	TOLL FREE _____
Email Address: _____	_____	FAX _____
Company: _____	_____	PHONE _____
Rep: _____	_____	TOLL FREE _____
Email Address: _____	_____	FAX _____

ATTACHMENT A

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: DEP16273

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.

Eagle Excavation Inc.
Company

Meite SD Freshour
Authorized Signature

7-16-2013
Date

U.S. Department of the Interior
Office of Surface Mining
Applicant/Violator System Office
2679 Regency Road
Lexington, Kentucky 40503

Telefax Number: (859) 260-8418
Toll Free Telephone Number: 1-800-643-9748

DATE: 6/22/12

1 Number of Pages to Follow

Sending to: Eagle Excavation Inc

Telefax Number: 304-372-4378

From: Amy Walloughby

Telephone Number: 859-260-3933

Subject or Message:



AVS OFT Report - 6/22/2012 11:04:23 AM

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

Entity Selected (150896) Eagle Excavation Inc

Parent Entity

150896) Eagle Excavation Inc
150896) Eagle Excavation Inc
150896) Eagle Excavation Inc
150896) Eagle Excavation Inc
150896) Eagle Excavation Inc

Description

Director
President
Director
Secretary
Treasurer

Related Entity

(139730) Meike D Freshour
(139730) Meike D Freshour
(157116) Leslie Ann Roush
(157116) Leslie Ann Roush
(157116) Leslie Ann Roush

% Ownership

Begin Date End Date

5/29/2001
5/29/2001
5/29/2001
5/29/2001
5/29/2001

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.

EAGLE EXCAVATION INC.
(Company)

Meike D Freshour
(Authorized Signature)

MEIKE D. FRESHOUR PRESIDENT
(Representative Name, Title)

(304) 372-4378 (304) 372-4378
(Phone Number) (Fax Number)

7-11-2013
(Date)



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

Solicitation

NUMBER

DEP16273

PAGE

1

ADDRESS CORRESPONDENCE TO ATTENTION OF

FRANK WHITTAKER
304-558-2316

RFQ COPY

TYPE NAME/ADDRESS HERE

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

304-926-0499

DATE PRINTED

07/09/2013

BID OPENING DATE:

07/16/2013

BID OPENING TIME

1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 1						
ADDENDUM IS ISSUED:						
1. TO PROVIDE ANSWERS TO QUESTIONS REGARDING THE ABOVE SOLICITATION AND TO ADDRESS ADDITIONAL COMMENTS TO THE SPECIFICATIONS.						
2. TO PROVIDE VENDORS A COPY OF THE MANDATORY PRE-BID MEETING SIGN-IN SHEETS.						
3. TO MOVE THE BID OPENING DATE;						
FROM:						
JULY 11, 2013 @ 1:30 P.M.						
TO:						
JULY 16, 2013 @ 1:30 P.M.						
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

Meike D Freshour

TELEPHONE

372-4378

DATE

7-16-13

TITLE

PRESIDENT

FEIN

55-0762758

ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO SOLICITATION, 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

Solicitation

NUMBER	PAGE
DEP16273	2
ADDRESS CORRESPONDENCE TO ATTENTION OF:	
FRANK WHITTAKER	
304-558-2316	

RFQ COPY
TYPE NAME/ADDRESS HERE

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

DATE PRINTED
07/09/2013

BID OPENING DATE: 07/16/2013

BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		
RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES						
***** THIS IS THE END OF RFQ DEP16273 ***** TOTAL:						\$ 56,331 ⁰⁰

SIGNATURE	TELEPHONE	DATE
<i>Meike S Freshour</i>	372-4378	7-16-13
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
PRESIDENT	55-0762758	

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



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

STATE OF WEST VIRGINIA
 COUNTY OF JACKSON, TO-WIT:

I, DENNIS GEORGE FRESHOUR, after being first duly sworn, depose and state as follows:

1. I am an employee of EAGLE EXCAVATION, INC.; and,
 (Company Name)
2. I do hereby attest that EAGLE EXCAVATION, 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.

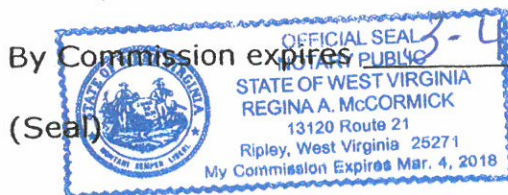
EAGLE EXCAVATION INC.
 (Company Name)

By: Dennis George Freshour

Title: FIELD MANAGER

Date: 7-8-2013

Taken, subscribed and sworn to before me this 8th day of July 2013



(Seal)

[Signature]
 (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. _____

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: EAGLE EXCAVATION INC.

Authorized Signature: DENNIE GEORGE FRECHOW Date: 7-8-2013

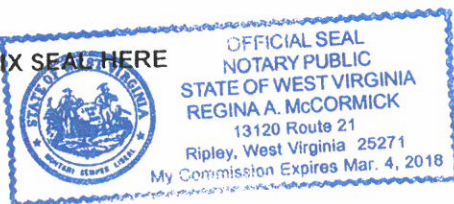
State of WV

County of JACKSON, to-wit:

Taken, subscribed, and sworn to before me this 8th day of JULY, 2013

My Commission expires 3-4-18, 20

AFFIX SEAL HERE



NOTARY PUBLIC

[Signature]
Purchasing Affidavit (Revised 07/01/2012)

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Eagle Excavation, Inc.
of Kenna, WV, as Principal, and Merchants National Bonding, Inc.
of Des Moines, IA, a corporation organized and existing under the laws of the State of
IA with its principal office in the City of Des Moines, 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
DEP16273 - Trace Fork Complex - According to Plans & Specifications

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
11th day of July, 2013.

Principal Corporate Seal

Eagle Excavation, Inc.

(Name of Principal)

By Meike S Freshour

(Must be President or
Vice President)

PRESIDENT
(Title)

Surety Corporate Seal

Merchants National Bonding, Inc.

(Name of Surety)

By: Patricia A. Moyer
Patricia A. Moyer, WV Resident Agent 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.

MERCHANTS
BONDING COMPANY™
POWER OF ATTORNEY

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations duly organized under the laws of the State of Iowa (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint, individually,

Allan L McVey; Gregory T Gordon; Kimberly J Wilkinson; Larry D Kerr; Patricia A Moye

of Charleston and State of WV their true and lawful Attorney-in-Fact, with full power and authority hereby conferred in their name, place and stead, to sign, execute, acknowledge and deliver in their behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

EIGHT MILLION (\$8,000,000.00) DOLLARS

and to bind the Companies thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the Companies, and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following By-Laws adopted by the Board of Directors of the Merchants Bonding Company (Mutual) on April 23, 2011 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 24, 2011.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 2nd day of March, 2012.



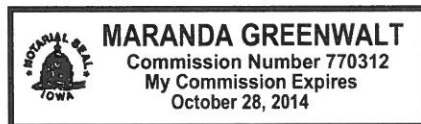
MERCHANTS BONDING COMPANY (MUTUAL)
MERCHANTS NATIONAL BONDING, INC.

By Larry Taylor
President

STATE OF IOWA
COUNTY OF POLK ss.

On this 2nd day of March, 2012, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument is the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.



Maranda Greenwalt
Notary Public, Polk County, Iowa

STATE OF IOWA
COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 11th day of July, 2013.



William Warner Jr.
Secretary

POA 0014 (11/11)