



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

Solicitation

NUMBER

DEP16274

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

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

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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 ADDRESS ADDITIONAL COMMENTS MADE 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 *****						
07/15/13 04:12:43 PM West Virginia Purchasing Division						

SIGNATURE

Meik S. Freshorn

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'



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LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		962-73		1,000 ⁰⁰
	ITEM 1.1 MOBILIZATION & DEMOBILIZATION (LUMP SUM)					
	(CANNOT EXCEED 10% OF THE TOTAL AMOUNT BID)					
0002	1	LS		962-73		1,000 ⁰⁰
	ITEM 2.1 CONSTRUCTION LAYOUT (LUMP SUM)					
	(CANNOT EXCEED 5% OF TOTAL AMOUNT BID)					
0003	1	LS		962-73		400 ⁰⁰
	ITEM 3.1 QUALITY CONTROL (LUMP SUM)					
	(CANNOT EXCEED 3% OF THE TOTAL AMOUNT BID)					
0004	1	LS		962-73		1,000 ⁰⁰
	ITEM 4.1 SITE PREPARATION (LUMP SUM)					
	(CANNOT EXCEED 10% OF THE TOTAL AMOUNT BID)					

SIGNATURE

Meiko S Freshorn

TELEPHONE

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07/16/2013

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1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0005	380	LF		962-73	.01 ⁸⁰	3 ⁸⁰
	ITEM 5.1 SILT FENCE (PER LINEAR FEET)					
0006	1	EA		962-73		1,000 ⁰⁰
	ITEM 5.2 STABILIZED CONSTRUCTION ENTRANCE (PER EACH)					
0007	1	LS		962-73		2,966 ²⁰
	ITEM 6.1 REVEGETATION (LUMP SUM)					
0008	3	EA		962-73	10,000 ⁰⁰	30,000 ⁰⁰
	ITEM 9.1 BAT GATE MINE SEALS (PER EACH)					
***** THIS IS THE END OF RFQ DEP16274 ***** TOTAL:						37,370 ⁰⁰

SIGNATURE

Mike S. Freshour

TELEPHONE

372-4378

DATE

7-16-13

TITLE

PRESIDENT

FEIN

55-0762758

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SOLICITATION NUMBER: DEP16274

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 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.

ATTACHMENT A

DEP16274
Stollings (White) Portals
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: The Contractor is reminded that all work is in close proximity of a private residence and the Contractor should strive to minimize intrusion. All areas within the project limits are considered to be lawn areas. Shrubbery and trees damaged or removed shall be replaced with nursery stock of a like species. Shrubbery and tree replacement will require WVDEP approval prior to purchase and installation. Please refer to Section 6.0, Re-vegetation, of the Specifications.



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01:30PM

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0001	1	LS		962-73		1,000 ⁰⁰
	ITEM 1.1 MOBILIZATION & DEMOBILIZATION				(LUMP SUM)	
	(CANNOT EXCEED 10% OF THE TOTAL AMOUNT				BID)	
0002	1	LS		962-73		1,000 ⁰⁰
	ITEM 2.1 CONSTRUCTION LAYOUT				(LUMP SUM)	
	(CANNOT EXCEED 5% OF TOTAL AMOUNT				BID)	
0003	1	LS		962-73		400 ¹⁸
	ITEM 3.1 QUALITY CONTROL				(LUMP SUM)	
	(CANNOT EXCEED 3% OF THE TOTAL AMOUNT				BID)	
SIGNATURE <i>Meika S Freshour</i> TELEPHONE <i>372-4378</i> DATE <i>7-11-13</i>						
TITLE <i>PRESIDENT</i>		FEIN <i>55-12762758</i>		ADDRESS CHANGES TO BE NOTED ABOVE		

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BID OPENING DATE:

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01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0004	1	LS		962-73		1,000 ⁰⁰
				ITEM 4.1 SITE PREPARATION (LUMP SUM)		
				(CANNOT EXCEED 10% OF THE TOTAL AMOUNT BID)		
0005	380	LF		962-73	.014	3 ⁸⁰
				ITEM 5.1 SILT FENCE (PER LINEAR FEET)		
0006	1	EA		962-73		1,000 ⁰⁰
				ITEM 5.2 STABILIZED CONSTRUCTION ENTRANCE (PER EACH)		
0007	1	LS		962-73		2,966 ²⁰
				ITEM 6.1 REVEGETATION (LUMP SUM)		
SIGNATURE					TELEPHONE	DATE
Melita S. Freehour					372-4378	7-11-13
TITLE		FEIN		ADDRESS CHANGES TO BE NOTED ABOVE		
PRESIDENT		55-0762758				

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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0008	3	EA		962-73	10,000 ⁰⁰	30,000 ⁰⁰
ITEM 9.1 BAT GATE MINE SEALS (PER EACH)						
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 .7-AC ABANDONED MINE PROJECT KNOWN AS THE "STOLLINGS (WHITE) PORTALS" PROJECT. THE SITE IS LOCATED NEAR STOLLINGS, 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, TAKE RT. 119 SOUTH TO LOGAN (RT. 73/ RT. 10). TURN LEFT AT LIGHT (RT. 73E) AND DRIVE 2.2 MILES. TURN LEFT AT LIGHT ONTO RT. 10 SOUTH. STAY IN						
SIGNATURE				TELEPHONE	DATE	
Meite S Freshour				372-4378	7-11-13	
TITLE		FEIN		ADDRESS CHANGES TO BE NOTED ABOVE		
PRESIDENT		55-0762758				

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BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>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 REMEDIED 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:</p>						

SIGNATURE	<i>Neife S. Freshour</i>	TELEPHONE	372-4378	DATE	7-11-13
TITLE	PRESIDENT	FEIN	55-0762758	ADDRESS CHANGES TO BE NOTED ABOVE	

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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
<p>ALL WORK UNDER THIS CONTRACT SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS PREPARED FOR THE RECLAMATION OF THE "STOLLINGS (WHITE) 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 5 DRAWINGS AS PREPARED INHOUSE 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> <p>***** THIS IS THE END OF RFQ DEP16274 ***** TOTAL: \$ 37,370⁰⁰</p>						
SIGNATURE <i>Meike S. Freshour</i>				TELEPHONE <i>372-4378</i>		DATE <i>7-11-13</i>
TITLE <i>PRESIDENT</i>		FEIN <i>55-0762758</i>		ADDRESS CHANGES TO BE NOTED ABOVE		

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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: _____

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, MEIKE D. 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 Freshour 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>.

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: 6/23/12

1 Number of Pages to Follow

Sending to: Eagle Excavation Inc

Telefax Number: 304-372-4378

From: Amy Walloughy

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	Related Entity	% Ownership	Begin Date	End Date
Director	(139730) Meike D Freshour		5/29/2001	
President	(139730) Meike D Freshour		5/29/2001	
Director	(157116) Leslie Ann Roush		5/29/2001	
Secretary	(157116) Leslie Ann Roush		5/29/2001	
Treasurer	(157116) Leslie Ann Roush		5/29/2001	

RFQ No. DEP 16274STATE 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.

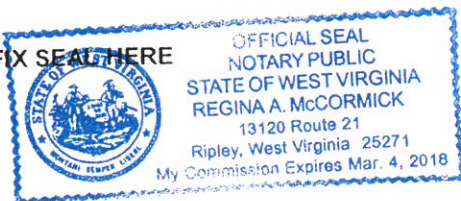
"Employer default" means having an outstanding balance or liability to the old fund or to the uninsured employers' fund or being in policy default, as defined in W. Va. Code § 23-2c-2, failure to maintain mandatory workers' compensation coverage, or failure to fully meet its obligations as a workers' 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 FRESHOUR Date: 7-8-2013State of WVCounty of Jackson, to-wit:Taken, subscribed, and sworn to before me this 8th day of July, 2013My Commission expires 3-4-18, 20

AFFIX SEAL HERE



NOTARY PUBLIC

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

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: DEP16274

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

Meike D Freshorn
 Authorized Signature

7-16-2013
 Date



**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



[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.

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
(Representative Name, Title)

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

7-11-2013
(Date)

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
DEP16274 - Stollings (White) Portals - 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 Mike S. Freshour

(Must be President or
Vice President)

PRESIDENT

(Title)

Surety Corporate Seal

Merchants National Bonding, Inc.

(Name of Surety)

By: Patricia A. Moye

Patricia A. Moye, 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.



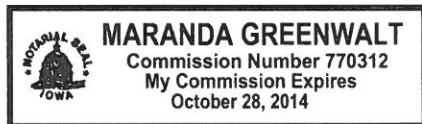
MERCHANTS BONDING COMPANY (MUTUAL)
MERCHANTS NATIONAL BONDING, INC.

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