

2400 Ritter Drive  
Daniels, WV 25832  
PH: 304-763-4573  
Fax: 304-763-4591  
www.aspen-golf.com

**Aspen Corporation**

# Fax

**To:** Frank Whittaker  
WV Purchasing Division  
2019 Washington Street, East  
P.O. Box 50130  
Charleston, WV 25305-0130

**From:** Linda C. Freeman

**Fax:** 304-558-3970

**Pages:** 15

**Phono:** 304-558-2316

**Date:** 10-08-2013

**Re:** DEP 16292 Coal-X, Inc.

**CC:** File

- Urgent**
- For Review**
- Please Comment**
- Please Reply**
- Please Recycle**

● **Comments:**

**Buyer:** Frank Whittaker

**RFQ. NO.** DEP16292

**Bid Opening Date:** October 8, 2013

**Bid Opening Time:** 1:30 PM

RECEIVED  
 2013 OCT -8 AM 9:56  
 WV PURCHASING  
 DIVISION

IMPORTANT: The information contained in this facsimile transmission is only for the use of the individual or entity named above and may contain information that is privileged, confidential or exempt or protected from disclosure under applicable law. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.



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

**Solicitation**

NUMBER
DEP16292

PAGE
1

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

VENDOR

T. **ASPEN CORPORATION**  
**2400 RITTER DRIVE**  
**DANIELS, WV 25832**

SHIP TO

**ENVIRONMENTAL PROTECTION**  
**DEPT. OF**  
**OFFICE OF SPECIAL RECLAMATION**  
**601 57TH STREET SE**  
**CHARLESTON, WV**  
 25304 304-926-0499

DATE PRINTED
08/15/2013

BID OPENING DATE: 10/01/2013

BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		
RECLAMATION: RESTORATION OF WATER  REQUEST FOR QUOTATION  SPECIAL RECLAMATION/BOND FORFEITURE PROJECT  THE WEST VIRGINIA PURCHASING DIVISION, ON BEHALF OF THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FROM QUALIFIED CONTRACTORS FOR A CONTRACT TO PROVIDE ALL LABOR AND MATERIALS TO PERFORM RECLAMATION ON THE MINING OPERATION OF COAL-X, INC., NOW UNDER REVOKED PERMIT NUMBER UO-396. THIS SITE CONSISTS OF APPROXIMATELY 2 ACRES AND IS LOCATED NEAR BRUNO, WV, LOGAN COUNTY.  THE RECLAMATION SHALL BE PERFORMED UNDER THE GUIDANCE AND GENERAL SUPERVISION OF THE AGENT ASSIGNED TO THE PROJECT FOR THE STATE OF WEST VIRGINIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION.  DIRECTIONS TO PRE-BID: FROM RT 119 SOUTH TAKE EXIT 73 TOWARDS LOGAN, TRAVEL 2.3 MI AND TURN LEFT (EAST) ONTO SR 10. TRAVEL 14 MI EAST AND TURN RIGHT (SOUTH) ONTO SR 80. TRAVEL 0.1 MI AND TURN RIGHT AT BRIDGE CONTINUING ON SR 80. TRAVEL 3.1 MI AND TURN RIGHT, CROSSING THE GUYANDOTTE RIVER ONTO CR 11/2 (4TH AVENUE OF BRUNO) TRAVEL 1.6 MI TO MINE SITE.						

SIGNATURE <i>Donnie Adkins</i>	TELEPHONE 304-763-4573	DATE 10-8-13
TITLE President	FEBN 550627766-001	ADDRESS CHANGES TO BE NOTED ABOVE

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



**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: Aspen Corporation

Contractor's License No. WV000653

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 AFFIDAVIT:** 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. **DRUG FREE WORKPLACE REPORT:** Pursuant to W. Va. Code § 21-1D-7b, no less than once per year, or upon completion of the project, every contractor shall provide a certified report to the public authority which let the contract. For contracts over \$25,000, the public authority shall be the West Virginia Purchasing Division. For contracts of \$25,000 or less, the public authority shall be the agency issuing the contract. The report shall include:
- (1) Information to show that the education and training service to the requirements of West Virginia Code § 21-1D-5 was provided;
  - (2) The name of the laboratory certified by the United States Department of Health and Human Services or its successor that performs the drug tests;
  - (3) The average number of employees in connection with the construction on the public improvement;

COAL-X, INC.  
 PERMIT UO-396  
 BID SCHEDULE  
 DEP 16292

VENDOR NAME ASPEN CORPORATION  
 ADDRESS 2400 RITTER DRIVE, DANIELS, WV 25832

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

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1.0	Mobilization & Demobilization (not to exceed 5% of the Total bid)	1	LS	\$ 12,000.00	\$ 12,000.00
2.0	Spill Containment Area (\$1000.00 maximum bid)	1	LS	\$ 100.00	\$ 100.00
3.0	Access Road Maintenance (Shall not exceed 5% of Total bid)	1	LS	\$ 6,500.00	\$ 6,500.00
4.0	Construction Stakeout (Shall not exceed 5% of Total bid)	1	LS	\$ 6,500.00	\$ 6,500.00
5.0	Stormwater Management (Max. \$5.00/LF)	2000	LF	\$ 4.00	\$ 8,000.00
6.0	Incidental Stone	2000	TN	\$ 40.00	\$ 80,000.00
7.0	Utilities	No Bid Item			
8.0	Hatfield and McCoy Trail Access Road Upgrade	600	LF	\$ 58.00	\$ 34,800.00
9.0	Temporary Stream Crossings				
9.1	Construct temporary stream crossing "1"	1	EA	\$ 100.00	\$ 100.00
9.2	Construct temporary stream crossing "2"	1	EA	\$ 100.00	\$ 100.00
9.2	Construct temporary stream crossing "3"	1	EA	\$ 100.00	\$ 100.00
9.4	Remove temporary stream crossing "1"	1	EA	\$ 100.00	\$ 100.00
9.5	Remove temporary stream crossing "2"	1	EA	\$ 100.00	\$ 100.00
9.6	Remove temporary stream crossing "3"	1	EA	\$ 100.00	\$ 100.00
10.0	Clean out and repair treatment ponds 1, 2, 3, and 4	4	EA	\$ 2,500.00	\$ 10,000.00
11.0	Tree removal	1	LS	\$ 7,500.00	\$ 7,500.00
11.1	Spoil material excavation and removal	1	LS	\$ 13,000.00	\$ 13,000.00
12.1	Flow Proportional Siphon System	1	LS	\$ 31,000.00	\$ 31,000.00
12.2	Drive Line and Adjustable Speed Drive System	1	LS	\$ 11,000.00	\$ 11,000.00
13.0	Construct underdrain "1"	200	LF	\$ 58.00	\$ 11,600.00
14.0	Construct lined and grouted rip rap channel "B"	200	LF	\$ 65.00	\$ 13,000.00
15.0	Construct underdrain outlet pipe	200	LF	\$ 15.00	\$ 3,000.00
16.0	Construct rock buttress	1000	TN	\$ 42.00	\$ 42,000.00
17.0	Construct gabion wall foundation	1	LS	\$ 4,000.00	\$ 4,000.00
17.1	Construct 3' x 3' x 9' Gabion	3780	LF	\$ 47.00	\$ 177,660.00
17.2	Construct 3' x 1.5' x 9' Gabion	945	LF	\$ 35.00	\$ 33,075.00
17.3	Gabion wall underdrain	315	LF	\$ 39.00	\$ 12,285.00
17.4	Gabion wall separation fabric	900	SY	\$ 3.00	\$ 2,700.00
17.5	Gabion wall rock backfill	1500	TN	\$ 39.00	\$ 58,500.00
18.0	Construct grouted rip rap channel "C"	100	LF	\$ 57.00	\$ 5,700.00
19.0	Repair spillway at pond #4 outlet	1	EA	\$ 5,000.00	\$ 5,000.00
20.0	Remove/reinstall fence and gate	700	LF	\$ 5.00	\$ 3,500.00
21.0	Revegetation	2	AC	\$ 2,500.00	\$ 5,000.00
<b>TOTAL:</b>					<b>\$ 598,020.00</b>

BIDDER'S AUTHORIZED SIGNATURE:

*Donnie Adams, P.E.*

DATE:

*10-8-13*

Agency Environmental Protection  
REQ.P O# DEP16292

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Aspen Corporation  
of 2400 Ritter Drive, Daniels, WV, 25832, as Principal, and Lexon Insurance Company  
of 10002 Shelbyville Road,  
of Sulte 100, Louisville, KY 40223, a corporation organized and existing under the laws of the State of Texas  
with its principal office in the City of Louisville, Kentucky, as Surety, are held and firmly bound unto the State  
of West Virginia, as Oblige, in the penal sum of Five Percent of Amount Bid (\$ 5% of Bid) 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  
DEP16292 Mining Operation of Coal-X Inc - Permit Number UO-996 - 2 Acres Located Near Bruno, WV  
Locan County, WV

NOW THEREFORE,

(a) If said bid shall be rejected, or  
(b) If said bid shall be accepted and the Principal shall enter into a contract in accordance with the bid or proposal attached  
hereto and shall furnish any other bonds and insurance required by the bid or proposal, and shall in all other respects perform the  
agreement created by the acceptance of said bid, then this obligation shall be null and void, otherwise this obligation shall remain in full  
force and effect. It is expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event,  
exceed the penal amount of this obligation as herein stated.

The Surety, for the value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no  
way impaired or affected by any extension of the time within which the Oblige 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  
8th day of October, 2013.

Principal Corporate Seal

Aspen Corporation  
(Name of Principal)

By [Signature]  
(Must be President or  
Vice President)

Vice President  
(Title)

Lexon Insurance Company  
(Name of Surety)

[Signature]  
Bonnie J. Wortham, Attorney-in-Fact



IMPORTANT - Surety executing bonds must be licensed in West Virginia to transact surety insurance. Raised corporate seals  
must be affixed; a power of attorney must be attached.



POWER OF ATTORNEY

LX - 073730

Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that LEXON INSURANCE COMPANY, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: Brook T. Smith, Mark A. Guidry, Raymond M. Hundley, Jason D. Cronwell, James H. Martin, Sandra L. Fusinoti,

Deborah Neichter, Jill Kemp, Jackie C. Koostel, Shoryon Quinn, Dawson West, Bonnie J. Wortham, Amy Meredith, Lynnette Long, Barbara Duncan

Its true and lawful Attorney(s)-in-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of LEXON INSURANCE COMPANY on the 1st day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-in-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$ 4,000,000.00 Four million dollars

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company.

IN WITNESS THEREOF, LEXON INSURANCE COMPANY has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 21st day of September, 2009.



LEXON INSURANCE COMPANY

BY [Signature] David E. Campbell President

ACKNOWLEDGEMENT

On this 21st day of September, 2009, before me, personally came David E. Campbell to me known, who being duly sworn, did depose and say that he is the President of LEXON INSURANCE COMPANY, the corporation described in and which executed the above instrument;

OFFICIAL SEAL MAUREEN K. AYE Notary Public, State of Illinois My Commission Expires 09/21/13

[Signature] Maureen K. Aye Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of LEXON INSURANCE COMPANY, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Woodridge, Illinois this 8th Day of October, 2012.



[Signature] Phillip G. Lauer Assistant Secretary

WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.



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

**Solicitation**

NUMBER
DEP16292

PAGE
1

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

RFQ COPY

TYPE NAME/ADDRESS HERE

VENDOR

SHIP TO

ENVIRONMENTAL PROTECTION  
 DEPT. OF  
 OFFICE OF SPECIAL RECLAMATION  
 601 57TH STREET SE  
 CHARLESTON, WV  
 25304 304-926-0499

DATE PRINTED
09/24/2013

BID OPENING DATE: 10/08/2013

BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
				ADDENDUM NO. 1		
				THIS ADDENDUM IS ISSUED TO:		
				1) EXTEND THE BID OPENING DATE AND TIME		
				2) PROVIDE THE ATTACHED TECHNICAL QUESTIONS AND ANSWERS		
				3) PROVIDE THE ATTACHED MANDATORY PRE-BID SIGN SHEET		
				4) PROVIDE THE ATTACHED ADDENDUM ACKNOWLEDGEMENT		
				***** END ADDENDUM NO. 1 *****		

SIGNATURE <i>Donnie Adkins</i>	TELEPHONE 304-763-4573	DATE 10-8-13
TITLE <i>Pres</i>	FEIN 55-0627766-001	ADDRESS CHANGES TO BE NOTED ABOVE

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



**SOLICITATION NUMBER: DEP16292**  
**Addendum Number: 01**

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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:**

Bid opening date and time extended to 10/08/2013 at 1:30 PM

**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.

**Addendum #1 - Questions During Pre-Bid Conference  
For DEP16292  
Coal-X, Inc.  
Permit UO-396**

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The following questions were identified at the Pre-Bid Conference (PBC) conducted on-site on September 4, 2013. The answers and clarifications provided herein take precedence over verbal answers at the PBC and previously provided specifications and descriptions provided in the Solicitation should there be any conflicts between the two.

**LOCATION:** *On-Bench, At Treatment Ponds*

- Q1:** Will water from the mine discharge pipe require treatment prior to going into the creek?
- A1:** Treating of discharged water for this project is not being required because of the problems needing correction on this site (i.e. no available treatment pond areas).
- Q2:** Will you be setting an elevation for the gabion baskets? Do you have any elevations to go by?
- A2:** No reference elevations have been set for that. There is a typical cross-section showing the number of baskets and height stacked.
- Q3:** How high will the baskets be?
- A3:** Maximum height will be 18 feet. It may vary a little. Some area toward the final outlet and toward the Aqua-Fix end may be a little less. The majority should run at 18 feet.
- Q4:** If you do go down 18 feet, how far back are you going to come?
- A4:** All the rows will be on solid original ground, so the final width of the foundation will be determined by the number of rows, as shown on the drawing.
- Q5:** So if we dig down 18 feet, we're going to dig back?
- A5:** The final bottom width of the wall, i.e. the width of excavation, will be measured inward from the outermost point on solid ground. There will be filter cloth against the final cut wall, and fill in between the cloth and the finished gabion wall with loose stone, per the typical section drawing.
- Q6:** And you're going to estimate it at 18 feet, down and back however thick the wall?
- A6:** Yes. The number of baskets is shown on the drawing. And of course right behind the last basket there'll be room for an underdrain. The remaining space between the wall and the excavated hillside will be filled with stone.
- Q7:** Is a waste area provided for all this excavated material?
- A7:** There is a waste area for excavated material from the gabion wall and rock buttress areas and tree disposal. Some of this soil material can be used to fill in the raw water pond to final grade after installation of the siphon system.

**Addendum #1 - Questions During Pre-Bid Conference  
For DEP16292  
Coal-X, Inc.  
Permit UO-396**

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**Q8:** Do all these trees at the toe area need to be hauled down to the waste area?

**A8:** Yes.

**Q9:** What type of baskets are you going to use?

**A9:** Per the specifications (Items 17.1 and 17.2), gabion baskets shall be galvanized or coated and conform to either the Woven Mesh or the Welded Mesh type.

**Q10:** Do all the trees below the gabion bench area need to be cleared.

**A10:** The live trees below the final excavated gabion and rock buttress bench stay. There are a lot of felled trees from prior construction that were windrowed up against the live trees. All previously felled trees at the toe area are to be removed to the disposal area. Only those live trees needed to be removed for the purposes of accessing and construction of this project may be cut, with prior approval of on-site DEP representative. However, all trees removed shall be removed to the disposal area.

**Q11:** Do the ponds get relined or just repair the liners?

**A11:** There is no indication that the pond liners for Treatment Ponds 1 thru 4 have any leakage problems. However, after dewatering and cleaning, the liners will be inspected and repaired as necessary. Any such repairs will need to be performed prior to excavation activities.

**Q12:** Is there a sludge disposal area?

**A12:** All sludge from the treatment ponds will be pumped into the adjacent on-bench sludge pond. All clarified water which flows back to the treatment pond from the sludge pond underdrain will then need to be pumped from the treatment ponds to the receiving stream via the final pond discharge channel. Note that the treatment ponds will need to be maintained in a dry state until completion of gabion wall and buttress construction.

**Q13:** Are we going to put a new liner in the raw water pond?

**A13:** No, the raw water pond will no longer be there. It will be replaced by the Flow Proportional Siphon System and all remaining raw water pond areas backfilled.

**Additional Comments**

1. When installing the Flow Proportional Siphon System, the two standpipes will be removed completely to the Aqua-Fix. At least the top 6-8" of the existing concrete foundation for the pipes will need to be removed to allow placing the Distribution Box at the correct elevation.
2. All stone for the project (gabion wall, buttress, underdrains, etc.) must be commercial stone.



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

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

I, Donnie Adkins, after being first duly sworn, depose and state as follows:

- 1. I am an employee of Aspen Corporation; and,  
(Company Name)
- 2. I do hereby attest that Aspen Corporation  
(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.

Aspen Corporation  
(Company Name)

By: Donnie Adkins

Title: Pres

Date: 10-8-13

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

By Commission expires 8-14-2015



Linda C. Freeman  
(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. DEP16292

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: Aspen Corporation

Authorized Signature: Annmarie Adkins, Pres Date: 10-8-13

State of WV

County of Raleigh, to-wit:

Taken, subscribed, and sworn to before me this 8<sup>th</sup> day of October, 2013

My Commission expires 8-14, 2015.

AFFIX SEAL HERE

NOTARY PUBLIC Linda C. Freeman

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.

Aspen Corporation  
(Company)

Donnie Adkins  
(Authorized Signature)

Donnie Adkins, President  
(Representative Name, Title)

304-763-4573      304-763-4591  
(Phone Number)      (Fax Number)

10-8-2013  
(Date)



**ADDENDUM ACKNOWLEDGEMENT FORM**  
**SOLICITATION NO.: DEP16292**

**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.

Aspen Corporation  
Company

Donnie Adkins  
Authorized Signature

10-8-13  
Date

NOTE: This addendum acknowledgment should be submitted with the bid to expedite document processing.