



The following documentation is an electronically-submitted vendor response to an advertised solicitation from the *West Virginia Purchasing Bulletin* within the Vendor Self-Service portal at ***wvOASIS.gov***. As part of the State of West Virginia’s procurement process, and to maintain the transparency of the bid-opening process, this documentation submitted online is publicly posted by the West Virginia Purchasing Division at ***WVPurchasing.gov*** with any other vendor responses to this solicitation submitted to the Purchasing Division in hard copy format.

## Header List View

- General Information**
- Contact
- Default Values
- Discount
- Document Information

<b>Procurement Folder:</b> 68523	<b>SO Doc Code:</b> CRFQ
<b>Procurement Type:</b> Central Purchase Order	<b>SO Dept:</b> 0313
<b>Vendor ID:</b> VS0000000965	<b>SO Doc ID:</b> DEP1500000045
<b>Legal Name:</b> Holy Smoke Coal LLC	<b>Published Date:</b> 3/31/15
<b>Alias/DBA:</b>	<b>Close Date:</b> 4/16/15
<b>Total Bid:</b> \$777,777.00	<b>Close Time:</b> 13:30
<b>Response Date:</b> 04/15/2015	<b>Status:</b> Closed
<b>Response Time:</b> 16:17	<b>Solicitation Description:</b> Addendum No. 01 Conley Branch (Whitt) Landslide
<b>Total of Header Attachments:</b> 0	
<b>Total of All Attachments:</b> 0	



Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

**State Of West Virginia  
 Solicitation Response**

**Proc Folder :** 68523

**Solicitation Description :** Addendum No. 01 Conley Branch (Whitt) Landslide

**Proc Type :** Central Purchase Order

Date issued	Solicitation Closes	Solicitation No	Version
	2015-04-16 13:30:00	SR 0313 ESR04151500000003285	1

**VENDOR**

VS0000000965  
 Holy Smoke Coal LLC

**FOR INFORMATION CONTACT THE BUYER**

Beth Collins  
 (304) 558-2157  
 beth.a.collins@wv.gov

**Signature X** **FEIN #** **DATE**

All offers subject to all terms and conditions contained in this solicitation

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
1	Mobilization & Demobilization	1.00000	LS	\$60,000.00	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : (Lump Sum) (Cannot exceed 10% of Total Bid)

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
2	Construction Layout	1.00000	LS	\$30,000.00	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : (Lump Sum) (Cannot exceed 5% of Total Bid)

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
3	Quality Control	1.00000	LS	\$18,000.00	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : (Lump Sum) (Cannot exceed 3% of Total Bid)

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
4	Site Preparation	1.00000	LS	\$60,000.00	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : (Lump Sum) (Cannot exceed 10% of Total Bid)

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
5	Access Road Resurfacing	160.00000	TON	\$99.54	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : Access Road Resurfacing

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
6	Straw Wattles	4660.00000	LF	\$4.38	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : Straw Wattles

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
7	Silt Fence	1100.00000	LF	\$5.00	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : Silt Fence

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
8	Temporary Diversion Berm	1.00000	LS	\$13,800.00	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : Temporary Diversion Berm

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
9	Triangular Silt Dikes	20.00000	EA	\$210.13	

Comm Code	Manufacturer	Specification	Model #
77111603			

<b>Extended Description :</b>	Triangular Silt Dikes
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Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
10	Temporary Sediment Traps	4.00000	EA	\$3,400.00	

Comm Code	Manufacturer	Specification	Model #
77111603			

<b>Extended Description :</b>	Temporary Sediment Traps
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Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
11	Temporary Erosion Control Matting	115.00000	SY	\$53.66	

Comm Code	Manufacturer	Specification	Model #
77111603			

<b>Extended Description :</b>	Temporary Erosion Control Matting
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Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
12	Rock Check Dams	10.00000	EA	\$671.88	

Comm Code	Manufacturer	Specification	Model #
77111603			

<b>Extended Description :</b>	Rock Check Dams
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Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
13	Stabilized Construction Entrance	2.00000	EA	\$2,747.54	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : Stabilized Construction Entrance

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
14	Revegetation	6.80000	ACRE	\$2,312.50	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : (per plan view acre)

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
15	Type 1 Channel	1574.00000	LF	\$53.66	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : Type 1 Channel

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
16	Type 2 Channel	692.00000	LF	\$72.29	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : Type 2 Channel

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
17	RipRap Drive-Through	4.00000	EA	\$2,904.69	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : RipRap Drive-Through

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
18	RipRap Bank Protection	2525.00000	CY	\$58.09	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : RipRap Bank Protection

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
19	Permanent Stream Crossing	1.00000	LS	\$5,275.05	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : Permanent Stream Crossing

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
20	Unclassified Excavation	16913.00000	CY	\$3.34	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : Unclassified Excavation



Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
21	Muck	90.00000	CY	\$95.55	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : Muck

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
22	Rock Blanket	90.00000	CY	\$75.21	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : Rock Blanket

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
23	Bat Gate Mine Seal	1.00000	EA	\$7,756.75	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : Bat Gate Mine Seal

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
24	Wet Bat Gate Mine Seal	1.00000	EA	\$14,422.50	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : Wet Bat Gate Mine Seal

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
25	Underdrain	55.00000	LF	\$84.82	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : Underdrain

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
26	6" Diameter PVC Underdrain Conveyance Pipe	100.00000	LF	\$53.25	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : 6" Diameter PVC Underdrain Conveyance Pipe

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
27	Soil Cover	3.30000	ACRE	\$18,644.99	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : (per plan view acre)

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
28	Gabion Retaining Wall	40.00000	EA	\$965.38	

Comm Code	Manufacturer	Specification	Model #
77111603			

Extended Description : (3'x3'x6')

**CERTIFICATION AND SIGNATURE PAGE**

By signing below, or submitting documentation through wvOASIS, 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, offer or proposal for review and consideration; that I am authorized by the vendor to execute and submit this bid, offer, or proposal, or any documents related thereto on vendor's behalf; that I am authorized to bind the vendor in a contractual relationship; and that to the best of my knowledge, the vendor has properly registered with any State agency that may require registration.

Holy Smoke Coal, LLC  
(Company)

Diana Barnett MGR/MBR  
(Authorized Signature) (Representative Name, Title)

304-239-3710 304-239-3181 April 15, 2015  
(Phone Number) (Fax Number) (Date)

**ADDENDUM ACKNOWLEDGEMENT FORM**  
**SOLICITATION NO.: CRFQ DEP1500004**

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

Holy Smoke Coal, LLC  
Company  
*Diana Barrett*  
Authorized Signature  
April 15, 2015  
Date

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

AML CONTRACTOR INFORMATION FORM

You must complete this form for your AML contracting officer to request an eligibility evaluation from the Office of Surface Mining to determine if you are eligible to receive an AML contract. This requirement applies to contractors and their sub-contractors and is found under OSM's regulations at 30 CFR 874.16. When possible, please type your information onto this form to reduce errors on our end. NOTE: Signature and date this form is signed must be recent (within the last month) to be considered for a current bid

Part A: General Information

Business Name: Holy Smoke Coal, LLC Tax Payer ID No.: 27-1072522  
Address: PO Box 644  
City: Holden State: WV Zip Code: 25625 Phone: 304-239-3710  
Fax No.: 304-239-3181 E-mail address: diana.barnette@yahoo.com

Part B: Legal Structure

Corporation     Sole Proprietorship     Partnership     LLC  
 Other (please specify) \_\_\_\_\_

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

I, Diana Barnette, 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.

4-15-15                      Diana Barnette                      Mgr/owner  
Date    Signature    Title


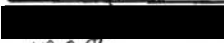
**IMPORTANT!** In order to certify in Part C to the accuracy of existing information in AVS, you must obtain a copy of your business' Entity OFT. To obtain an Entity OFT, contact the AVS Office, toll-free, at 800-643-9748 or from the AVS website at <https://avss.osmre.gov>.

**Part D.**

Contractor's Business Name: Holy Smoke Coal, LLC

If the current Entity OFT information for your business is incomplete or incorrect in AVS, or if there is no information in AVS for your business, you must provide all of the following information as it applies to your business. Please make as many copies of this page as you require.

- Every officer (President, Vice President, Secretary, Treasurer, etc.);
- All Directors;
- All persons performing a function similar to a Director;
- Every person or business that owns 10% or more of the voting stock in your business;
- Every partner, if your business is a partnership;
- Every member and manager, if your business is a limited liability company; and
- Any other person(s) who has the ability to determine the manner in which the AML reclamation project is being conducted.

Name	<u>Diana Barnette</u>	Position/Title	<u>MGR/MBR</u>
Address		Telephone #	
Begin Date:	<u>8-25-2010</u>	% of Ownership	<u>100%</u>
		Ending Date:	
Name		Position/Title	
Address		Telephone #	
Begin Date:		% of Ownership	
		Ending Date:	
Name		Position/Title	
Address		Telephone #	
Begin Date:		% of Ownership	
		Ending Date:	
Name		Position/Title	
Address		Telephone #	
Begin Date:		% of Ownership	
		Ending Date:	

**PAPERWORK REDUCTION STATEMENT**

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

Public reporting burden for this form is estimated to range from 15 minutes to 1 hour, with an average of 22 minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of this form to the Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, Room 202 SIB, Constitution Ave., NW, Washington, D.C. 20240.

**BID BOND**

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Holy Smoke Coal, LLC  
of Holden, WV, as Principal, and Philadelphia Indemnity Insurance Company  
of Bala Cynwyd, PA, a corporation organized and existing under the laws of the State of  
PA with its principal office in the City of Bala Cynwyd, 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  
Conley Branch (Whitt) Landslide, DEP17113

**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.

WITNESS, the following signatures and seals of Principal and Surety, executed and sealed by a proper officer of Principal and  
Surety, or by Principal individually if Principal is an individual, this 16th day of April, 2015.

Principal Seal

Holy Smoke Coal, LLC  
(Name of Principal)

By \_\_\_\_\_  
(Must be President, Vice President, or  
Duly Authorized Agent)

\_\_\_\_\_  
(Title)

Philadelphia Indemnity Insurance Company  
(Name of Surety)

By: Andrew K. Teeter  
Andrew K. Teeter, Licensed WV Resident Agent Attorney-in-Fact



**IMPORTANT – Surety executing bonds must be licensed in West Virginia to transact surety insurance, must affix its seal, and must attach a power of attorney with its seal affixed.**

**PHILADELPHIA INDEMNITY INSURANCE COMPANY**  
One Bala Plaza, Suite 100  
Bala Cynwyd, PA 19004  
**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint: **Douglas P. Taylor, Andrew K. Teeter, Kimberly L. Miles and Kimberly S. Burdette of USI Insurance Services, LLC.**

Its true and lawful Attorney(s) in fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed **\$25,000,000.00**

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY at a meeting duly called the 1<sup>st</sup> day of July, 2011.

**RESOLVED:** That the Board of Directors hereby authorizes the President or any Vice President of the Company to: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

**FURTHER RESOLVED:** That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with the respect to any bond or undertaking to which it is attached.

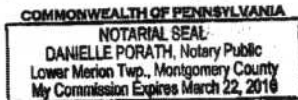
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 7<sup>TH</sup> DAY OF FEBRUARY 2013.



(Seal)

Robert D. O'Leary Jr., President & CEO  
Philadelphia Indemnity Insurance Company

On this 7<sup>th</sup> day of February 2013, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



Notary Public: \_\_\_\_\_

residing at: \_\_\_\_\_

Bala Cynwyd, PA

(Notary Seal)

My commission expires: \_\_\_\_\_

March 22, 2016

I, Craig P. Keller, Executive Vice President, Chief Financial Officer and Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 16th day of April, 20 15.



Craig P. Keller, Executive Vice President, Chief Financial Officer & Secretary  
**PHILADELPHIA INDEMNITY INSURANCE COMPANY**





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

**STATE OF WEST VIRGINIA,**

**COUNTY OF** Logan, **TO-WIT:**

I, Diana Barnette, after being first duly sworn, depose and state as follows:

1. I am an employee of Holy Smoke Coal, LLC; and,  
(Company Name)
2. I do hereby attest that Holy Smoke Coal, LLC  
(Company Name)

maintains a valid written drug free workplace policy and that such policy is in compliance with **West Virginia Code §21-1D**.

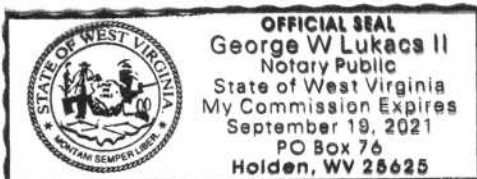
The above statements are sworn to under the penalty of perjury.

By: Diana Barnette  
 Title: MEMBER  
 Company Name: Holy Smoke Coal, LLC  
 Date: April 15, 2015

Taken, subscribed and sworn to before me this 15th day of April 15, 2015.

By Commission expires September 19, 2021

(Seal)



George W. Lukacs II  
 (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.**

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 exceed 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: Holy Smoke Coal, LLC  
Authorized Signature: Diana Barnett Date: April 15, 2015

State of West Virginia

County of Logan, to-wit:

Taken, subscribed, and sworn to before me this 15<sup>th</sup> day of April, 2015.

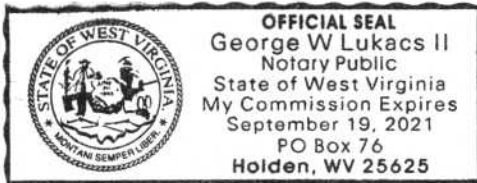
My Commission expires September 19, 2021, 20  .

**AFFIX SEAL HERE**

**NOTARY PUBLIC**

George W. Lukacs II

*Purchasing Affidavit (Revised 07/01/2012)*





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
2/12/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER <b>Bray &amp; Oakley Insurance Agency Inc</b> 213 Main Street PO Box 386 Logan WV 25601	CONTACT NAME: <b>Evelyn Baisden</b>	
	PHONE (A/C, No, Ext): (304) 752-6850 FAX (A/C, No): (304) 752-5380 E-MAIL ADDRESS: <b>eb@brayandoakley.com</b>	
INSURED <b>Holy Smoke Coal, LLC.</b> PO BOX 644 Holden WV 25625	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: <b>Great Midwest Insurance Co</b>	<b>18694</b>
	INSURER B: <b>BrickStreet Insurance</b>	<b>12372</b>
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	


COVERAGES CERTIFICATE NUMBER: **CL1521208066** REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		GL00020728-03	6/25/2014	6/25/2015	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000	
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						
	A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS		CA00020729-03	6/25/2014	6/25/2015	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Uninsured motorist property \$ 1,000,000
		<input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					
UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB		<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE		CX00050839-01	6/25/2014	6/25/2015	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y/N N/A	WCB101875	10/19/2014	1/30/2015	WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000	
	DED RETENTION \$						
	DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required) For informational use.						

## CERTIFICATE HOLDER

## CANCELLATION

Holy Smoke Coal	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE  Joanna Williams/ANNA 

# CONTRACTOR LICENSE

Authorized by the

**West Virginia Contractor Licensing Board**

**Number:** WV053019

**Classification:**

EXCAVATION

HOLY SMOKE COAL LLC  
DBA HOLY SMOKE COAL LLC  
PO BOX 644  
HOLDEN, WV 25625

**Date Issued**

DECEMBER 04, 2014

**Expiration Date**

DECEMBER 04, 2015

\_\_\_\_\_  
Authorized Company Signature

*Michael A. Carl*

\_\_\_\_\_  
Chair, West Virginia Contractor  
Licensing Board

**WEST VIRGINIA  
CONTRACTOR  
LICENSING  
BOARD**

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