

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: 18

Phone: 304-558-2316

Date: 7-22-2014

Re: DEP 16523 Solitaire Coal

CC: File

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

● **Comments:**

07/22/14 11:45:50AM
West Virginia Purchasing Division

Buyer: Frank Whittaker

RFQ. NO. DEP16523

Bid Opening Date: July 22, 2014

Bid Opening Time: 1:30 PM

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
DEP16523

PAGE
1

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

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ASPEN CORPORATION
2400 RITTER DRIVE
DANIELS, WV 25832

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

DATE PRINTED
06/03/2014

BID OPENING DATE: 07/22/2014 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 SOLITAIRE COAL CORP. NOW UNDER REVOKED PERMIT NUMBER S-87-85. THIS SITE IS LOCATED NEAR, DIANA, WV, WEBSTER COUNTY, AND CONSISTS OF APPROXIMATELY 35.0 ACRES. 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. ALL POTENTIAL BIDDERS ARE REQUESTED TO ARRIVE PRIOR TO THE STARTING TIME FOR THE PRE-BID. BIDDERS WHO ARRIVE LATE, BUT PRIOR TO THE DISMISSAL OF THE TECHNICAL PORTION OF THE PRE-BID WILL BE PERMITTED TO SIGN IN. BIDDERS WHO ARRIVE AFTER CONCLUSION OF THE TECHNICAL PORTION OF THE PRE-BID, BUT DURING ANY SUBSEQUENT PART OF THE PRE-BID WILL NOT BE PERMITTED TO SIGN THE ATTENDANCE SHEETS. DIRECTIONS TO PRE-BID: FROM DIANA LOCATED BETWEEN WEBSTER SPRINGS AND BUCKHANNON ON SR 20, TRAVEL SOUTH ON SR 20 FOR APPROXIMATELY 4.6 MILES. TURN LEFT ONTO						

07/22/14 11:45:46AM
 West Virginia Purchasing Division

SIGNATURE <i>Dannie Adkins</i>	TELEPHONE 304-763-4573	DATE 7-22-2014
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'



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

Solicitation

NUMBER
DEP16523

PAGE
2

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

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ASPEN CORPORATION
2400 RITTER DRIVE
DANIELS, WV 25832

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

DATE PRINTED
06/03/2014

BID OPENING DATE. 07/22/2014

BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
				CR 22 (GRASSY CREEK ROAD) AND TRAVEL 2.3 MILES. TURN LEFT ONTO CR 22/3 AND KEEP RIGHT TO SITE. CONTACT & PHONE #: STEPHEN NESTOR 304-926-0499, EXT. 1400 PLANS & SPECS ON CD MAY BE OBTAINED BY REQUEST FROM THE WV DEPT OF ENVIRONMENTAL PROTECTION, OFFICE OF SPECIAL RECLAMATION, WITH NO CHARGE TO THE CONTRACTOR FOR THE CD OR MAILING. CALL DEE LIEGEY @ 304-926-0499, EXT. 1458 TO REQUEST A COPY. *****THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL PRINTING COSTS *****		
***** THIS IS THE END OF RFQ DEP16523 ***** TOTAL:						

SIGNATURE		TELEPHONE	DATE
TITLE	FEIN	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.

2.1 DRUG-FREE WORKPLACE POLICY: Pursuant to W. Va. Code § 21-1D-4, Vendor and its subcontractors must implement and maintain a written drug-free workplace policy that complies with said article.

The awarding public authority may cancel this contract if: (1) Vendor fails to implement and maintain a written drug-free workplace policy described in the preceding paragraph, (2) Vendor fails to provide information regarding implementation of its drug-free workplace policy at the request of the public authority; or (3) Vendor provides to the public authority false information regarding the contractor's drug-free workplace policy.

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:

SOLITAIRE COAL CORPORATION
 PERMIT S-87-85
 BID SCHEDULE
 DEP 16523

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 (Shall not exceed %S of TOTAL BID)	1	LS	\$ 35,000.00	\$ 35,000.00
2.0	Site Preparation (Shall not exceed 5% of TOTAL BID)	1	LS	\$ 15,000.00	\$ 15,000.00
3.0	Construction Layout (Shall not exceed 5% of TOTAL BID)	1	LS	\$ 5,000.00	\$ 5,000.00
4.0	Stormwater Management	3,000	LF	\$ 4.00	\$ 12,000.00
5.0	Revegetation	12	AC	\$ 2,000.00	\$ 24,000.00
6.0	Incidental Stone (All Areas)	2,500	TN	\$ 40.00	\$ 100,000.00
7.0	Incidental Separation Fabric (All Areas)	500	SY	\$ 3.00	\$ 1,500.00
8.0	Utilities	No Bid Item			
BIG RUN TREATMENT SITE					
9.0	Regrade Area #1	1	LS	\$ 3,000.00	\$ 3,000.00
10.0	Regrade Areas #2 and #2A	1	LS	\$ 1,500.00	\$ 1,500.00
11.0	Valley Fill Bench Ditch #1	730	LF	\$ 45.00	\$ 32,850.00
12.0	Valley Fill Bench Ditch #2	600	LF	\$ 45.00	\$ 27,000.00
13.0	Valley Fill Bench Ditch #3	400	LF	\$ 43.00	\$ 17,200.00
14.0	Access Road C	2,300	Lf	\$ 21.00	\$ 48,300.00
15.0	Access Road D	450	LF	\$ 21.00	\$ 9,450.00
16.0	Access Road D Culvert	1	LF	\$ 1,500.00	\$ 1,500.00
17.0	Access Road E1	350	LF	\$ 22.00	\$ 7,700.00
18.0	Access Road E2	300	LF	\$ 22.00	\$ 6,600.00
19.0	Access Road F	900	LF	\$ 21.00	\$ 18,900.00
20.0	Diversion Channel #1	800	LF	\$ 64.00	\$ 51,200.00
21.0	Diversion Channel #2	800	LF	\$ 64.00	\$ 51,200.00
22.0	Diversion Channel #3	1,020	LF	\$ 44.00	\$ 44,880.00
23.0	Diversion Channel #4	1,280	LF	\$ 51.00	\$ 65,280.00
24.0	Velocity Check Basin #1	1	LS	\$ 8,500.00	\$ 8,500.00
25.0	Alkalinity Cell #1	1	LS	\$ 9,500.00	\$ 9,500.00
26.0	Alkalinity Cell #1 Limestone	2,500	TN	\$ 40.00	\$ 100,000.00
27.0	Alkalinity Cell #1 Siphon System	1	LS	\$ 25,000.00	\$ 25,000.00
28.0	Treatment Pond #1	1	LS	\$ 13,500.00	\$ 13,500.00
29.0	Treatment Pond #1 Baffle Curtains	2	EA	\$ 750.00	\$ 1,500.00
30.0	Treatment Channel #5	380	LF	\$ 95.00	\$ 36,100.00
31.0	Velocity Check Basin #2	1	LS	\$ 6,000.00	\$ 6,000.00
					\$ -
					\$ -
					\$ -
SUBTOTAL PAGE 1:				\$	779,160.00

BIDDER'S AUTHORIZED SIGNATURE: *Aspen Corporation*
Donnie Adkins, Pres

DATE: 7-22-2014

SOLITAIRE COAL CORPORATION
 PERMIT S-87-85
 BID SCHEDULE
 DEP 16523

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
32.0	Alkalinity Cell #2	1	LS	\$ 6,000.00	\$ 6,000.00
33.0	Alkalinity Cell #2 Limestone	500	TN	\$ 40.00	\$ 20,000.00
34.0	Alkalinity Cell #2 Siphon System	1	LS	\$ 24,000.00	\$ 24,000.00
35.0	Treatment Pond #2	1	EA	\$ 23,000.00	\$ 23,000.00
36.0	Treatment Pond #2 Baffle Curtains	2	EA	\$ 750.00	\$ 1,500.00
37.0	Pond #2 Spillway Energy Dissipators	1	LS	\$ 1,000.00	\$ 1,000.00
38.0	Stilling Basin	1	LS	\$ 12,000.00	\$ 12,000.00
39.0	Wetland Cells #1, #2, #3	3	EA	\$ 4,000.00	\$ 12,000.00
40.0	Wetland Diffuser Dikes	500	LF	\$ 86.00	\$ 43,000.00
41.0	Wetland Vegetation	1	LS	\$ 1,000.00	\$ 1,000.00
42.0	Existing Pond Dredging	1	LS	\$ 4,000.00	\$ 4,000.00
43.0	Existing Pond Spillway	115	LF	\$ 83.00	\$ 9,545.00
44.0	Eliminate Sediment Ditch	300	LF	\$ 4.00	\$ 1,200.00
45.0	Site Fencing	2,300	LF	\$ 7.00	\$ 16,100.00
46.0	Gates	4	EA	\$ 850.00	\$ 3,400.00
FISHER RUN TREATMENT SITE					
47.0	Access Road G	3,900	LF	\$ 21.00	\$ 81,900.00
48.0	Regrade Area #3	1	LS	\$ 2,000.00	\$ 2,000.00
49.0	Excavate Slide Area	1	LS	\$ 14,000.00	\$ 14,000.00
50.0	Construct Seep Area Rock Buttress 'A'	1,200	TN	\$ 40.00	\$ 48,000.00
51.0	Treatment Channels #6A & #6B	330	LF	\$ 20.00	\$ 6,600.00
52.0	Excavate Seep Area	1	LS	\$ 10,000.00	\$ 10,000.00
53.0	Construct Seep Area Rock Buttress 'B'	1,300	TN	\$ 40.00	\$ 52,000.00
54.0	Seep Collection Channel #7	160	LF	\$ 45.00	\$ 7,200.00
55.0	Alkalinity Cell #3	1	LS	\$ 12,000.00	\$ 12,000.00
56.0	Alkalinity Cell #3 HDPE Liner	1	LS	\$ 11,000.00	\$ 11,000.00
57.0	Alkalinity Cell #3 Limestone	300	TN	\$ 40.00	\$ 12,000.00
58.0	Treatment Pond #3	1	LS	\$ 41,000.00	\$ 41,000.00
59.0	Treatment Pond #3 HDPE Liner	1	LS	\$ 16,000.00	\$ 16,000.00
60.0	Treatment Pond #3 Baffle Curtains	2	EA	\$ 750.00	\$ 1,500.00
61.0	Treatment Pond #3 Discharge Spillway	60	LF	\$ 84.00	\$ 5,040.00
62.0	Site Fencing	550	LF	\$ 7.00	\$ 3,850.00
63.0	Gates	2	EA	\$ 850.00	\$ 1,700.00
					\$ -
					\$ -
					\$ -
SUBTOTAL PAGE 2:					\$ 503,535.00
TOTAL BID					\$ 1,282,695.00

Aspen Corporation
Donnie Adkin, P.E.

BIDDER'S AUTHORIZED SIGNATURE:

DATE:

7-22-14

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, Pres.
(Representative Name, Title)

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

7-22-14
(Date)

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.:

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

7-22-2014
Date

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

RFQ No. DEP16523

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: Donnie Adkins Date: 7-22-14

State of WV

County of Raleigh, to-wit:

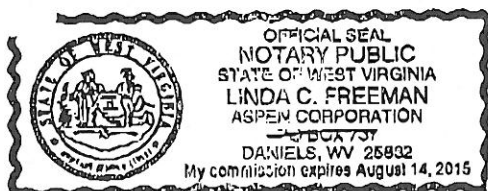
Taken, subscribed, and sworn to before me this 22 day of July, 2014.

My Commission expires 8-14, 2015.

AFFIX SEAL HERE

NOTARY PUBLIC Linda C. Freeman

Purchasing Affidavit (Revised 07/01/2012)



Agency Environmental Protection
REQ.P.O.# WV DEP 16523

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Aspen Corporation
of 2400 Ritter Drive, Danels, WV 25832, as Principal, and Lexon Insurance Company
of 10002 Shelbyville Road, Louisville, KY 40223, a corporation organized and existing under the laws of the State of Texas
Suite 100, with its principal office in the City of Louisville, KY, as Surety, are held and firmly bound unto the State
of West Virginia, as Oblgee, 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
Reclamation on the Mining Operation of Solitaire Coal Corp - WV DEP 16523
Located Near Diana, WV (Webster County) - Consists of Approximately 65.0 Acres

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 Oblgee 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
22nd day of July, 2014.

Principal Corporate Seal

Aspen Corporation
(Name of Principal)
By Donnie Adkins
(Must be President or Vice President)
President
(Title)

Surety Corporate Seal

Lexon Insurance Company
(Name of Surety)

Bonnie J. Wortham
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-215787

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, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Jackie C. Koestel, Lynnette Long, Amy Meredith, Deborah Neichter, Sheryon Quinn Dawson West, Bonnie J. Wortham 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, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-in-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-in-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

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. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to 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

David E. Campbell

David E. Campbell
President

ACKNOWLEDGEMENT

On this 21st day of September, 2009, before me, personally came David E. Campbell to me known, who be 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; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY L. TAYLOR
Notary Public- State of Tennessee
Davidson County
My Commission Expires 01-09-16

BY

Amy L. Taylor

Amy L. Taylor
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 forgoing 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 Seal at Mount Juliet, Tennessee this 22nd Day of July, 2014.



BY

Andrew Smith

Andrew Smith
Assistant Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance 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."

WV-73
Rev. 08/2013



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**.

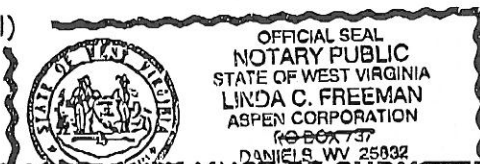
The above statements are sworn to under the penalty of perjury.

By: Donnie Adkins
 Title: Pres.
 Company Name: Aspen Corporation
 Date: 7-22-14

Taken, subscribed and sworn to before me this 22 day of July, 2014.

By Commission expires 8-14-2015

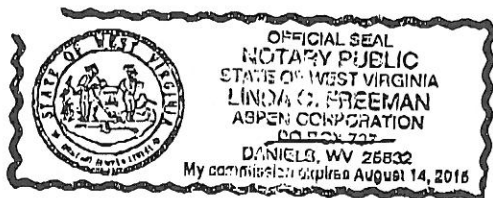
(Seal)



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.

Rev. August 2013





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

Solicitation

NUMBER
DEP16523

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

*709052150 304-763-4573

VENDOR

ASPEN CORPORATION
 2400 RITTER DR

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
07/11/2014

BID OPENING DATE: 07/22/2014

BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
				ADDENDUM NO. 1		
				ADDENDUM ISSUED:		
				1. TO PROVIDE RESPONSES, CLARIFICATIONS & CORRECTIONS TO VENDORS' QUESTIONS REGARDING THE ABOVE SOLICITATION.		
				2. TO PROVIDE VENDORS A COPY OF THE MANDATORY PRE-BID MEETING SIGN-IN SHEETS.		
				3. TO PROVIDE ADDENDUM ACKNOWLEDGMENT. 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		
0001	1	JB		962-73		
				RECLAMATION: RESTORATION OF WATER		

SIGNATURE <i>Donnie Adkins</i>	TELEPHONE 304-763-4573	DATE 7-22-2014
TITLE <i>Pres</i>	FEIN 55-062-7766-001	ADDRESS CHANGES TO BE NOTED ABOVE

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

SOLICITATION NUMBER: DEP16523

Addendum Number: 1

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 responses, clarifications and corrections to Vendors' questions.
2. To provide Vendors a copy of the mandatory pre-bid meeting sign-in sheets.
3. To provide Addendum Acknowledgment.

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

**Addendum #1 - Questions During Pre-Bid Conference
For DEP16523
Solitaire Coal Corporation
Permit S-87-85**

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The following questions were identified at the Pre-Bid Conference (PBC) conducted on-site on June 27, 2014. 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: Top of Valley Fill

Q1: Can you use the SmartDitch on all of the ditches?

A1: The main diversion channels (1, 2, 3 & 4) are diverting surface water and are eligible for the SmartDitch technology. The ditches across the fill terraces feed water to the fill underdrain and must be constructed with limestone rip-rap (un-grouted) as specified, as does also seep collection channel #7.

LOCATION: Access Road C, beside existing Sediment Ditch

Q2: Where will you get the material to backfill the wall?

A2: The sediment ditch was constructed by forming it out of the hillside. The berm will simply be regraded back to sheet flow. Any excess material, plus material cut from the high point on access road 'C' will be utilized for cover material for Regrade Areas 2 and 2A. Dried cleanings from the existing Sediment Pond Excavation Area may also be used as cover and backfill for the sediment ditch and regrade areas.

LOCATION: Proposed Access Road E1

Q3: Is Flex-a-Mat acceptable for use as a liner on the channels?

A3: The Flex-a-Mat is designed with openings allowing both water seepage and vegetation growth, so it is not allowed as an option on the main diversion channels.

Q4: With the Flex-a-Mat we could also add a membrane (liner) already attached to it if you don't want water filtration?

A4: A liner beneath the Flex-a-Mat would not solve all concerns, and the expense is questionable.

Q5: Will Diversion Channel #1 be a Smart-Ditch?

A5: The main diversion channels 1, 2, 3 and 4 can be either Smart-Ditch (with edge protection) or Grouted Rip-Rap. The channel protection chosen must be used for the full distance down the valley (Channels 1 and 2 together, and Channels 3 and 4 together).

Q6: Can the trees be windrowed along the outside of the road?

A6: See specification Item 2.0.B.4 for description of clearing and grubbing requirements, specifically paragraph 4.iv. Per landowner request, all timber eight (8) inches or larger shall be stockpiled at a designated location on top of the valley fill. Also, per paragraph 4.vii, all other vegetation shall be burned in designated areas. These areas will be as close to the clearing site as possible where the burning may be conducted in a safe and controlled manner and per the contractor's burning permit.

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For DEP16523
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Q7: Do we have an elevation set that we start off of?

A7: Elevation benchmarks will be provided prior to construction.

Q8: Where are the clearing limits on the site? Will they be flagged?

A8: The clearing limits are essentially the construction limits. Basically, all clearing will be performed between the bypass channels 1, 2, 3 and 4. In addition, questionable (unstable) trees along the ditches and ponds should also be removed. There are also some areas within the general construction area which will not need to be cleared (e.g. between Road C and Big Run and between Road E2 and Channel 1).

Q9: Are we required to save any trees over 8" as per AML specifications? Where will they need to be relocated to?

A9: Yes, to the top of the valley fill. See the response to Question #6, above.

Q10: Are we required to remove trees blocking the ditches or ponds?

A10: All trees that are within thirty feet (30') horizontally of the alkalinity cell, pond and wetland cell construction limits or within ten feet (10') horizontally from the construction limit of all channels, ditches and roads will be removed.

Q11: Can the material on the hillside parallel to the proposed road (E1) be used to build the dams?

A11: Due to instability concerns, no further cutting of the hillside above the road or bypass channels is permitted. There will be some material generated from excavation within the pond area. Also, material from all road and ditch construction may be used to build the dams. All soil materials utilized must meet the criteria listed in the material specification for the ponds and alkalinity cells.

LOCATION: *Access Road D, at proposed gate*

Q12: Can you windrow below the ditches?

A12: No. See the response to Question #6, above.

LOCATION: *Fisher Run Treatment Site*

Q13: Is the slide material slate or dirt? Can it be used for the Pond #3 embankment?

A13: Most is expected to not be good material for building the pond embankment, due to either too rocky or potential AMD producing. The majority of material is expected to be from Borrow Area #2.

Q14: Must sandstone be used at the Buttress 'A' area?

A14: Yes. Non-calcareous sandstone must be used (no limestone). Maintaining the low pH level accommodates the acidithiobacillus bacteria essential at this point in the treatment process.

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Q15: You say excavate down to the bedrock. Did you all drill that area? If it's not rock you don't go to rock? Do you just go to your grades?

A15: The site is already on bedrock due to having been mined. No drilling has been done. The entire alkalinity cell will be excavated into rock, as shown on Sheet 09 and as can be seen on-site where a small sump area has already been constructed.

Q16: What is the acreage measurement on the slide area? Must the entire area be reworked?

A16: Even though the slide extends higher into the backfill, the area is only to be stabilized, not totally regraded. The only area to be revegetated will be that area disturbed for the purpose of constructing the supporting buttress. Due to the potential acid-producing nature of the slide material, all non-soil excavated material shall be disposed at Borrow Area #2, as shown on Sheet 13.

Q17: Do you have any benchmarks for this site?

A17: Elevation benchmarks will be provided prior to construction.

CLARIFICATIONS:

1. Alternative materials are approved for the following items:
Sections 27.0 and 34.0 (Alkalinity Cells #1 and #2 – Siphon Systems) now include addition of alternative HDPE siphon vault. This is a system that utilizes a vault constructed of High Density Polyethylene (HDPE). This type system is acceptable as an approved equal for the currently specified concrete vault construction. Drawings for this system from HD Supply, or other approved manufacturer, must be submitted to the Engineer for approval prior to ordering. All other system design criteria, including siphon, piping, volume, elevations, etc. are unchanged.
2. The cost of temporarily bypassing stream water around Ponds 1 and 2, Alkalinity cells 1 and 2, Treatment Channel 5 and wetland cell construction areas in Big Run shall be incidental to construction. No separate pay item is provided for this work. Bypass shall remain until the respective structure is deemed ready to impound. Upon structure completion the water bypass will be removed and all associated disturbance reclaimed.

CORRECTION:

In the Technical Specifications, Item #48.0 'Gates' should be labeled as Item #46.0.