

State of West Virginia
Department of Administration
Purchasing Division
2019 Washington Street East
Post Office Pay 50100 Post Office Box 50130 Charleston, WV 25305-0130

CHUCK BOWMAN 304-558-2157

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

304-926-0499

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> EAGLE EXCAVATION, INC. P.O. BOX 218 **KENNA, WV 25248**

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TITLE

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

#### Request for Quotation

DEP13910

ADDRESS:CORRESPONDENCE TO ATTENTION OF

CHUCK BOWMAN ---304-558-2157

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SHIP VIA F.O.B. FREIGHTTERMS DATE PRINTED TERMS OF SALE 04/11/2007 BID OPENING DATE: 05/10/2007 BID OPENING TIME 01:30PM AMOUNT UNIT PRICE LINE QUANTITY LIOP ITEM NUMBER OF COMMERCIAL GENERAL LIABILITY INSURANCE PRIOR TO ISSUANCE OF CONTRACT. UNLESS OTHERWISE SPECIFIED IN THE BID DOCUMENTS, THE MINIMUM AMOUNT OF INSURANCE COVERAGE REQUIRED IS \$250,000. ) BUILDERS RISK INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF BUILDERS RISK - ALL RISK INSURANCE IN AN AMOUNT EQUAL TO 100% OF THE AMOUNT OF THE CONTRACT. FIVE PERCENT (5%) OF THE TOTAL AMOUNT OF (XX) BONDS: THE BID PAYABLE TO THE STATE OF WEST VIRGINIA, SHALL BE SUBMITTED WITH EACH BID AS A BID BOND. THE SUCCESSFUL BIDDER SHALL ALSO FURNISH A PERFORMANCE BOND AND LABOR/ MATERIAL BOND FOR 100% OF THE AMOUNT OF THE CONTRACT. BONDS MAY BE PROVIDED IN THE FORM OF A CERTIFIED CHECK, IRREVOCABLE LETTER OF CREDIT, OR BOND FURNISHED BY A SOLVENT SURETY COMPANY AUTHORIZED TO DO BUSINESS IN TH STATE OF WEST VIRGINIA. A LETTER OF CREDIT SUBMITTED IN LIEU OF A PERFORMANCE AND LABOR & MATERIAL BOND WILL ONLY BE ALLOWED FOR PROJECTS UNDER \$100,000. OR BUSINESS CHECKS ARE NOT ACCEPTABLE IN LIEU OF THE 5% BID BOND, PERFORMANCE BOND, OR LABOR/MATERIAL BOND. ) MAINTENANCE BOND: A TWO (2) YEAR MAINTENANCE BOND COVERING THE ROOFING SYSTEM WILL BE A REQUIREMENT OF THE SUCCESSFUL VENDOR. EXHIBIT 12 AML CONTRACTOR INFORMATION FORM OMB #1029-0119 (EXPIRATION DATE: 01/31/2010) IS ATTACHED. COMPLETE THIS ORIGINAL FORM TO OBTAIN AN AVS DATA EVALUATION TO DETERMINE YOUR ELIGIBILITY AS AN AML THIS IS A REQUIREMENT UNDER 30 CFR 874.16. IF THE ORIGINAL OMB #1029-0119 IS NOT ATTACHED TO THE SEE REVERSE SIDE FOR TERMS AND CONDITIONS SIGNATURE TITLE

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OFFICE OF AML&R
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CHARLESTON, WV
25304 304-926-0499

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EAGLE EXCAVATION, INC. P.O. BOX 218 KENNA, WV 25248

DATE PRINTED TERMS OF SALE SHIP VIA FØB. 04/11/2007 **BID OPENING DATE:** 05/10/2007 BID OPENING TIME 01:30PM ITEM NUMBER UNIT PRICE LINE QUANTITY: LIOP **AMOUNT** ANY INFORMATION PROVIDED IN SPECIFICATION MANUALS, OR ANY OTHER SOURCE, VERBAL OR WRITTEN, WHICH CONTRADICTS DR ALTERS THE INFORMATION PROVIDED FROM THE SOURCES AS DESCRIBED IN THE ABOVE PARAGRAPH IS VOID AND OF NO EFFECT. (1) NOTICE TO PROCEED: THE CONSTRUCTION WORK SPECIFIED HEREIN IS TO BE COMPLETED WITHIN 365 CALENDAR DAYS AFTER THE OFFICIAL NOTICE TO PROCEED IS RECEIVED. IN THE EVENT THAT A PRE-CONSTRUCTION CONFERENCE IS REQUIRED, THE NOTICE TO THE SPECIFIC DATE ESTABLISHED IN THE PROCEED SHALL BE PRE-CONSTRUCTION CONFERENCE. (2) GUARANTEE AND MAINTENANCE: (A) THE MATERIALS AND WORKMANSHIP AFFECTED BY THE CONTRACTOR ARE SUBJECT TO THE GUARANTEE ESTABLISHE BY CUSTOM OF THE RESPECTIVE TRADES. IN THE ABSENCE OF A TRADE GUARANTEE CUSTOM OR A SPECIAL GUARANTEE PROVISION, THE WORK, BOTH AS TO THE MATERIALS AND WORKMANSHIP, SHALL UPON ACCEPTANCE OF FINAL PAYMENT BY THE CONTRACTOR BE CONSIDERED GUARANTEED BY THE CONTRACTOR FOR ONE YEAR FROM THE DATE OF THE ACCEPTANC NEITHER THE FINAL ACCEPTANCE NOR THE FINAL PAYMENT SHALL RELIEVE THE CONTRACTOR OF RESPONSIBILITY FOR NEGLIGENCE OR FAULTY MATERIALS, AND FOR DEFECTS APPEARING WITHIN THE GUARANTEE PERIOD SHALL BE REMEDIED AT THE EXPENSE OF THE CONTRACTOR UPON WRITTEN NOTICE. DURING THE ONE-YEAR GUARANTEE PERIOD, THE (B) CONTRACTOR WILL MAINTAN THE PROJECT TO THE CONDITIONS EXISTING AT THE DATE OF THE ACCEPTANCE OF THE WORK. ANY FAILURES DUE TO THE NEGLIGENCE OR WORKMANSHIP OF CONTRACTOR IN ANY OF THE WORK THAT DEVELOPS DURING THE GUARANTEE PERIOD SHALL BE CORRECTED BY THE CONTRACTOR SEE REVERSE SIDE FOR TERMS AND CONDITIONS SIGNATURE DATE

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



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> EAGLE EXCAVATION, INC P.O. BOX 218 **KENNA, WV 25248**

TERMS OF SALE SHIP VIA F.O.B. FREIGHTTERMS DATE PRINTED 04/11/2007 BID OPENING DATE: 05/10/2007 BID OPENING TIME 01:30PM QUANTITY ITEM NUMBER UNIT PRICE AMOUNT UOP LINE THE CONTRACTOR SHALL FURNISH TO DEP AN APPLICATION FOR PAYMENT WITH AN ITEMIZED SCHEDULE OF VALUES AS HEREIN BEFORE REQUESTED. THE FORM INCLUDED IN THE SPECIFICATIONS SHALL BE USED FOR APPLICATIONS IT IS THE DEP'S INTENT THAT THE PAYMENT TO OF PAYMENT. THE CONTRACTOR BE MADE WITHIN 60 DAYS AFTER RECEIPT OF APPLICATION FOR PAYMENT. APPLICATION FOR PARTIAL PAYMENT: (7) THE CONTRACTOR MAY, ON A PERIODIC BASIS, SUBMIT FOR PARTIAL PAYMENT BASED ON THE AMOUNT OF WORK COMPLETED AT THE TIME OF THE SUBMITTAL. THE AMOUNT OF PAYMENT WILL BE DETERMINED FROM THE ACTUAL QUANTITY OF WORK COMPLETED IF BASED UPON UNIT MEASURES OR THE PERCENT COMPLETED IF BASED UPON A LUMP SUM. BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTICY PRIDTECTION, THIS CONTRAICT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER. REV. 9/98 PREFERENCE FOR USE OF DOMESTIC STEEL PRODUCTS EXCEPT WHEN AUTHORIZED BY THE DIRECTOR OF THE PURCHASING DIVISION PURSUANT TO SUBSECTION 2 BELOW, NO CONTRACTOR MAY USE OR SUPPLY STEEL PRODUCTS FOR A STATE CONTRACT PROJECT OTHER THAN THOSE STEEL PRODUCTS MADE IN THE UNITED STATES. AS USED USED I THIS CONTRACT, "STATE CONTRACT PROJECT" MEANS ANY ERECTION OR Α. CONSTRUCTION OF, OR ANY ADDITION TO, ALTERATION OF OR OTHER IMPROVEMENT TO ANY BUILDING OR STRUCTURE, INCLUDING, BUT NOT LIMITED TO, ROAD SEE REVERSE SIDE FOR TERMS AND CONDITIONS: SIGNATURE



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TITLE

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CHUCK BOWMAN			
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ADDRESS CHANGES TO BE NOTED ABOVE



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Charleston WW 25005 0400 Charleston, WV 25305-0130

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ADDRESS CHANGES TO BE NOTED ABOVE

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

RFQ COPY TYPE NAME/ADDRESS HERE

> EAGLE EXCAVATION, INC. P.O. BOX 218 KENNA, WV 25248

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55-0762758



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

## Request for

DEP13910

ADDRESS:CORRESPONDENCE TO ATTENTION:OF

ADDRESS CHANGES TO BE NOTED ABOVE

CHUCK BOWMAN 304-558-2157

RFQ COPY TYPE NAME/ADDRESS HERE EAGLE EXCAVATION, INC. P.O. BOX 218

**KENNA, WV 25248** 

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

DATE PRINTED TERMS OF SALE SHIP VIA F.O.B. 04/11/2007 BID OPENING DATE: 05/10/2007 BID OPENING TIME 01:30PM LINE QUANTITY UOP ITEM NUMBER UNIT PRICE AMOUNT I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS. COMPANY 5.+.10.-0.7 DATE REV. 11/96 NOTICE A SIGNED BID MUST BE SUBMITTED TO: DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130 THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED: SEALED BID BUYER: CB-23 SEE REVERSE SIDE FOR TERMS AND CONDITIONS SIGNATURE TELEPHONE



RFQ COPY

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

## Request for Quotation

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CHUCK BOWMAN 304-558-2157				-		٠.	<b>-</b>		
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**ENVIRONMENTAL PROTECTION** DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV 25304

EAGLE EXCAVATION, INC. P.O. BOX 218 KENNA, WV 25248

TYPE NAME/ADDRESS HERE

304-926-0499

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### OVERFIELD REFUSE AND MINING EQUIPMENT

Requisition #

**DEP**<sub>13910</sub>

114

Contractor's Bid Sheet

EAGLE EXCAVATION INC.

Address:

Company Name:

KENNA, WV 25248

		7707077		
ITEM				
NO.	QUANTITY	\ DESCRIPTION /	UNIT PRICE	AMOUNT
1.0	Lump Sum	Mobilization and Demobilization (Limited to 10% of Total Bid)	LS	\$
2.0	Lump Sum	Construction Layout Stakes (Limited to 5% of Total Bid)		\$
3.0	Lump Sum	Quality Control (Limited to 3% of Total Bid)		\$
4.1	Lump Sum	Site Preparation (Limited to 10% of Total Bid)		\$
4.2		Crusher Run Stone (Road Rehabilitation)		\$ .
5.0		Sediment Control		\$
6.0	17 AC	Revegetation		\$
7.1	2440 LF	6' Grouted Riprap Channel		\$
7.2		6' Grass Lined Channel		\$
7.3		10' Grass Lined Swale		\$
7.4		12" HDPE Culvert		\$
7.5	Lump Sum	Low Water Crossing	LS	\$
8.1		Unclassified Excavation		\$
8.2		Soil Cover		\$
11.1		3' X 3' Underdrain		\$
11.2		Low Water Crossing		\$
11.3	8 EA	Stone Check Dams		\$
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		TOTAL		\$
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OMB #1029-0119 Expiration Date: 01/31/2010

#### AML CONTRACTOR INFORMATION FORM

You must complete this form for your AML contracting officer to request an AML eligibility evaluation from the Office of Surface Mining to determine if you are eligible to receive an AML contract. This eligibility requirement applies to contractors and their sub-contractors and is found under OSM's regulations at 30 CFR 874.16.

Contractor Name: <u>Facte Excavation Inc.</u> Tax Payer ID No.: <u>55-0762758</u> Address: <u>P.D., Box</u> 218  City: <u>Kenna</u> State: <u>M</u> Zip Code: <u>25248</u> Phone: <u>372-4378</u> Fax No.: <u>Boy 372-4378</u> E-mail address: <u>NONE</u>
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, MEIKE D. FRESHOUR, have the express authority to certify that:
Information on the attached Entity OFT from AVS is accurate, complete, and upto-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.
Part of the information on the <b>attached</b> Entity OFT from AVS is missing or incorrect and the information in AVS for my company must be updated. If you select this option, you <b>must</b> attach an Entity OFT from AVS to this form. Use Part D to provide missing or corrected information. Sign and date below and complete Part D.
Our company currently has no information in AVS. If you select this option, you must provide all information required in Part D. Sign and date below and complete Part D.
5-10-07 Marke D Freshow RESIDENT Date Signature Title

#### **IMPORTANT!**

Part A: General Information

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 request it from <a href="https://www.avs.osmre.gov">www.avs.osmre.gov</a> on the Internet.

-			-	
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Contractor Name:	

If the current entity and 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 affiliations. 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	Position/Title
Address	Telephone #
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Begin Date:	77 1' TO (
Name	Position/Title
Address	Telephone #
	% of Ownership
Begin Date:	
Name	Position/Title
Address	Tolombons #
	% of Ownership
Begin Date:	
Name	Position/Title
Address	Telephone #
	% of Ownership
Begin Date:	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 average 45 minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. 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 210 SIB, Constitution Ave., NW, Washington, D.C. 20240.

			REQ.P.O#
	•	BID BOND	
KNOW ALL MEN BY	THESE PRESENTS, That		17
of	1	as Pi	incinal and
VI	**	. a comoration organized	land existing under the total and
	ipal office in the city of	ac Ci	irely are hold and fine in the second
of West Virginia, as Obligee, in	the penal sum of	/£	mery, are nero and firmly bound unto the Sta
well and truly to be made, we jo	ointly and severally bind our	selves, our heirs, administrato	rs, executors, successors and assigns.
The Condition of the at	bove obligation is such that	whereas the Principal has sub	omitted to the David
Department of Administration a	certain bid or proposal, atta	ched herelo and made a part	hereof, to enter into a contract in writing for
NOW THEREFORE.			
rgreement created by the accepta orce and effect. It is expressly un xceed the penal amount of this of The Surety, for the value ay impaired or affected by any ex aive notice of any such extension	ance of said bid, then this ob iderstood and agreed that the bligation as herein stated. received, hereby stipulates stension of the time within w	oligation shall be null and void he liability of the Surety for any and agrees that the obligation hich the Obligee may accept s	cordance with the bid or proposal attached a shall in all other respects perform the otherwise this obligation shall remain in full and all claims hereunder shall, in no event, as of said Surety and its bond shall be in no such bid, and said Surety does hereby
ve caused their cornorate seals to	o he officed beginned and	nereunto set their hands and s	eals, and such of them as are corporations
ye caused their corporate seals to	, 20	nese presents to be signed by	their proper officers, this
pcipal Corporate Seal			
		***************************************	. (Name of Principal)
			. (Name of Finicipal)
	•	Ву	(Must be President or
		· ·	Vice President)
ly Corporate Seal	٠		(Title)
		-	(Name of Surety)
		,	
			•
			Attorney-in-Fact

RTANT — Surety executing bonds must be licensed in West Virginia to transact surety insurance. Corporate seals must be affixed, er of attorney must be attached

			RFQ/RFP# (B)
(A)	WV State Agency	WALCON AND A STREET	Rid Rand
· (\Delta)	(Stated on Page 1 "Spending Unit")	KNOW ALL MEN BY T	HESE PRESENTS, That we, the undersigned,
	Request for Quotation Number (upper	OI	(E)
	right comer of page #1)	• • • • • • • • • • • • • • • • • • • •	of(G),
(C)	Your Company Name	of the State of (I)	oration organized and existing under the laws
(D)	City, Location of your Company		with its principal office in the City of
(E)	State, Location of your Company	of West Virginia, as Obligee, in the	ty, are held and firmly bound unto The State
(F)	Surety Corporate Name	(\$ (L) ) for the	payment of which, well and truly to be made,
(G)	City, Location of Surety	we jointly and severally bind oursel	ves, our heirs, administrators, executors,
(H)	State, Location of Surety	successors and assigns.	, mons, bummanators, executors,
(I)	State of Surety Incorporation	The Condition of the above	obligation is such that whereas the Principal
(J)	City of Surety Incorporation	has submitted to the Purchasing Sect	ion of the Department of Administration
(K)	Minimum amount of acceptable bid	a certain bid or proposal, attached he	reto and made a part hereof to enter into a
	bond is 5% of total bid. You may state "5% of bid" or a specific amount on	contract in writing for	
	this line in words.	(	M)
(L)	Amount of bond in figures		
(M)	Brief Description of scope of work	NOW THEREFORE.	
(N)	Day of the month	(a) If said bid shall be rejec	ted or
(O)	Month	(b) If said bid shall be accer	pted and the Principal shall enter into a
(P)	Year	contract in accordance with the bid or	Droposal attached hereto and chall furnish
(Q)	Name of Corporation	any other bonds and insurance require	d by the hid or proposal and chall in all
(R)	Raised Corporate Seal of Principal	outer respects perform the agreement	created by the acceptance of said hid then
(S)	Signature of President or Vice . President	tills obligation shall be null and void.	Otherwise this obligation shall remain in 6.11
(T)	Title of person signing	force and effect. It is expressly under:	stood and agreed that the liability of the
(U)	Raised Corporate Seal of Surety	Surery for any and all claims hereunde	T shall, in no event, exceed the penal
(V)	Corporate Name of Surety	amount of this obligation as herein star	(ed
` '	or barely	obligations of said Surety and its band	d, hereby stipulates and agrees that the
(X)	Signature of Attorney in Fact of the	any extension of time within which the	shall be in no way impaired or affected by Obligee may accept such bid: and said
	Surety	Surety does hereby waive notice of any	V such extension
NOTE:	Dated, Power of Attorney with Raised	IN WITNESS WHEREOF, Pr	incipal and Surety have hereunto set their
	Surety Seal must accompany this bid	manus and sears, and such of them as ar	e comorations have caused their company
ŀ	bond.	seals to be attixed hereto and these pres	sents to be signed by their proper officers,
		this (N) day of (O)	, 20(P)
		D: 1 10	•
	٠	Principal Corporate Seal	(Q)
	•	(D)	(Name of Principal)
		. (R)	By(S)
	•		(Must be President or
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	Sı	urety Corporate Seal	(V)
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			(X)
	•		Attorney-in-Fact

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

REV 2/1/9i-

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## AFFIDAVIT

#### West Virginia Code §5A-3-10a states:

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 the debt owned is an amount greater than one thousand dollars in the aggregate

#### **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.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions. "Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities. "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.

#### **EXCEPTION:**

The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this 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.

#### LICENSING:

Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, or any other state agencies or political subdivision. Furthermore, the vendor must provide all necessary releases to obtain information to enable the Director or spending unit to verify that the vendor is licensed and in good standing with the above entities.

#### **CONFIDENTIALITY:**

The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures and rules. Vendors should visit www.state.wv.us/admin/purchase/privacy for the Notice of Agency Confidentiality Policies.

Under penalty of law for false swearing (West Virginia Code, §61-5-3), it is hereby certified that the vendor acknowledges the information in this said affidavit and are in compliance with the requirements as stated.

Vendor's Name:	EAGLE,	EXCAVATION INC		
	7 7			
Authorized Signature:	Meike	2 Freshow	Date:	5-10-07



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

## Request for Quotation

DEP13910

PAGE::

\*\*\*\*ADDRESS:CORRESPONDENCE TO ATTENTION OF:

CHUCK BOWMAN 304-558-2157

NOOZE >

\*604150016 304-372-4378 EAGLE EXCAVATING INC PO BOX 218

KENNA WV 25248

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

DATE PRINTED TERMS OF SALE SHIP VIA F.O.B. FREIGHTTERMS 05/02/2007 05/17/2007 BID OPENING DATE: OPENING TIME <del>01:30PM</del> LINE QUANTITY UOP ITEM NUMBER UNIT PRICE AMOUNT \*\*\*\*\*\*\* ADDENDUM NO. 1 \*\*\*\* ADDENDUM ISSUED AS A RESULT OF PRE-BID ON 04/25/07 FOR THE OVERFIELD REPUSE & MINING EQUIPMENT PROJECT IN PHILIPPI, (BARBOUR CO.), WV. ADDENDUM INCLUDES INSTRUCTIONS FOR BIDDING REGARDING THE LOW WATER CROSSING, A REVISED BID SCHEDULE, AND THE PRE-BID SIGN-IN SHEET. BID DATE AND OPENING HAVE BEEN EXTENDED TO 05/17/2007, AT 1:30 PM. \*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\* NO OTHER CHANGES | \*\*\*\*\*\*\*\*\*\*\*\*\*\* 0001 JB 962 - 73RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES SEE REVERSE SIDE FOR TERMS AND CONDITIONS SIGNATURE TELEPHONE ADDRESS CHANGES TO BE NOTED ABOVE 5*5-076275*8

# OVERFIELD REFUSE & MINING EQUIPMENT ADDENDUM #1 – 4/26/07 DEP13910

This project shall be bid in accordance with the attached revised Bid Schedule dated 4/26/07. The revisions are as follows:

Item 4.3 "Debris Removal", per Lump Sum has been included on the Bid Schedule to correspond with the Pay Items in Section 4 of the Specifications.

Item 7.1 "6' Grass Lined Channel", per LF and 7.2 "6'Grouted Riprap Channel", per LF have been reversed in order to correspond with the Pay Items in Section 7 of the Specifications.

Item 11.2 "Conveyance Pipe", per LF has replaced the former Item 11.2 to correspond with the Pay Items in Section 11 of the Specifications.

Item 11.3 has been removed from the Bid Schedule to correspond with the Method of Measurement for "Stone Check Dams" in accordance with Section 7.4.2 of the Specifications.

The Contractor shall contact Frank Jernejcic at (304) 825-8797 for any special provisions pertaining to the design and installation of the "Low Water Crossing". Such provisions may include but are not limited to requirements for flow capacity of pipes and restrictions on the time period for disturbance of the stream due to spawning season.

### OVERFIELD REFUSE AND MINING EQUIPMENT

Requisition #

**DEP13910** 

BID SHEET REVISED PER ADDENDUM #1 DATED 05/02/07

003

Company Name: FAGLE EXCAUNTION TAK Address: P.O. BOX 218 KENNA, W.V. 25248

			<b>,</b>	
ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.0	Lump Sum	Mobilization and Demobilization (Limited to 10% of Total Bid)	LS	\$ 10,00000
2.0		Construction Layout Stakes (Limited to 5% of Total Bid)	LS	\$ 22.500 =
3.0		Quality Control (Limited to 3% of Total Bid)	, LS	\$ 13,500 €
4.1	Lump Sum	Site Preparation (Limited to 10% of Total Bid)	LS	\$ 45 pop 09
4.2		Crusher Run Stone (Road Rehabilitation)	25°°	\$ 14.000 °°
4.3		Debris Removal	LS	\$106.809 =
5.0		Sediment Control	<b>ス型</b>	\$ 29,200 =
6.0		Revegetation	1,0000	\$ 17,00000
7.1		6' Grass Lined Channel	′5≌	\$ 8,300 00
7.2		6' Grouted Riprap Channel	38 🕮	\$ 92,720 22
7.3		10' Grass Lined Swale	10.00	19 .5. UAA 1
7.4		12" HDPE Culvert	Z6.ºº	\$ 6,0000
7.5	Lump Sum	Low Water Crossing	LS	\$ 15000 ==
8.1		Unclassified Excavation	100	\$ 53,500 =
8.2		Soil Cover		\$ 76,000 °°
11.1		3' X 3' Underdrain	22.55	14 7.700
11.2	50 LF	Conveyance Pipe	82	\$ 400 50
				\$
				\$
				\$
				\$
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				\$ \$
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	***************************************			\$
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				\$
				\$
				\$
				\$
		TOTAL		\$ <b>46</b> 9,929 ≌

Ø

RFQ # : 13910 Bid Date: 5/10/07 Project: Overfield R fuse + Mining Egip. Pre-Bid Date: 4/25/07 Name : Junior Stanle. : DAUID H. ROWMAN Name Company: Stanley Industries, Inc Company: GREEN MOUNTAIN CO Address: 7 Magle Lake Address: 5/1 50th STREET Bridgeport wi Charleston WU Phone #: 304 925 0253 304 842 8560 Phone#: Fax # 9230 Fax # : 304 842 8609 Email Jody Maye Aol Com Email Name Name : Jim KEELEY Company: GROUND BREAKERS Company: TEAS-TERN ARROW Address: P.O. Box 365 Address: Po Rox 1227 CLARKSBORG, W.VA. CHARLTON HTS WIV 25040 Phone #: 304 6 222400 Phone#: 364. 332. 5577 Fax # Fax # : 304.332-5525 : 309-622-2410 Email Email Name : Kevin Bradford : Steuc Jurasko <sup>↓</sup>Name Company: Dolino Contracting Inc. Company: Pineville Paving + Excerting Inc. Address: Po Box 230 Address: P.O. Box 1296 ELKINS WV Pineville WV 24874 Phone #: <u>636-3886</u> Phone#: 304-732-8303 Fax # : 259-5861 Fax # : 304-732-7855 : 5 Juras KO@ Polino, Com Email Email : OFORGE FRESHOUR Name Name Company: BANNES EXC. Inc. Company: EAGLE EXCAVATION TWO. Address: P.O. Box 13384 Address: DO. KENNA WV 25248 Phone #: 304 - 984 - 1725 Phone# : (304)

Fax #

Email

MIONIE.

Fax # : 304 984 -0074

Email

RFQ # : 13910 Project: Overfield	Bid Date: Pre-Bid Date:
Name: Merald Godes  Company: Mountain Haus PAN  Address: 305 39th ST.  CHARLESTON WU 25324	Name: GARY Lorg  Company: MCourt & Sun Const. Inc.  Address: 2790 Centralia Rd.  Sutton WV 26601
Phone #: 425.4834  Fax #: 925-4032  Email:	Phone# : 304 765-5288  Fax # : 304 765-5293  Email :
Name: Randy Carpenter  Company: Carpenter Reclamation  Address: PO BX 13615  Sissonville, UV  25360	Name: Dong Vincent Company: Brekhava, Inc. Address: 1075 old Tumpike Told Sulfon WV ZCCOI
Phone #: 304-984-1115  Fax #: 304-984-2770  Email: R Carpenio3 Dacl. com	Phone# : 765-5317  Fax # : 765-5389  Email :
Name : Speneer Wooddel  Company: Cowgirl Up Inc.  Address: Po Box 243  Simpson Wh 26435	Name: MRTHUR LAUTE Company: Hulis Contracting Fre. Address: Rt 6. Box 85  Buckhannon Ww 26201
Phone #: 304 739 4397 Fax # : 304 139 4397 Email :	Phone# : 472-6408 Fax # : 473-1722 Email :
Name: LEONDIS GILKERSON Company: GL. STONE & SON Address: 29 AIRST STREET HAMLIN .W.V.	Name: MANK URSO  Company: BRAN CON  Address: 1905+ OFFICE BOX 1196  Bridgs port WV 26330
Phone #: 34 824 3860  Fax # : 304 824 3848  Email :	Phone# : 384-677-2195  Fax # : Email :

RFQ # : 13910  Project: Dienfield	Bid Date:Pre-Bid Date:		
Name: JAMIS Allin Company: JF Allin Co Address: P.o Rox 2049 Buck hannen ww	Name :		
Phone #: 30/ 472 8890 Fax # : 30/ 472 8897 Email :	Phone# : Fax # : Email :		
Name: JAMES AllEN Company: JHJINTISIANSES Address: MT/ ACK 464 CHARKSby W	Name :		
Phone #: 30/6235503 Fax # : 30/62/9222 Email :	Phone# : Fax # : Email :		
Name: Roger L. Collins Tr.  Company: Collins Build: Longway:  Address: 390 Caly Nd  Fluturods WV  26421	Name :		
Phone #: 304-765-3521  Fax # : 59~4  Email :	Phone# : Fax # : Email :		
Name: Rick P. DAY Company: Gold Diggers INC Address: #14 Chenoweth Pro Bridgeport w 20			
Phone #: 304-842-3375  Fax # : 304-842-3378  Email : Gald Diggers @ MA.KR.	Phone# :		

P. 02/02

Date: 30-Apr-2007

Applicant Violator System
Organizational Family Tree (OFT)

Time :07:52:28

Page: 1

(150896) EAGLE EXCAVATION INC

·	Total Number: 5
Entity	Desc Begin End Pct. Hold
ID Name	Code Date Date Own. Code
139730 FRESHOUR, MEIKE D	DIR 29-May-2001
139730 FRESHOUR, MEIKE D	PRS 29-May-2001
157116 ROUSH, LESLIE ANN	DIR 29-May-2001
157116 ROUSH, LESLIE ANN	SEC 29-May-2001
157116 ROUSH, LESLIE ANN	TRS 29-May-2001

Agency	
REQ.P.	O#_DEP13910

#### **BID BOND**

KNOW ALL ME	N BY THE	SE PRESENTS, Th	at we, the undersigned,l	Eagle Excavation, Inc.	
of Kenna		, <u>WV</u>		_, as Principal, and <u>Ohio Farmers I</u>	nsurance Company
of Westfield	Center	,OH	, a corporation o	organized and existing under the laws	of the State of
OH with its	s principal	office in the City of	Westfield Center	, as Surety, are held and firmly boun	nd unto the State
of West Virginia, as Oblig	jee, in the	penal sum of <u>Five F</u>	Percent of Amount Bid	(\$) for the j	payment of which,
well and truly to be made	, we jointly	and severally bind	ourselves, our heirs, add	ministrators, executors, successors and	d assigns.
The Condition o	f the abov	e obligation is such	that whereas the Princip	al has submitted to the Purchasing Se	ction of the
				de a part hereof, to enter into a contra	ct in writing for
DEP13910 - Overfield	Refuse 8	& Mining Equipme	ent Drainage - Accord	ng to Plans and Specifications	
NOW THEREFO	ORE,				
hereto and shall furnish a agreement created by the	hall be acc ny other be acceptan ressly und	epted and the Princ onds and insurance ce of said bid, then erstood and agreed	required by the bid or pi this obligation shall be n that the liability of the Si	ntract in accordance with the bid or pro oposal, and shall in all other respects ull and void, otherwise this obligation s urety for any and all claims hereunder	perform the shall remain in full
	by any ext	ension of the time w		ne obligations of said Surety and its bo nay accept such bid, and said Surety o	
IN WITNESS W	HEREOF,	Principal and Surety	y have hereunto set their	hands and seals, and such of them as	s are corporations
				be signed by their proper officers, this	•
10th day of					
Principal Corporate Seal				By (Must be President)  (Rame of Principal (Must be President)  (Rame of Principal (Name	reshow
Surety Corporate Seal			Patricia A. Moye, W\	Ohio Farmers Insurance Compa (Name of Surety)  By:  (Resident Agent Attack Factors)	Moye
			, autola A. Moye, VV	Resident Agent Attorney-in-Fact	

IMPORTANT – Surety executing bonds must be licensed in West Virginia to transact surety insurance. Corporate seals must be affixed, and a power of attorney must be attached.

POWER NO. 4752152 06

General Power of Attorney

#### **CERTIFIED COPY**

# Westfield Insurance Co. Westfield National Insurance Co. Ohio Farmers Insurance Co.

Westfield Center, Ohio

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint

LARRY D. KERR, GREGORY T. GORDON, H. RANDOLPH NEVILLE, PATRICIA A. FINCKE, STEPHEN B. STOGDEN, PATRICIA A. MOYE, ALLAN L. MC VEY, TAMMY M. LLOYD, KIMBERLY J. WILKINSON, JOINTLY OR SEVERALLY

of CHARLESTON and State of WV its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings, or other instruments or contracts of suretyship-

<u>LIMITATION:</u> THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY:

"Be It Resolved, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

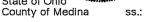
be and is nereby vested with full power and authority to appoint any one of more suitable persons as atterney of the Company subject to the following provisions:

The Attorney-in-Fact. may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"Be it Further Resolved, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000).

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their **Senior Executive** and their corporate seals to be hereto affixed this **08th** day of **NOVEMBER** A.D., **2006**.

Corporate Seals Affixed SEAL S



SEAL SEAL



WESTFIELD INSURANCE COMPANY
WESTFIELD NATIONAL INSURANCE COMPANY
OHIO FARMERS INSURANCE COMPANY

Richard L. Kinnaird, Jr., Senior Executive

On this **08th** day of **NOVEMBER** A.D., **2006**, before me personally came **Richard L. Kinnaird**, **Jr.** to me known, who, being by me duly sworn, did depose and say, that he resides in **Medina**, **Ohio**; that he is **Senior Executive** of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial Seal Affixed

State of Ohio County of Medina

ss.



William J. Kahelin, Attorney at Law, Notary Public
My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

I, Frank A. Carrino, Secretary of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; and furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this /Okoday of

May A.D., 2007





Frank A. Carrino, Secretary Secretary