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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

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

304-926-0499

RFQ COPY TYPE NAME/ADDRESS HERE Barnes Exc. Inc.

P.O. Box 13384 Sissonville, WV 25360

04/11/2007  BID OPENING DATE: 05/10/2007  BID OPENING TIME 01:30PM  LINE QUANTITY UOP CAT. HEMNUMBER UNITPRICE AMOUNT  1 RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES  THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WV DEPARTMENT OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FROM QUALIFIED CONTRACTORS FOR A CONTRACT TO PROVIDE ALL LABOR AND MATERIALS FOR THE RECLAMATION OF 17 ACRE ABANDONED MINE PROJECT KNOWN AS THE "OVERFIELD REFUSE & MINING EQUIPMENT DRAINAGE" PROJECT. THE SITE IS LOCATED NEAR PHILIPPI, WV (BARBOUR CO.).  A MANDATORY ON SITE PREBID CONFERENCE SHALL BE HELD ON 04/25/07 @ 10:00 AM. FAILURE TO ATTEND THE PREBID CONFERENCE WILL RESULT IN BID DISQUALIFICATION.	DATE PRIN	TED	TERN	AS OF SAL	£	SHIP)	/IA	F.O.B.	FREIGHT TERMS
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CONTACT & PHONE #: GREGG SMITH, 304-457-3219.		CUNTACT	& PHU	NE # :	GKE	SG SMIIH,	304-45	7-3219.	
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SEE REVERSE SIDE FOR TERMS AND CONDITIONS					SEE BEW	FRSE SING CABITE	DIMO: AND CON	DITIONS	

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304-984-1725 ADDRESS CHANGES TO BE NOTED ABOVE

TELEPHONE



**MYDOR** 

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

### Request for Quotation

RFQ NUMBER DEP13910

ADDRESS:CORRESPONDENCE TO ATTENTION OF

CHUCK BOWMAN ---304-558-2157

RFO COPY TYPE NAME/ADDRESS HERE

Barnes Exc. Inc. P.O. Box 13384 Sissonville, WV 25360

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

DATE PRINTED TERMS OF SALE SHIP VIA F.O.B. FREIGHT TERMS 04/11/2007 **BID OPENING DATE:** 05/10/2007 BID OPENING TIME 01:30PM LINE QUANTITY UOP ITEM NUMBER UNIT PRICE AMOUNT NO CASH WILL BE ACCEPTED. EXHIBIT 5 NOTICE TO PROCEED: THIS CONTRACT IS TO BE PERFORMED WITHIN 365 CALENDAR DAYS AFTER THE NOTICE TO PROCEED IS RECEIVED. UNLESS OTHERWISE SPECIFIED, THE FULLY EXECUTED PURCHASE ORDER WILL BE CONSIDERED NOTICE TO PROCEED. CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE MATERIALS OR WORKMANSHIP SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM WITH THE SPECIFICATIONS OF THE THE BID AND CONTRACT HEREIN. WAGE RATES: THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY THE HIGHER OF THE U.S. DEPARTMENT OF LABOR MINIMUM WAGE RATES AS ESTABLISHED FOR BARBOUR COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET, SEQ. ARBITRATION: ANY REFERENCES MADE TO ARBITRATION OR INTEREST FOR PAYMENTS DUE (EXCEPT FOR ANY INTEREST REQUIRED BY STATE LAW) CONTAINED IN THIS CONTRACT OR IN ANY AMERICAN INSTITUTE OF ARCHITECTS DOCUMENTS PERTAINING TO THIS CONTRACT ARE HEREBY DELETED. WORKERS' COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL. ALL OF THE ITEMS CHECKED BELOW WILL BE A REQUIREMENT OF THIS CONTRACT: (XX) INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF SEE REVERSE SIDE FOR TERMS AND CONDITIONS SIGNATURE TELEPHONE

550736745 ADDRESS CHANGES TO BE NOTED ABOVE WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

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State of West Virginia
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PAGE 3

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



VENDOR

RFQ COPY

TYPE NAME/ADDRESS HERE

Sissonville, WV 25360

Barnes Exc. Inc.

P.O. Box 13384

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

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CHUCK BOWMAN-304-558-2157

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SIGNATURE Cathen Barn

TITLE Prescho FEIN 550736745

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Charleston WV 25205 0400 Charleston, WV 25305-0130-

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FEIN 550736745



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

## Request for

RFQ NUMBER : DEP13910

ADDRESS CORRESPONDENCE TO ATTENTI CHUCK BOWMAN 304-558-2157

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

ADDRESS CHANGES TO BE NOTED ABOVE

TYPE NAME/ADDRESS HERE Barnes Exc. Inc.

P.O. Box 13384 Sissonville, WV 25360

RFQ COPY

SHIP VIA DATE PRINTED TERMS OF SALE FOB. FREIGHT TERMS 04/11/2007 **BID OPENING DATE:** 05/10/2007 BID OPENING TIME 01:30PM UNIT PRICE QUANTITY. UOP ITEM NUMBER AMOUNT 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: 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. IN THE EVENT THE VENDOR/CONTRACTOR FILES BANKRUPTCY: FOR BANKRUPTICY PRIOTECTION, THIS CONTRACT 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 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 TELEPHONE 04-984-1725

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

FEIN

550736745



VENDOR

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 CHANGES TO BE NOTED ABOVE

CHUCK BOWMAN ----304-558-2157

**ENVIRONMENTAL PROTECTION** DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE AND COM CHARLESTON, WV 74 CHARLESTON, 25304 304-926-0499

TYPE NAME/ADDRESS HERE Barnes Exc. Inc.

RFQ COPY

P.O. Box 13384 Sissonville, WV 25366

DOPENING DATE:  OF COLORS  OF COLORS  OF COLORS  OF COLORS  OR HIGHWAYS, DR THE INSTALLATION OF ANY HEATING OR COOLING OR VENTILATING PLANTS OR OTHER EQUIPMENT, OR THE SUPPLY OF AND MATERIALS FOR SUCH PROJECTS, PURSUANT TO A CONTRACT WITH THE STATE OF MEST VIRGINIA FOR WHICH BIDS WERE SOLICITED ON OR AFTER JUNE 6, 2001.  B. "STEEL PRODUCTS" MEANS PRODUCTS ROLLED, FORMED, SHAPED, DRAWN, EXTRUDED, FORGED, CAST, FABRICATED OR OTHERWISE SIMILARLY PROCESSED, OR PROCESSED BY A COMBINATION OF TWO OR MORE OF SUCH OPERATIONS, FROM STEEL MAKENG PROCESS.  C. "UNLITED STATES" MEANS THE UNITED STATES OF AMERICA AND INCLUDES ALL TERRITORY, CONTINENTAL OR INSULAR, SUBJECT TO THE JURISDICTION OF THE UNITED STATES.  2. THE DIRECTOR OF THE PURCHASING DEPARTMENT MAY, IN WRITING, AUTHORIZE THE USE OF FOREIGN STEEL WAITING, AUTHORIZE THE USE OF FOREIGN STEEL HUNDRED DOLLARS (\$2,500.00), WHICHEVER IS GREATER. FOR THE PURPOSES OF THIS SECTION, THE COST IS THE VALUE OF THE STEEL PRODUCT AS DELIVERED TO THE PURCHASING DIVISION DETERMINED THAT SPECIFIED STEEL MATERIALS ARE NOT PRODUCED IN THE PURCHASING DIVISION DETERMINED THAT SPECIFIED STEEL MATERIALS ARE NOT PRODUCED IN THE UNITED STATES.	DATE PRIN	TED	TERMS OF SAL	E	SHIP VIA	j F.C	)B.	FREIGHT TERMS
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Barnes Exc. Inc.

P.O. Box 13384

Sissonville, WV 25360

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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

CHUCK BOWMAN 304-558-2157

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

ADDRESS:CORRESPONDENCE TO ATTENTION OF

25304

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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

TYPE NAME/ADDRESS HERE Barnes Exc. Inc. 601 57TH STREET SE CHARLESTON, WV 25304 304-926-0499 P.O. Box 13384 Sissonville, WV 25360

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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 11

ADDRESS CORRE	SPONDEN	ICE TO ATTENTION:C	
CHUCK BOWMAN			

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

Barnes Exc. Inc. P.O. Box 13384 Sissonville, WV 25360

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Barnes Exc. Inc.

P.O. Box 13384

Sissonville, WV 25360

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

## Request for

RFQ NUMBER

CHUCK BOWMAN 304-558-2157

ENVIRONMENTAL PROTECTION DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE

25304 Heats WW 0304-926-0499

DATE PRINTED TERMS OF SALE: SHIP VIA FREIGHT TERMS 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. SIGNATURE COMPANY DATE REV. 11/96 NOTICE A SIGNED BID MUST BE SUBMITTED TO: DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLES TON, 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

550736745

304-984-1725

ADDRESS CHANGES TO BE NOTED ABOVE



RFQ COPY

Sissonville, WV 25360

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	٠٠ - ٠٠	man 1 a fa griff in			<b></b> .

ADDRESS CHANGES TO BE NOTED ABOVE

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

TYPE NAME/ADDRESS HERE Barnes Exc. Inc. P.O. Box 13384

DATE PRINTED TERMS OF SALE SHIP VIA F.O.B. FREIGHT TERMS 04/11/2007 BID OPENING DATE: 05/10/2007 BID OPENING TIME 01:30PM QUANTITY UOP ITEM NUMBER UNIT PRICE TRUOMA LINE **DEP13910** RFQ. NO.: BID OPENING DATE: 05/09/2007 BID OPENING TIME: 1;30 PM PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: CONTACT PERSON (PLEASE PRINT CLEARLY): Robert BAINES THIS IS THE END OF RFQ DEP13910 \*\*\*\*\* TOTAL: \*\*\*\*\* SEE REVERSE SIDE FOR TERMS AND CONDITIONS

550736745

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Contractor Name:	
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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 #
	% of Ownership
Begin Date:	To die - Data
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### 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 TH	HESE PRESENTS, That w	the indention of		127
of	, , , , , , , , , , , , , , , , , ,	ve, the undersigned,		
of of	-		, as Principal, ai	ndting under the laws of the State of _
with its principa	al office in the City of	, a corporation orga	anized and exis	ting under the laws of the State of _ neld and firmly bound unto the State
of West Virginia, as Obligee, in th	e penal sum of		as Surety, are l	neld and firmly bound unto the State
well and truly to be made, we joint	tly and severally bind ours	elves our beirs admini	φ	) for the payment of whic
•	,	erection field, Builling	siraiors, execut	ors, successors and assigns.
The Condition of the above	ve obligation is such that v	vhereas the Princinal ha	as submitted to	the Purchasing Section of the
Department of Administration a cer	rtain bid or proposal, attac	hed herelo and made a	Dad hereof to	only into a section of the
			part hereor, to	enter into a contract in writing for
		•		
NOW THEREFORE,				•
(a) If said bid shall be reje	cled, or			
nerelo and shall furnish any other bo igreement created by the acceptance	epted and the Principal sh	all enter into a contract	in accordance	with the bid or proposal attached
IDIGERMENT Created by the acceptance	an of motor black it is a con-	J me ore or brobose	21, 011U SHBII IN 2	III DIDEL Lechenic perform the
Dice and effect. It is expressly under	arctond and named the state	igation shall be null and	void, otherwise	e this obligation shall remain in full.
orce and effect. It is expressly unde xceed the penal amount of this oblig	galion as herein stated	a liability of the Surety for	or any and all c	laims hereunder shall, in no event,
		•		
The Surely, for the value rec	eived, hereby stipulates a	nd agrees that the oblin	rations of soid s	Surety and its bond shall be in no
ay impaired or affected by any exter aive notice of any such extension.	nsion of the time within wh	ich the Obligee may ac	cept such bid.	ourety and its bond shall be in no
•				•
IN WITNESS WHEREOF, Pr	incipal and Surety have he	ereunto set their hands	and cools and	such of them as are corporations
ye caused their corporate seals to b	e affixed hereunto and the	ese presents to be sign	and seals, and	such of them as are corporations
day of	, 20	Probling to be signe	an ny men brop	er officers, this
		•		
ncipal Corporate Seal	•		•	
		The second secon	. (Na	ne of Principal)
		D.,		· · · · · · · · · · · · · · · · · · ·
	•	Ву	. (Mus	it be President or
			Vice	President)
				•
·	•			(Title)
ly Corporate Seal				•
		\$00000-11-1-10-10-10-10-10-10-10-10-10-10	(Nam	e of Surety)
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	· ·			
		***************************************	ΛH2	
			Aliori	nev-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

				AGENCY(A) RFQ/RFP#(B)
(T) (U) (V) (X)	(Stated on Page 1 "Spending Unit") Request for Quotation Number (upper right corner of page #1) Your Company Name City, Location of your Company State, Location of your Company Surety Corporate Name City, Location of Surety State, Location of Surety State of Surety Incorporation City of Surety Incorporation Minimum amount of acceptable bid bond is 5% of total bid. You may state "5% of bid" or a specific amount on this line in words. Amount of bond in figures Brief Description of scope of work Day of the month Month Year Name of Corporation Raised Corporate Seal of Principal Signature of President or Vice President Title of person signing Raised Corporate Seal of Surety Corporate Name of Surety	KNOW ALL MEN BY THE (C) Of STRING AS Principal, and (F) (H) , a corporation of the State of (I) (J) , as Surety of West Virginia, as Obligee, in the property of the property of the property of the above has submitted to the Purchasing Section as a certain bid or proposal, attached her contract in writing for (N)	Bid Bond IESE PRESENTS, That  (D)  of  of  ation organized and exis  with its principal office  y, are held and firmly bo  benal sum of  ayment of which, well a  es, our heirs, administra  obligation is such that w  on of the Department of  eto and made a part here  1)  ed, or  ted and the Principal shap  proposal attached hereto  il by the bid or proposal,  reated by the acceptance  therwise this obligation should and agreed that the  shall, in no event, exceed  hereby stipulates and aghall be in no way impair  Obligee may accept such  such extension	we, the undersigned, (E)  G)  sting under the laws in the City of ound unto The State (K)  nd truly to be made, tors, executors,  thereas the Principal Administration cof to enter into a  and shall furnish and shall in all of said bid then shall remain in full liability of the ed the penal grees that the red or affected by a bid: and said
2	Surety Seal must accompany this bid hond. s	IN WITNESS WHEREOF, Print nands and seals, and such of them as are eals to be affixed hereto and these presents(N) day of(O)	COMOrations have cause	ا با المانية
	P	rincipal Corporate Seal	(0	n
	· .	(R)	(Name of P. By (S) (Must be Pro	rincipal)
			Vice Presid (T) Title	dent)
	. Sur	(U) rety Corporate Seal	(V) (Name of S	
			(X) Attorney-in-F	act

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.

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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:	BAINES	EXC. Inc.		
Authorized Signature	: Cathm	Barm	Date: _	5/10/07

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>Barres Exc. Inc.</u> Tax Payer ID No.: <u>55 0736745</u> Address: <u>P.O. Box 13384</u> City: <u>5/5500 ville</u> State: <u>WV</u> Zip Code: <u>25360</u> Phone: <u>304-984-1725</u> Fax No.: <u>304-984-0074</u> E-mail address:
Part B: Legal Structure
( V) 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, CAtherine Barres, have the express authority to certify that:  (print name)  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 attached 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 must 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 Cathen Barn Fresht  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.

Date: 8-May-2007

Applicant Violator System Organizational Family Tree (OFT) Time :10:02:30

Page: 1

(154752) BARNES EXC INC

Total Number: 5

Entity ID	 	Desc Code	Begin Date	End Date	Pct. Own.	Hold Code
139731 139733 152181	CRISTIE	PRS CON- SEC	16-Jan-2004 16-Jan-2004 16-Jan-2004 16-Jan-2004 16-Jan-2004			

### OVERFIELD REFUSE AND MINING EQUIPMENT Requisition # **DEP13910**

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

-				 	
	D.				
Company Name:	BAINES	EXC.	Inc.		

003

Address: P.O. BOX 13384 Sissonville WV, 25360

ITEM	OTTAN IMPORTA			
NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.0	Lump Sum	Mobilization and Demobilization (Limited to 10% of Total Bid)	LS	\$ 54,080.
2.0	Lump Sum	Construction Layout Stakes (Limited to 5% of Total Bid)	LS	\$ 26,200.
3.0	Lump Sum	Quality Control (Limited to 3% of Total Bid)	LS	\$ 15,720.
4.1	Lump Sum	Site Preparation (Limited to 10% of Total Bid)	LS	\$ 52,400.
4.2	360 Ion	Crusher Run Stone (Road Rehabilitation)	28,00	\$ 15,680.
4.3		Debris Removal	LS	\$ 27,000.
5.0		Sediment Control	1,00	s 11,920,
6.0		Revegetation	1,200.	\$ 20,400.
7.1		6' Grass Lined Channel	9,00	s 14, 940.
7.2	2440 LF	6' Grouted Riprap Channel	40,00	\$ 97,600.
		10' Grass Lined Swale	15.00	\$ 7,500.
7.4		12" HDPE Culvert	25,00	s 7,500,
7.5	Lump Sum	Low Water Crossing	LS	\$ 27,210.
8.1		Unclassified Excavation	2,00	\$ 107.000.
		Soil Cover		\$ 54,600.
11.1		3' X 3' Underdrain	15.00	\$ 3,000.
11.2		Conveyance Pipe	25,00	\$ 1,250.
				\$
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<u> </u>	**************************************	OTAL	9	544,000,

Agency
REQ.P.O# <u>DEP13910</u>

### **BID BOND**

KNOW A	ALL MEN BY THE	SE PRESENTS, That w	e, the undersigned,	Barnes Exc., Inc.
				, as Principal, and <u>Ohio Farmers Insurance Comp</u> any
				organized and existing under the laws of the State of
				, as Surety, are held and firmly bound unto the State
of West Virginia,	as Obligee, in the	penal sum of Five Perce	ent of Amount Bid	(\$
well and truly to b	e made, we jointly	/ and severally bind ours	elves, our heirs, ad	ministrators, executors, successors and assigns.
The Con	dition of the abov	e obligation is such that	whereas the Princip	al has submitted to the Purchasing Section of the
•		• •		ade a part hereof, to enter into a contract in writing for ling to Plans and Specifications
NOW TH	IEREFORE,			
(b) If sa hereto and shall fi agreement create force and effect.	urnish any other b d by the acceptar It is expressly und	cepted and the Principal conds and insurance requice of said bid, then this	uired by the bid or p obligation shall be n the liability of the S	ontract in accordance with the bid or proposal attached proposal, and shall in all other respects perform the null and void, otherwise this obligation shall remain in full burety for any and all claims hereunder shall, in no event,
way impaired or a		tension of the time within		he obligations of said Surety and its bond shall be in no may accept such bid, and said Surety does hereby
IN WITN	ESS WHEREOF,	Principal and Surety have	e hereunto set thei	r hands and seals, and such of them as are corporations
	•		d these presents to	be signed by their proper officers, this
	May	, 2007		
Principal Corporal	te Seal			Barnes Exc., Inc.
,				(Name of Principal)
				By Catherino Barne
				(Must be President or Vice President)
				1) as I f-
				(Title)
				Ohio Farmers Insurance Company
Surety Corporate	Seal			(Name of Surety)
				(1)
			Patricia A. Moye, \	By: Tollica H. Morey-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

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

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:

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 source of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate hearing facsimile signatures or facsimile.

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 State of Ohio

County of Medina

WESTFIELD INSURANCE COMPANY WESTFIELD NATIONAL INSURANCE COMPANY

OHIO FARMERS INSURANCE COMPANY

Ву: 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 day of

A.D., 2007



