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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

SH-P

RFQ NUMBER DEP13910

... ADDRESS CORRESPONDENCE TO ATTENTION OF ...

CHUCK BOWMAN 304-558-2157

NOUZEN

304-765-5317 *510160447 BREAK AWAY INC 1075 OLD TURNPIKE ROAD

SUTTON WV 26601 **ENVIRONMENTAL PROTECTION** DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV

25304 304-926-0499

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SHIP VIA DATE PRINTED TERMS OF SALE F.O.B. FREIGHT TERMS 04/11/2007 BID OPENING DATE: BID OPENING TIME 05/10/2007 01:30PM CAT. QUANTITY UOP UNIT PRICE AMOUNT LINE ITEM NUMBER 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. (7) 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 BANKRUPTCY PROTECTION, 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 TITLE FEIN ADDRESS CHANGES TO BE NOTED ABOVE



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DATE PRINTED TERMS OF SALE SHIP VIA F.O.B. FREIGHT TERMS 04/11/2007 BID OPENING DATE: 05/10/2007 **BID OPENING TIME** QUANTITY LINE UOP ITEM NUMBER UNIT PRICE AMOUNT OR HIGHWAYS, OR 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 WEST VIRGINIA FOR WHICH BIDS WERE SOLICITED ON OR AFTER JUNE 6, 2001. "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 MADE BY THE OPEN HEARTH, BASIC DXYGEN, ELECTRIC FURNACE, BESSEMER OR OTHER STEEL MAKING PROCESS. "UNITED STATES" MEANS THE UNITED STATES OF AMERICA AND INCLUDES ALL TERRITORY, CONTINENTAL OR INSULAR, SUBJECT TO THE JURISDICTION OF THE UNITED STATES. THE DIRECTOR OF THE PURCHASING DEPARTMENT MAY, IN WRITING, AUTHORIZE THE USE OF FOREIGN STEEL PRODUCTS IF: THE COST FOR EACH CONTRACT ITEM USED DOES NOT Α. EXCEED ONE TENTH OF ONE PERCENT (.1%) OF THE TOTAL CONTRACT COST OR TWO THOUSAND FIVE 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 PROJECT OR, THE DIRECTOR OF THE PURCHASING DIVISION В. DETERMINES THAIT SPECIFIED STEEL MATERIALS ARE NOT PRODUCED IN THE UNITED STATES IN SUFFICIENT QUANTITY OR OTHERWISE ARE NOT REASONABLY SEE REVERSE SIDE FOR TERMS AND CONDITIONS SIGNATURE TELEPHONE TITLE FEIN ADDRESS CHANGES TO BE NOTED ABOVE



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*510160447 **BREAK AWAY INC**

SUTTON WV

1075 OLD TURNPIKE ROAD

26601

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

304-765-5317

Request for Quotation

DEP13910

PAGE

....ADDRESS:CORRESPONDENCE:TO:ATTENTION:OF 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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11

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 12

ADDRESS:CORRESPONDENCE TO ATTENTION:OF

CHUCK BOWMAN 304-558-2157

*510160447 304-765-5317 BREAK AWAY INC 1075 OLD TURNPIKE ROAD SUTTON WV 26601

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

25304 304-926-0499

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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

RFQ NUMBER DEP13910

13

ADDRESS:CORRESPONDENCE TO ATTENTION OF:

CHUCK BOWMAN 304-558-2157

304-765-5317 *510160447 **BREAK AWAY INC** 1075 OLD TURNPIKE ROAD SUTTON WV 26601

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

25304 304-926-0499

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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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PAGE 1

ADDRESS:CORRESPONDENCE TO ATTENTION OF

CHUCK BOWMAN 304-558-2157

*510160447 304-765-5317 BREAK AWAY INC 1075 OLD TURNPIKE ROAD

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

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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

___003

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

Company Name:_	BREAK	KAWAY, INC.	
	1075 Old	Turnpike Road	
Address:	Sutton, WV 26601		
	Voice/	304-765-5317	

ITEM				
NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.0	Lump Sum	Mobilization and Demobilization (Limited to 10% of Total Bid)	LS	\$ 25.00
2.0		Construction Layout Stakes (Limited to 5% of Total Bid)	LS	\$ 25.00
3.0		Quality Control (Limited to 3% of Total Bid)	LS	\$ 25.00
4.1		Site Preparation (Limited to 10% of Total Bid)	LS	\$ 40,000.00
4.2		Crusher Run Stone (Road Rehabilitation)	35.00	\$ 19,600.00
4.3		Debris Removal	LS	\$ 100,000.00
5.0		Sediment Control	2.00	\$ 23,840.00
6.0		Revegetation		\$ 17,000.00
7.1		6' Grass Lined Channel	10.00	\$ 16,600.00
7.2		6' Grouted Riprap Channel		\$ 73,200.00
7.3		10' Grass Lined Swale	15.00	\$ 7,500.00
7.4		12" HDPE Culvert	36.00	\$ 10,800.00
7.5		Low Water Crossing	LS	\$ 25.00
8.1		Unclassified Excavation	3.00	\$ 160,500.00
8.2		Soil Cover	1.00	\$ 13.00
11.1	200 LF	3' X 3' Underdrain	25.00	\$ 5,000.00
11.2	50 LF	Conveyance Pipe	15.00	\$ 750.00
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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: Breat	Kaway, Inc. Tax	Payer ID No.: <u>13 · 4279911</u>
City: Sutton Fax No.: 304-765-53	State: WV Zip Code: 8 E-mail address: tonyo	6601 Phone: 304-765-5317
Part B: Legal Structure		
(Corporation () So () Other (please specify) _	ole Proprietorship () Parti	nership () LLC
	lating information in the Appli ing options, follow the instruction	cant/Violator System (AVS). ons for that option, and sign below.
I, Tonya Vincent (print name)	, have the expres	ss authority to certify that:
Information on the a to-date. If you select	ttached Entity OFT from AVS in this option, you must attach as below and do not complete Part I	n Entity OFT from AVS to this
and the information you must attach an l	in AVS for my company must be	from AVS is missing or incorrect e updated. If you select this option, m. Use Part D to provide missing emplete Part D.
	•	If you select this option, you must date below and complete Part D.
5/17/07	Janua Vinund	President
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 www.avs.osmre.gov on the Internet.

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Agency	Environmental Protection	
	O# DEP13910	•

BID BOND

of Sutton , WV	
	_, as Principal, and <u>Ohio Farmers Insurance</u>
Compan of Westfield Center , OH , a corporation of	organized and existing under the laws of the State of
OH with its principal office in the City of Westfield Center	, as Surety, are held and firmly bound unto the State
of West Virginia, as Obligee, in the penal sum of Five Percent of Amount Bid	(\$) for the payment of which,
well and truly to be made, we jointly and severally bind ourselves, our heirs, adr	ministrators, executors, successors and assigns.
The Condition of the above obligation is such that whereas the Principa	al has submitted to the Purchasing Section of the
Department of Administration a certain bid or proposal, attached hereto and ma	de a part hereof, to enter into a contract in writing for
DEP13910 Overfield Refuse and Mining Equipment Drainage, Barbou	r County
NOW THEREFORE,	
(a) If said bid shall be rejected, or	
(b) If said bid shall be accepted and the Principal shall enter into a conhereto and shall furnish any other bonds and insurance required by the bid or pr	
agreement created by the acceptance of said bid, then this obligation shall be no	ull and void, otherwise this obligation shall remain in full
force and effect. It is expressly understood and agreed that the liability of the St	urety 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	ne obligations of said Surety and its bond shall be in no
way impaired or affected by any extension of the time within which the Obligee r	
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 bereunto and these presents to be	· · · · · · · · · · · · · · · · · · ·
have caused their corporate seals to be affixed hereunto and these presents to be affixed here	· · · · · · · · · · · · · · · · · · ·
have caused their corporate seals to be affixed hereunto and these presents to be a day of,	· · · · · · · · · · · · · · · · · · ·
10th day of May 2007	be signed by their proper officers, this
10th day of May 2007	be signed by their proper officers, this Breakawa
10th day of May 2007	be signed by their proper officers, this Breakawa
10th day of May 2007	Breakawa Inc. (Name of Principal) By Ony A Vincent
10th day of May 2007	be signed by their proper officers, this Breakawa
10th day of May 2007	Breakawa Inc. (Name of Principal) By (Must be President or Vice President)
10th day of May 2007	Breakaway Inc. (Name of Principal) By (Must be President or
10th day of May , 2007 . Principal Corporate Seal	Breakawa Inc. (Name of Principal) By Ony A Vincent (Must be President or Vice President) President (Title)
10th day of May , 2007 . Principal Corporate Seal	Breakawa Inc. (Name of Principal) By Ony A Tincent (Must be President or Vice President) President
•	Breakawa Inc. (Name of Principal) By Ony A Theoret (Must be President or Vice President) President (Title) Ohio Farmers Insurance Company
10th day of May , 2007 . Principal Corporate Seal	Breakawa Inc. (Name of Principal) By Ony A Tincont (Must be President or Vice President) President (Title) Ohio Farmers Insurance Company (Name of Surety)
10th day of May , 2007. Principal Corporate Seal	Breakawa Inc. (Name of Principal) By Ony A Theoret (Must be President or Vice President) President (Title) Ohio Farmers Insurance Company

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.

General Power of Attorney POWER NO. 4750172 01

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

CERTIFIED COPY

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

ANDREW K. TEETER, KIMBERLY L. MILES, JANIS KAY PEACOCK, DOUGLAS P. TAYLOR, PAMELA D. OBRIEN, DONNA J. PRICE, TRAVIS A. HILL, JR., PAMELA V. LANHAM, 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- - - - - - -

LIMITATION: 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 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 19th day of JUNE

Corporate Seals Affixed State of Ohio County of Medina SS.

The the state of t

WESTFIELD INSURANCE COMPANY WESTFIELD NATIONAL INSURANCE COMPANY OHIO FARMERS INSURANCE COMPANY

Richard L. Kinnaird, Jr., Senior Executive

A.D., 2006, before me personally came Richard L. Kinnaird, Jr. to me known, who, being by me duly On this 19th day of JUNE 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 Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this 10th day of may





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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:	Breakaway.	lae.	
	Jonya V		5 17 07