

Request for REGINUMBER Quotation

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CHUCK BOWMAN 304-558-2157

RFQ COPY TYPE NAME/ADDRESS HERE

ACME-Ventures Co., LLC 138 Renee Drive/PO Box 217

Peytona, WV 25154 Phone: 304-932-0721; Fax: 304-932-0725

www.acme-ventures.com

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

WV 042229 MSHA ID: R504 25304 304-926-0499

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GENERAL TERMS & CONDITIONS REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)

- 1. Awards will be made in the best interest of the State of West Virginia.
- The State may accept or reject in part, or in whole, any bid.
- 3. All quotations are governed by the West Virginia Code and the Legislative Rules of the Purchasing Division.
- Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125.00 registration fee.
- 5. All services performed or goods delivered under State Purchase Orders/Contracts are to be continued for the term of the Purchase Order/Contract, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
- 6. Payment may only be made after the delivery and acceptance of goods or services.
- 7. Interest may be paid for late payment in accordance with the West Virginia Code.
- 8. Vendor preference will be granted upon written request in accordance with the West Virginia Code.
- The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
- 10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
- 11. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
- 12. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
- 13. BANKRUPTCY: In the event the vendor/contractor files for bankruptcy protection, this contract is automatically null and void, and is terminated without further order.
- 14. HIPAA Business Associate Addendum The West Viginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (http://www.state.wv.us/admin/purchase/vrc/hipaa.htm) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Covered Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.

INSTRUCTIONS TO BIDDERS

- 1. Use the quotation forms provided by the Purchasing Division.
- 2. SPECIFICATIONS: Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as EQUAL to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
- 3. Complete all sections of the quotation form.
- 4. Unit prices shall prevail in cases of discrepancy.
- 5. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
- 6. BID SUBMISSION: All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications.

SIGNED BID TO:

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



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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

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25304 304-926-0499

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MSHA ID: R504

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

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TERMS OF SALE SHIP VIA F.O.B. DATE PRINTED FREIGHTTERMS 04/11/2007 BID OPENING DATE: 05/17/2007 BID OPENING TIME 01:30PM QUANTITY **TINE** LIOP TEM NUMBER UNITPRICE AMOUNT OR 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 PROCEED SHALL BE THE SPECIFIC DATE ESTABLISHED IN THE PRE-CONSTRUCTION CONFERENCE. (2) GUARANTEE AND MAINTENANCE: (A) THE MATERIALS AND WORKMANSHIP AFFECTED BY THE CONTRACTOR ARE SUBJECT TO THE GUARANTEE ESTABLISHED BY CUSTOM OF THE RESPECTIVE TRADES. IN THE ABS A TRADE GUARANTEE CUSTOM OR A SPECIAL GUARANTEE IN THE ABSENCE OF 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 ACCEPTANCE OF THE WORK. 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. (B) DURING THE ONE-YEAR GUARANTEE PERIOD, THE CONTRACTOR WILL MAINTAIN 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 AT ITS EXPENSE. THE ONE-YEAR GUARANTEE PERIOD SHALL NOT BE (C) CONSTRUED AS BEING AN EXTENSION OF THE PERFORMANCE TIM SEE REVERSE SIDE FOR TERMS AND CONDITIONS SIGNATURE TELEPHONE Ochie G. Holdal HEEN 304-932-0721 17 MAY 07 TITLE ADDRESS CHANGES TO BE NOTED ABOVE 20-5908118

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

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Request for Quotation

RFQ NUMBER DEP13912

| AD | DRESS:CORRE | SPONDENCE | TOATTENT | ON:OF |
|----|-------------|-----------|----------|-------|
| | BOWMAN | | | |
| | 8-2157 | | | |

RFQ COPY TYPE NAME/ADDRESS HERE

ACME-Ventures Co., LLC 138 Renee Drive/PO Box 217 Peytona, WV 25154 Phone: 304-932-0721; Fax: 304-932-0725

www.acme-ventures.com

WV 042229 MSHA ID: R504 **ENVIRONMENTAL PROTECTION** DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV 25304 304-926-0499

| DATE PRINTED | TERMS OF SALE | SHIPVIA | FOB, | FREIGHT TERMS |
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| Managing Member | | 5908118 | ADDRESS CHANGES | TO BE NOTED ABOVE |



Request for REQNUMBER Quotation

SH-P

DEP13912

ADDRESS:CORRESPONDENCE:TO/AFFENTION:OF

CHUCK BOWNAN 304-558-2157

RFQ COPY TYPE NAME/ADDRESS HERE

ACME-Ventures Co., LLC 138 Renee Drive/PO Box 217 Peytona, WV 25154

Phone: 304-932-0721; Fax: 304-932-0725

www.acme-ventures.com

WV 042229 MSHA ID: R504 **ENVIRONMENTAL PROTECTION** DEPARTMENT OF OFFICE OF AML&R **601 57TH STREET SE** CHARLESTON, WV 25304

304-926-0499

| DATE PRIN | ITED | TEF | MS OF SAI | £ | SHIP | VIA | F.O.B. | | FREIGHTTERMS |
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Request for Quotation

RFO NUMBER DEP13912

PAGE 10

ADDRESS: CORRESPONDENCE TO ATTENTION OF

CHUCK BOWMAN 304-558-2157

RFO COPY TYPE NAME/ADDRESS HERE ACME-Ventures Co., LLC

138 Renee Drive/PO Box 217 Peytona, WV 25154 Phone: 304-932-0721; Fax: 304-932-0725 www.acme-ventures.com

MSHA ID: R504 WV 042229

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. FREIGHT TERMS 04/11/2007 BID OPENING DATE: 05/17/2007 BID OPENING TIME 01:30PM LINE QUANTITY LIOP ITEM NUMBER UNIT PRICE AMOUNT PROVISIONS, THE SPENDING OFFICER OF THE SPENDING UNIT DETERMINES THAT THERE EXISTS A BID FOR LIKE FOREIGN ALUMINUM, GLASS OR STEEL THAT IS REASONABLE AND LOWER THAN THE LOWEST BID FOR DOMESTIC PRODUCTS, THE SPENDING OFFICE MAY REQUEST, IN WRITING, A REEVALUATION AND REDUCTION IN THE LOWEST BID FOR SUCH DOMESTIC PRODUCTS ALL VENDORS MUST INDICATE IN THEIR BID IF THEY ARE SUPPLYING FOREIGN ALUMINUM, GLASS OR STEEL. REV. 3/88 EXHIBIT 9 NOTICE FOR ISSUANCE & ACKNOWLEDGEMENT OF CONSTRUCTION PROJECT ADDENDA THE ARCHITECT/ENGINEER AND/OR AGENCY SHALL BE REQUIRED TO ABIDE BY THE FOLLOWING SCHEDULE IN ISSUING CONSTRUCTION PROJECT ADDENDA FOR STATE AGENCIES: THE ARCHITECT/ENGINEER SHALL PREPARE THE ADDENDUM AND A LIST OF ALL PARTIES THAT HAVE PROCURED DRAWINGS AND SPECIFICATIONS FOR THE PROJECT. THE ADDENDUM AND AND LIST SHALL BE FORWARDED TO THE BUYER IN THE STATE PURCHASING DIVISION. THE ARCHITECT/ENGINEER SHALL ALSO SEND A COPY OF THE ADDENDUM TO THE STATE AGENCY FOR WHICH THE CONTRACT IS ISSUED. THE BUYER SHALL SEND THE ADDENDUM TO ALL INTERESTED PARTIES AND, IF NECESSARY, EXTEND THE BID ANY ADDENDUM SHOULD BE RECEIVED BY THE OPENING DATE. BUYER WITHIN FOURTEEN (14) DAYS PRIOR TO THE BID OPENING DATE. ALL ADDENDA SHOULD BE FORMALLY ACKNOWLEDGED BY AL SEE REVERSE SIDE FOR TERMS AND CONDITIONS SIGNATURE TELEPHONE Achie & Holdand 304-932-0721 17 MAY 07 ADDRESS CHANGES TO BE NOTED ABOVE Managing Member 20-5908118

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



Request for PRONUMBER Quotation

DEP13912

ADDRESS:CORRESPONDENCE FO ATTENTION OF CHUCK BOWMAN

304-558-2157 **ENVIRONMENTAL PROTECTION**

RFQ COPY TYPE NAME/ADDRESS HERE ACME-Ventures Co., LLC

138 Renee Drive/PO Box 217 Peytona, WV 25154 Phone: 304-932-0721; Fax: 304-932-0725

www.acme-ventures.com

WV 042229 MSHA ID: R504 DEPARTMENT OF OFFICE OF AML&R **601 57TH STREET SE** CHARLESTON, WV 25304 304-926-0499

DATE PRINTED TERMS OF SALE SHIP VIA FOR FREIGHT TERMS 04/11/2007 BID OPENING DATE: 05/17/2007 BID OPENING TIME 01:30PM LINE ITEM NUMBER UNITPRICE QUANTITY UOP AMOUNT BIDDERS AND SUBMITTED TO THE STATE PURCHASING DIVISION AND THE STATE AUDITOR'S OFFICE. THE SAME RULES AND REGULATIONS THAT APPLY TO THE ORIGINAL BIDDING DOCUMENT SHALL ALSO APPLY TO AN ADDENDUM DOCUMENT. THE ONLY EXCEPTION MAY BE FOR AN ADDENDUM THAT IS ISSUED FOR THE SOLE PURPOSE OF CHANGING A BID OPENING TIME AND/OR DATE. REV. 11/96 EXHIBIT 10 REQUISITION NO.:DEP13912 ADDENDUM ACKNOWLEDGEMENT I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION. ETC. ADDENDUM NO. S: XXXX NO. 1 XXXX NO. 3 NO. 4 I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS. SEE REVERSE SIDE FOR TERMS AND CONDITIONS SIGNATURE achie J. Helbart TELEPHONE 304-932-0721 17 MAY 07 FEIN ADDRESS CHANGES TO BE NOTED ABOVE 20-5908118 Managing Member



Peytona, WV 25154 Phone: 304-932-0721; Fax: 304-932-0725

Request for Quotation DEP1391:

DEP13912

| ADDRESS | CORRESPONDENCE TO A RIENTION OF |
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ENVIRONMENTAL PROTECTION DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV 25304 304-926-0499

WV 042229 MSHA ID: R504

www.acme-ventures.com

TYPE NAME/ADDRESS HERE

ACME-Ventures Co., LLC 138 Renee Drive/PO Box 217

RFQ COPY

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Request for Quotation DEP13912

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| CHUCK | BOWMAN | | | |
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RFQ COPY

TYPE NAME/ADDRESS HERE ACME-Ventures Co., LLC 138 Renee Drive/PO Box 217 Peytona, WV 25154

Phone: 304-932-0721; Fax: 304-932-0725

www.acme-ventures.com

WV 042229 MSHA ID: R504

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

25304 304-926-0499

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North Sands Branch Drainage Requisition # DEP 13912 Contractor's Bid Sheet

| • | | |
|---|-----------|----|
| | 01 | 4 |
| | 3.7.4 | -0 |

| Company Name:_ | Acme-Ventures Company, LLC |
|----------------|----------------------------|
| Address: | 138 Renee Drive/PO Box 217 |
| | Peytona, WV 25154 |

| ITEM | | | | |
|--------|--|--|--|--------------|
| NO. | QUANTITY | DESCRIPTION | UNIT PRICE | AMOUNT |
| 110. | 40.11.11.1 | | | |
| 1.0 | Lump Sum | MOBILIZATION (LIMITED TO 10% OF TOTAL BID) | · | \$ 3649.75 |
| 2.0 | | CONSTRUCTION LAYOUT (LIMITED TO 5% TOTAL BID) | | \$ 1824.87 |
| 3.0 | | QUALITY CONTROL (LIMITED TO 3% OF TOTAL BID) | | \$ 1094.00 |
| 4.0 | Lump Sum | SITE PREPARATION (LIMITED TO 10% OF TOTAL BID) | | \$ 3649.75 |
| 5.0 | | SEDIMENT CONTROL BARRIER | \$6.00 | \$ 3000.00 |
| 6.0 | | REVEGETATION | | \$ 200.00 |
| 7.1 | L L | UNDERDRAIN | \$113.05 | \$ 13000.00 |
| 7.2 | | MANHOLE & COVER | | \$ 1300.00 |
| 7.3 | | DITCH CLEANOUT | | \$ 5000.00 |
| 9.0 | | STRUCTURE DEMOLITION | | \$ 3000.00 |
| 10.0 | | BOREHOLE | | \$ 3000.00 |
| 11.1 | | 1 1/2" CRUSHER RUN | \$29.63 | \$ 4000.00 |
| 11.2 | | 2" ASPHALT OVERLAY | \$20.52 | \$ 3997.50 |
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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: ACME | -Ventures Company | ,LLC Tax | x Payer ID | No.: 20 | -5908118 |
|---|--|------------------------------------|---------------------------|----------------------------|-------------------|
| Address: 138 Renee D | rive/PO Box 217 | | • | | |
| City: Peytona | State: WV | Zip Code: | 25154 P | hone: 304 | 1-932-0721 |
| City: Peytona Fax No.: 304-932-072 | E-mail ad | dress: payab | le@acme-v | entures. | com |
| Part B: Legal Structu | re | | | | |
| () Corporation (() Other (please specif | | ip ()Par | tnership | (xx) L] | LC |
| Part C: Certifying and Select only one of the fo | | | | | |
| I, Archie E. Hubbard | | , have the expre | ess authori | ty to certif | fy that: |
| Information on to-date. If you | the attached Entity of select this option, you late below and do no | ou must attach a | an Entity C | • • | |
| and the informa you must attach | mation on the attach tion in AVS for my an Entity OFT from mation. Sign and d | company must l a AVS to this fo | be updated orm. Use F | . If you so Part D to p | elect this option |
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| 17 MAY 07 | Achie | 4. Helle | L | Mana | aging Member |
| 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.

Part D.

| Contractor Name: | ACME-Ventures Company, LLC |
|------------------|----------------------------|
| | |

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 | Archie E. Hubbard | Position/Title | Managing Member |
|--------------|----------------------------|----------------|-----------------|
| Address | 138 Renee Drive/PO Box 217 | Telephone# | 836-8230 |
| | Peytona, WV 25154 | % of Ownership | 45% |
| Begin Date: | 1996 | Ending Date: | |
| Name | Ira W. Rash | Position/Title | Member |
| Address | 81 Renee Drive/PO Box 247 | Telephone # | 836-5003 |
| _ | Peytona, WV 25154 | % of Ownership | 40% |
| Begin Date: | 2006 | Ending Date: | |
| Name | Larry R. Snodgrass | Position/Title | Member |
| Address _ | PO Box 217 | Telephone # | 932-0721 |
| | Peytona, WV 25154 | % of Ownership | 10% |
| Begin Date: | 2006 | Ending Date: | |
| Name | Brent L. Hubbard | Position/Title | Member |
| Address | PO Box 217 | Telephone # | 932-0721 |
| | Peytona, WV 25154 | % of Ownership | 5% |
| Begin Date:_ | 2006 | 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.

AGENCY_

| | • | | | RFQ/RFP# (B) |
|-------|--|------------------------------------|--|-----------------------------------|
| | | | Bid Bond | |
| (A) | WV State Agency (Stated on Page 1 "Spending Unit") | KNOW ALL MEN BY | Y THESE PRESEN | TS, That we, the undersigned, (E) |
| | Request for Quotation Number (upper | as Principal, and(H | F) of | (G) , |
| | right corner of page #1) | | | d and existing under the laws |
| (C) | Your Company Name | of the State of(I) | ozanagro nomanzen | and existing under the laws |
| (D) | City, Location of your Company | (1) 20 | with its princip | firmly bound unto The State |
| (E) | State, Location of your Company | of West Virginia, as Obligee, in | the penal cum of | (IF) |
| (F) | Surety Corporate Name | (\$) for | the navment of whi | ch well and make to be made |
| (G) | City, Location of Surety | we jointly and severally bind ou | reclues our bairs | dministrators avanues |
| (H) | State, Location of Surety | successors and assigns. | nocives, our nens, a | duminatiations, executors, |
| (1) | State of Surety Incorporation | | have abligation is s | uch that whereas the Principal |
| (i) | City of Surety Incorporation | has submitted to the Purchasing | Section of the Den | artment of Administration |
| (K) | Minimum amount of acceptable bid | a certain bid or proposal, attach | ed hereto and made | a nart herant to enter into a |
| , | bond is 5% of total bid. You may state | contract in writing for | TO HOLDED BING HIGGS | a part nercos to emer into a |
| | "5% of bid" or a specific amount on | | (M) | |
| | this line in words. | | | |
| (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 | rejected, or | • |
| (0) | Month | (b) If said bid shall be | accepted and the Pr | rincipal shall enter into a |
| (P) | Year | contract in accordance with the | bid or proposal anac | thed hereto and shall furnish |
| (Q) | Name of Corporation | any other bonds and insurance re | couired by the bid o | r proposal and shall in all |
| (R) | Raised Corporate Seal of Principal | other respects perform the agree | ment created by the | accentance of said bid then |
| (S) | Signature of President or Vice . | this obligation shall be null and | void, otherwise this | obligation shall remain in full |
| | President | force and effect. It is expressly | understood and agre | ed that the liability of the |
| (T) | Title of person signing | Surety for any and all claims her | reunder shall, in no | event exceed the nenal |
| (U) | Raised Corporate Seal of Surety | amount of this obligation as here | in stated | , |
| (V) | Corporate Name of Surety | | | lates and agrees that the |
| | | obligations of said Surety and its | bond shall be in no | way impaired or affected by |
| (X) | Signature of Attorney in Fact of the | any extension of time within who | ich the Obligee may | accept such bid: and said |
| | Surety | Surety does hereby waive notice | of any such extensi | on. |
| NOTE: | Dated, Power of Attorney with Raised | IN WITNESS WHERE | OF, Principal and S | urety have hereunto set their |
| | Surety Seal must accompany this bid | hands and seals, and such of ther | n as are corporation | s have caused their corporate |
| | bond. | seals to be affixed hereto and the | se presents to be sig | ened by their proper officers. |
| | | this (N) day of | (O) , 20 | (P) . |
| | | - | | |
| | | Principal Corporate Seal | | (Q) |
| | • | | | (Name of Principal) |
| • | • | (R) | Ву | (S) |
| | | • | - | (Must be President or |
| | | | | Vice President) |
| | | | | (T) |
| | | | | Title |
| | | (U) | | |
| | | Surety Corporate Seal | | (V) |
| | | | - | (Name of Surety) |
| | | | | |
| | | | | |
| | | | | (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.

| Bid | Bond | Provided | In | Form | Of |
|------|------|----------|----|------|----|
| Cert | ifie | l Check | | | |

| Agency_ ' | V DEP | > |
|-----------|----------|------|
| REQ.P.O#_ | DEP13912 | 1)18 |

BID BOND

| of 138 Renee Drive | t Cycona, i | . Z.J., J. T. | , as Principal, and | |
|--|---|--|--|---|
| | | | rganized and existing under the law | io of the State of |
| with its principal office | in the City of Pev | tona | _, as Surety, are held and firmly bo | /s of the State of |
| West Virginia, as Obligee, in the penal | sum of | | | |
| ell and truly to be made, we jointly and | | | | e payment of which, |
| in the state of the state of the joining and t | ocversity bille burser | ves, our news, aut | musuators, executors, successors a | and assigns. |
| The Condition of the above obtion | Intion is such that wh | ancon the Drivates | dhan a banka na banka na a | |
| enartment of Administration a certain bit | d or proposal attach | ereas de Principa | il has submitted to the Purchasing S | Section of the |
| epartment of Administration a certain bio Reclamation of 1 ACRE (MOL) | o of area known | eo nerew ano mad as North Sand | de a pan nereoi, lo enler into a conti s Branch in Raleigh County | ract in writing for |
| | • | | | · · · · · · · · · · · · · · · · · · · |
| | | | | ······ |
| • | | | | |
| NOW THE DEFORE | • | | | |
| NOW THEREFORE, | | | • | |
| (a) If said bid shall be rejected, (b) If said bid shall be rejected, (c) | OF | t ' t | | |
| elo and shall furnish any other honds a | aria aro i priospas assi Indiane i priospas antice | ed by the bist as a se | tract in accordance with the bid or p | roposal attached |
| reto and shall furnish any other bonds a | aid hid, thee this shi | o by the bid of pro | posal, and shall in all other respect | s perform the |
| reement created by the acceptance of size and effect. It is expressly understood | d and acroad that the | igation snait be nul | i and void, otherwise this obligation | shall remain in full |
| como cucor. In la expressiy mineration | o ano agreeo mai mi | s iisoliity of the 20t | elv io: anv and all claims becounds | r shall in no event |
| eed the neast amount of this obligation | as herein stated | • | and the country of the country the country | anda, in no cvent, |
| ceed the penal amount of this obligation | as herein stated. | | , we any and an classic hereuride | · Jinda, fri ito Gverit, |
| eed the penaralnount of this obligation | as herein stated. | • | | • |
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| The Surety, for the value received y impaired or affected by any extension | i as nerein stated. 1. hereby stinulales a | and anrees that the | obligations of said Surply and its b | and shall be to |
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| RFQ No. DEP13 | 3912 |
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AFFIDAVIT

019

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: | ACME-Ventures | Company, LLC | | |
|------------------|---------------|--------------|---------|-----------|
| Authorized Signa | | | Date: _ | 17 MAY 07 |

Cashier's Check Moorefield, WV 26836 (304) 538-1000

FOR DOCUMENT VERIFICATION HOLD THE BOX TO THE RIGHT OF THE ARROW BETWEEN THUMB AND FOREFINCER OR BREATHE ON IT. COLOR WILL DISAPPEAR AND REAPPEAR 👈 🔣 🖽

69-222/522

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Value To GUSTOWERS: The purches of an inclinity Benin will be reveited before the check will be replaced or relidinged in the event it is four, mapleced or seden.

ACME-Ventures Bid Bond DEP13912

AUTHORIZED SIGNATURE

VING, FLUORESCENT FIBERS AND IS CHEMICAL REACTIVE.

B 10009511 THIS CHECK CONTAINS AN ARTIFICIAL WATERMARK, MICROPE