

2022 Dorey St. Ext.
P.O. Box 1027
Clearfield, PA 16830
Phone: 814-765-7115
Fax: 814-765-5698

**Utilities Forestry
Services, Inc.**

Fax

To: SEALED BID CB-23 **From:** Anne Barnes
Fax: 304-558-3970 **Pages:** 25
Phone: **Date:** 2/5/2008 1:55 P.M.
Re: BID DEP13712 **CC:**

Urgent For Review Please Comment Please Reply Please Recycle

● **Comments:**

SEALED BID
BUYER: CB - 23
REQ. NO: DEP13712
BID OPENING: 2/6/2008
BID OPENING TIME: 1:30 P.M.

*original
w/ bond.*

Thank you.



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
 DEP13712

PAGE
 1

ADDRESS CORRESPONDENCE TO ATTENTION OF
 CHUCK BOWMAN
 304-558-2157

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VENDOR

Utilities Forestry Services, Inc.
 2022 Dorey ST. Ext. P.O. Box 1027
 Clearfield, PA 16830

SHIP TO

ENVIRONMENTAL PROTECTION
 DEPT. OF
 OFFICE OF SPECIAL RECLAMATION
 116 INDUSTRIAL DRIVE
 OAK HILL, WV
 25901 304-465-1911

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
12/12/2007				
BID OPENING DATE: 02/06/2008		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		\$672,315.00
<p>RECLAMATION: RESTORATION OF LAND</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FROM QUALIFIED CONTRACTORS FOR A CONTRACT TO PROVIDE ALL LABOR AND MATERIALS TO PERFORM RECLAMATION ON THE MINING OPERATION OF LEVEL LAND MINING CORPORATION, NOW UNDER REVOKED PERMIT NUMBER(S) S-3031-90. THIS SITE CONSISTS OF APPROXIMATELY 15 ACRES AND IS LOCATED NEAR HICO, WV IN FAYETTE COUNTY.</p> <p>THE RECLAMATION SHALL BE PERFORMED UNDER THE GUIDANCE AND GENERAL SUPERVISION OF THE AGENT ASSIGNED TO THE PROJECT FOR THE STATE OF WEST VIRGINIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION.</p> <p>A MANDATORY ON-SITE PREBID CONFERENCE SHALL BE HELD ON 01/08/2008 @ 10:00 AM. FAILURE TO ATTEND THE PREBI CONFERENCE WILL RESULT IN BID DISQUALIFICATION.</p> <p>DIRECTIONS TO PREBID: FROM THE INTERSECTION OF U.S. ROUTE 19 AND ROUTE 60 AT HICO, TAKE U.S. ROUTE 60 WEST TOWARD ANSTED. TRAVEL APPROXIMATELY 0.9 MILE AND TURN RIGHT ON STRINGTOWN ROAD, COUNTY ROUTE 60/8. TRAVEL APPROXIMATELY 3.4 MILES AND TURN LEFT ON HAULROAD. TRAVEL APPROXIMATELY 0.4 MILE AND TURN RIGHT ONTO MINE SITE.</p> <p>ALL WORK MUST BE COMPLETED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PREPARED BY THE DEPARTMENT</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Donald R. Wendt</i>	TELEPHONE (814) 765-7115	DATE 2/1/2008
TITLE Vice Pres.	FEN 25-1193213	ADDRESS CHANGES TO BE NOTED ABOVE

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



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<p>OF ENVIRONMENTAL PROTECTION AND PURCHASE ORDER ISSUED BY THE DEPARTMENT OF ADMINISTRATION, DIVISION OF PURCHASING.</p> <p>EXHIBIT 5</p> <p>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.</p> <p>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.</p> <p>WAGE RATES: THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY THE HIGHER OF THE U.S. DEPARTMENT OF LABOR MINIMUM WAGE RATES AS ESTABLISHED FOR FAYETTE COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET,SEQ.</p> <p>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.</p> <p>WORKERS' COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL.</p> <p>ALL OF THE ITEMS CHECKED BELOW WILL BE A REQUIREMENT OF THIS CONTRACT:</p>						

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<p>(XX) INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF 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.</p> <p>() 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.</p> <p>(XX) BONDS: FIVE PERCENT (5%) OF THE TOTAL AMOUNT OF 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 THE 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. PERSONAL OR BUSINESS CHECKS ARE NOT ACCEPTABLE IN LIEU OF THE 5% BID BOND, PERFORMANCE BOND, OR LABOR/MATERIAL BOND.</p> <p>() MAINTENANCE BOND: A TWO (2) YEAR MAINTENANCE BOND COVERING THE ROOFING SYSTEM WILL BE A REQUIREMENT OF THE SUCCESSFUL VENDOR.</p> <p>REV. 11/00</p> <p>CONTRACTORS LICENSE</p> <p>WEST VIRGINIA STATE CODE 21-11-2 REQUIRES THAT ALL PERSONS DESIRING TO PERFORM CONTRACTING WORK IN THIS</p>						

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 4

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<p>STATE MUST BE LICENSED. THE WEST VIRGINIA CONTRACTORS LICENSING BOARD IS EMPOWERED TO ISSUE THE CONTRACTORS LICENSE. APPLICATIONS FOR A CONTRACTORS LICENSE MAY BE MADE BY CONTACTING THE WEST VIRGINIA DIVISION OF LABOR CAPITOL COMPLEX, BUILDING 3, ROOM 319, CHARLESTON, WV 25305. TELEPHONE: (304) 558-7890.</p> <p>WEST VIRGINIA STATE CODE 21-11-11 REQUIRES ANY PROSPECTIVE BIDDER TO INCLUDE THE CONTRACTORS LICENSE NUMBER ON THEIR BID.</p> <p>BIDDER TO COMPLETE: CONTRACTORS NAME - ..Utilities Forestry Services, Inc. CONTRACTORS LICENSE NO. - ..WV000605.....</p> <p>THE SUCCESSFUL BIDDER IS REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT.</p> <p>APPLICABLE LAW</p> <p>THE WEST VIRGINIA STATE CODE, PURCHASING DIVISION RULES AND REGULATIONS, AND THE INFORMATION PROVIDED IN THE "REQUEST FOR QUOTATION" ISSUED BY THE PURCHASING DIVISION IS THE SOLE AUTHORITY GOVERNING THIS PROCUREMENT.</p> <p>ANY INFORMATION PROVIDED IN SPECIFICATION MANUALS, OR ANY OTHER SOURCE, VERBAL OR WRITTEN, WHICH CONTRADICTS OR ALTERS THE INFORMATION PROVIDED FROM THE SOURCES AS DESCRIBED IN THE ABOVE PARAGRAPH IS VOID AND OF NO EFFECT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATI-</p>						

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PAGE
 5

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<p>CALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</p> <p>PREFERENCE FOR USE OF DOMESTIC STEEL PRODUCTS</p> <p>L. 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 IN THIS CONTRACT,</p> <p>A. "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, ROADS 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.</p> <p>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 MADE BY THE OPEN HEARTH, BASIC OXYGEN, ELECTRIC FURNACE, BESSEMER OR OTHER STEEL MAKING PROCESS.</p> <p>C. "UNITED STATES" MEANS THE UNITED STATES OF AMERICA AND INCLUDES ALL TERRITORY, CONTINENTAL OR INSULAR, SUBJECT TO THE JURISDICTION OF THE UNITED STATES.</p>						

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PAGE
 6

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2.				THE DIRECTOR OF THE PURCHASING DIVISION MAY, IN WRITING, AUTHORIZE THE USE OF FOREIGN STEEL PRODUCTS IF:		
				A. THE COST FOR EACH CONTRACT ITEM USED DOES NOT 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,		
				B. THE DIRECTOR OF THE PURCHASING DIVISION DETERMINES THAT SPECIFIED STEEL MATERIALS ARE NOT PRODUCED IN THE UNITED STATES IN SUFFICIENT QUANTITY OR OTHERWISE ARE NOT REASONABLY AVAILABLE TO MEET CONTRACT REQUIREMENTS.		
				3. A CONTRACTOR WHO USES STEEL PRODUCTS IN VIOLATION OF THIS SECTION MAY BE SUBJECT TO CIVIL PENALTIES PURSUANT TO WV CODE SECTION 5A-3-56.		
				REV. 10/01/01		
				EXHIBIT 7		
				DOMESTIC ALUMINUM, GLASS & STEEL IN PUBLIC WORKS PROJECTS		
				IN ACCORDANCE WITH WEST VIRGINIA CODE 5-19-1 ET., SEQ., EVERY CONTRACT FOR CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR, IMPROVEMENT OR MAINTENANCE OF PUBLIC WORKS, WHERE THE COST IS MORE THAN \$50,000 AND, IN THE CASE OF STEEL ONLY, WHERE THE COST OF STEEL IS MORE THAN \$50,000 OR WHERE MORE THAN 10,000 POUNDS OF		

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PAGE
 7

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<p>STEEL ARE REQUIRED, THE STATE WILL ACCEPT ONLY ALUMINUM GLASS, OR STEEL PRODUCTS PRODUCED IN THE UNITED STATES. IN ADDITION, ITEMS OF MACHINERY OR EQUIPMENT PURCHASED FOR USE AT THE SITE OF PUBLIC WORKS SHALL BE MADE OF DOMESTIC ALUMINUM, GLASS OR STEEL, UNLESS THE COST OF THE PRODUCT IS LESS THAN \$50,000 OR LESS THAN 10,000 POUNDS OF STEEL ARE USED IN PUBLIC WORKS PROJECTS.</p> <p>FOREIGN MADE ALUMINUM, GLASS OR STEEL PRODUCTS MAY BE ACCEPTED ONLY IF THE COST OF DOMESTIC PRODUCTS IS FOUND TO BE UNREASONABLE. SUCH COST IS UNREASONABLE IF IT IS 20% OR MORE HIGHER THAN THE BID PRICE FOR FOREIGN MADE PRODUCTS. IF THE DOMESTIC ALUMINUM, GLASS OR STEEL PRODUCTS TO BE SUPPLIED OR PRODUCED IN A "SUBSTANTIAL LABOR SURPLUS AREA", AS DEFINED BY THE UNITED STATES DEPARTMENT OF LABOR, FOREIGN PRODUCTS MAY BE SUPPLIED ONLY IF DOMESTIC PRODUCTS ARE 30% OR MORE HIGHER IN PRICE THAN THE FOREIGN MADE PRODUCTS.</p> <p>IF, PRIOR TO THE AWARD OF A CONTRACT UNDER THE ABOVE 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 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.</p> <p>REV. 3/88</p> <p>EXHIBIT 9</p> <p>NOTICE FOR ISSUANCE & ACKNOWLEDGEMENT OF CONSTRUCTION PROJECT ADDENDA</p>						

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 8

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<p>THE ARCHITECT/ENGINEER AND/OR AGENCY SHALL BE REQUIRED TO ABIDE BY THE FOLLOWING SCHEDULE IN ISSUING CONSTRUCTION PROJECT ADDENDA FOR STATE AGENCIES:</p> <p>(1) 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 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.</p> <p>(2) THE BUYER SHALL SEND THE ADDENDUM TO ALL INTERESTED PARTIES AND, IF NECESSARY, EXTEND THE BID OPENING DATE. ANY ADDENDUM SHOULD BE RECEIVED BY THE BUYER WITHIN FOURTEEN (14) DAYS PRIOR TO THE BID OPENING DATE.</p> <p>(3) ALL ADDENDA SHOULD BE FORMALLY ACKNOWLEDGED BY ALL BIDDERS AND SUBMITTED TO THE STATE PURCHASING DIVISION. 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.</p> <p>REV. 11/96</p> <p>EXHIBIT 10</p> <p>DEP.....</p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO</p>						

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PAGE
 10

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<p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p>DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER: CB-23</p> <p>REQ. NO.: DEP13712</p> <p>BID OPENING DATE: 02/06/2008</p> <p>BID OPENING TIME: 1:30 P.M.</p> <p>PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- (814)765-5698 -----</p> <p>PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE: <u>Donald Wendt</u> -----</p>						

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BUYER CB-23	PAGE 015	REQ. OR PO NO. DEP13712
SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/ OFFICE OF SPECIAL RECLAMATION		

WV-36 STATE OF WEST VIRGINIA
REV. 1/29/02 PURCHASING CONTINUATION SHEET
VENDOR:

ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
BID SCHEDULE				
PERMIT NAME: <u>Level Land Mining Corporation</u>				
PERMIT NUMBER(S): <u>S-3031-90</u>				
The DEP reserves the right to request additional information and supporting documentation regarding unit prices when the unit price appears to be unreasonable.				
1.0	LUMP SUM	<u>MOBILIZATION/DEMOBILIZATION</u> (5% Total Bid Maximum for this permit)	LUMP SUM	\$ 33,600.00
2.0	LUMP SUM	<u>SPILL CONTAINMENT AREA (S.C.A.)</u> (\$1,000.00 Maximum Bid for this permit)	LUMP SUM	\$ 1,000.00
3.0	LUMP SUM	<u>HAULROAD/ACCESS ROAD</u> (5% Total Bid Maximum for this permit)	LUMP SUM	\$ 31,500.00
4.0	LUMP SUM	<u>BACKFILLING</u>	LUMP SUM	\$220,400.00
5.0	LUMP SUM	<u>REGRADING AND TOPSOILING</u>	LUMP SUM	\$ 32,800.00
6.0		<u>REVEGETATION</u>		
6.1	LUMP SUM	<u>AGRICULTURAL LIME</u>	LUMP SUM	\$ 8,500.00
6.2	LUMP SUM	<u>FERTILIZER</u>	LUMP SUM	\$ 11,000.00
6.3	LUMP SUM	<u>MULCH</u>	LUMP SUM	\$ 8,750.00
6.4	LUMP SUM	<u>VEGETATIVE SPECIES</u>	LUMP SUM	\$ 8,780.00
7.0	LUMP SUM	<u>CONSTRUCTION STAKEOUT</u> (Limited to 5% Total Bid For This Permit)	LUMP SUM	\$ 31,400.00
8.0	3500 LF	<u>HAYBALE DIKE</u> (Max. Bid \$5.00 Per LF)	\$ 5.00 PER LF	\$ 17,500.00
9.0	8 EA	<u>WET MINE SEAL</u> (Non-acid producing seams)	\$9,050.00 PER EACH	\$ 72,400.00

BUYER	PAGE	REQ. OR PO NO.
CB-23	016	DEP13712
SPENDING UNIT		
WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/ OFFICE OF SPECIAL RECLAMATION		

WV-36 STATE OF WEST VIRGINIA
 REV. 1/29/02 PURCHASING CONTINUATION SHEET
 VENDOR:

ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
10.0	LUMP SUM	<u>STRUCTURE AND/OR DEBRIS REMOVAL</u>	LUMP SUM	\$ 3,700.00
11.0	NO BID ITEM	<u>UTILITIES</u>	NO BID ITEM	
12.0	LUMP SUM	<u>ROAD ABANDONMENT</u>	LUMP SUM	\$ 8,700.00
13.0	LUMP SUM	<u>LATERAL UNDERDRAIN</u>	LUMP SUM	\$ 28,400.00
<u>WATER QUALITY ABATEMENT</u>				
14.0		<u>RIP-RAP DITCH</u>		
14.1	LUMP SUM	<u>DITCH NUMBER ONE (1)</u>	LUMP SUM	\$ 60,450.00
14.2	LUMP SUM	<u>DITCH NUMBER TWO (2)</u>	LUMP SUM	\$ 38,010.00
14.3	LUMP SUM	<u>STREAM CHANNEL NUMBER THREE (3)</u>	LUMP SUM	\$ 13,550.00
15.0	LUMP SUM	<u>UPGRADE POND 1-A</u>	LUMP SUM	\$ 41,875.00
TOTAL FOR PERMIT <u>S-3031-90</u>				\$ 672,315.00



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
DEP13712

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
CHUCK BOWMAN 304-558-2157



Utilities Forestry Services Inc.
 Attention: Don Wendt
 PO Box 1027
 Clearfield, PA 16830

SHIP TO

ENVIRONMENTAL PROTECTION
 DEPT. OF
 OFFICE OF SPECIAL RECLAMATION
 116 INDUSTRIAL DRIVE
 OAK HILL, WV
 25901 304-465-1911

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
01/15/2008				

BID OPENING DATE: **02/06/2008** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
***** ADDENDUM NO. 1 *****						
ADDENDUM ISSUED FOR THE LEVEL LAND MINING PROJECT PER THE PRE-BID OF 01/08/08, TO DISTRIBUTE THE PRE-BID SIGN-IN SHEETS AND THE Q/A RESULTING FROM THAT MEETING						
BID DATE AND OPENING TIME REMAIN UNCHANGED AS 02/06/08 @ 1:30 PM.						
***** NO OTHER CHANGES *****						
0001	1	JB		962-73		
RECLAMATION: RESTORATION OF LAND						
***** THIS IS THE END OF RFQ DEP13712 *****						TOTAL: \$672,315.00

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Donald R. Wendt</i>	TELEPHONE (814) 765-7115	DATE 2/1/2008
TITLE Vice Pres.	FEIN 25-1193213	ADDRESS CHANGES TO BE NOTED ABOVE

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

DEP13712
Addendum No.1

S-3031-90 Level Land Construction
Pre-Bid Conference
January 8, 2008

Questions and Answers

- Q1. Will Ditch 2 enter the pond through the trees?
A1. Yes, near the corner of the pond where the water comes in from the hollow above.
- Q2. Will the grass road at Ditch 2 be maintained?
A2. No, this will become a ditch line to carry water.
- Q3. Is Ditch 1 going down the flat area where you're reclaiming the highwall?
A3. No, that portion will not be along the road and it will dump over the hill.
- Q4. On the relocated access road of the lower site, do you want stone on it?
A4. Stone wasn't included, but if any can be salvaged from the site please do so.
- Q5. On the highwall reclamation do you want a two to one slope?
A5. Yes from where we are now all the way back to where the trucks are parked.
- Q6. Where do you anticipate getting the spoil for the highwall?
A6. You can get it from the point and if that's not enough go out to the other point.
You can go down as far as the sediment ditches.
- Q7. In the back of Area 1 do you have to leave enough road to get a seeder back in?
A7. Yes, whenever you run your two to one slope it will be awfully close to the edge of the bench so you may have to work your way out. I don't anticipate leaving a road from where our vehicles are parked at this present time.
- Q8. Do you want the highwall on a two to one slope?
A8. Yes, you will start here to where the adjacent land owner has marked the area with no trespassing signs and if it's not two to one you will make it so.
- Q9. Can we go down over the hill from this area?
A9. You can only go down to the sediment ditch, anything that is on the outside of the sediment ditch do not disturb unless you need to remove some material for sheet flow.

- Q10. The borrowed material is coming from here also?
A10. Yes, this area is to be taken down, no lower than sheet flow.
- Q11. During the highwall reclamation are we allowed to create a dip for sheet flow?
A11. No.
- Q12. On the highwall are we to maintain the sediment ditch on that end?
A12. No, you re going to eliminate the sediment ditch.
- Q13. It seems there's nothing to do between Area 1 and Area 2 except what's been disturbed on your way in and out?
A13. That is correct.
- Q14. Is the property owner's access road in the spoil?
A14. No, it was an existing road and the spoil is right beside it
- Q15. Does the property owner's access road need to stay level or can it slope down?
A15. No, this road can be changed but it needs to tie back into the existing road going into the woods.
- Q16. Is the gate kept locked?
A16. Yes, it is locked and you can open it with the key we normally use. If you don't have one stop by the office and we'll give you one.

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

004

RFQ # : DEP13712
 Project: Level Land Mining
 Permit Number: S-3031-90

Bid Date: 02-06-2008
 Pre-Bid Date: 01-08-2008

Name : Robert Barnes
 Company: Barnes Exc Inc.
 Address: P.O. Box 13384
Sissonville WVA 25360
 Phone #: 304-984-1725
 Fax #: 304-984-0074
 Email : None

Name : Doug Vincent
 Company: Breakaway Inc
 Address: 1075 Old Turnpike Rd
Sutton WV
 Phone#: 765-5317
 Fax #: 765-5389
 Email : breakaway_inc@verizon.net

Name : Ann Wazowick
 Company: EASTERN ARROW
 Address: P.O. Box 4108
CHARLESTON WV
 Phone #: 304-414-0255
 Fax #: 304-414-0256
 Email : easternarrow@hotmail.com

Name : Carl Hunter
 Company: Hunter Excavating LLC
 Address: HC 40
Republic WVA 25984
 Phone#: 304-392-5683
 Fax #: 392-5683
 Email :

Name : DAVID H. BOWMAN
 Company: GREEN MOUNTAIN COMPANY
 Address: 511 50th STREET
CHARLESTON WV
25304
 Phone #: 304 925 0253
 Fax #: 304-925 4043
 Email : Jody Maye AOL Com

Name : Sidney Price
 Company: Hayslett Construction
 Address: 402 Herald Court
Summersville, WV 26051
 Phone#: 304-872-6331
 Fax #:
 Email :

Name : SAM'S EXCAVATIONS
 Company: SAM SKIDMORE
 Address: 655 Poplar Ridge
Sutton, WV 26051
 Phone #: 265-2194
 Fax #: 265-2066
 Email :

Name : LONNIE WALTON
 Company: BEAR CONTRACTING
 Address: P.O. Box 1196
BRIDGE PORT WV
 Phone#: 304 842-3002
 Fax #: 842-9433
 Email :

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

RFQ # : DEP13712
 Project: Level Land Mining
 Permit Number: S-3031-90

Bid Date: 02-06-2008
 Pre-Bid Date: 01-08-2008

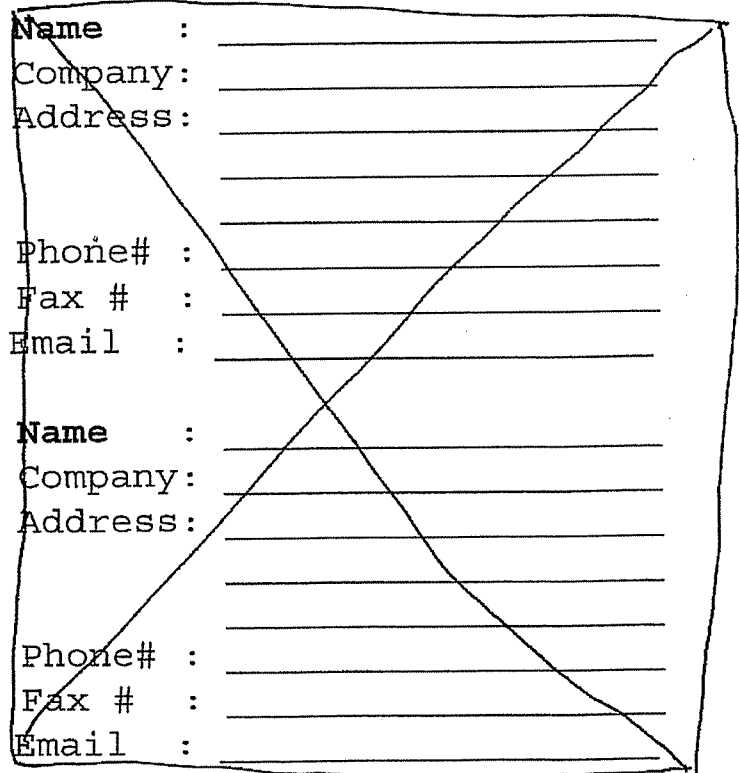
Name : Don Wendt
 Company: Utilities Forestry Servs, Inc.
 Address: P.O. Box 1021
Clarefield, PA 16830
 Phone #: 814-765-7115
 Fax #: 814-765-5698
 Email : _____

Name : GEORGE FRESHOUR
 Company: EAGLE EXCAVATION INC
 Address: P.O. BOX 218
KEARNA, WV
25248
 Phone# : (304) 372-4378
 Fax # : (304) 372-4378
 Email : NONE

Name : Gary Long
 Company: McCourt & Son Const.
 Address: 2790 Centralia Rd
Sutton WV 26601
 Phone #: 304 765-5288
 Fax # : 304 765-5293
 Email : _____

Name : Kevin Bradford
 Company: Pineville Paving + Excavating Inc.
 Address: P.O. Box 1290
Pineville WV 24874
 Phone# : 304-732-8303
 Fax # : 304-732-7855
 Email : KDBPPI@AOL.COM

Name : Roger L. Collins Jr.
 Company: Collins Building & Construction, INC.
 Address: 390 Carly Rd.
Flora, WV
26421
 Phone #: 204-765-3521
 Fax # : 304-765-3521
 Email : CScollins@comcast.net



Name : Randy Carpenter
 Company: Carpenter Reclamation
 Address: Po BX 13615
Sissonville, WV
25760
 Phone #: 304-984-1115
 Fax # : 984-2770
 Email : _____



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	DEP13712
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PAGE	1
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ADDRESS CORRESPONDENCE TO ATTENTION OF	CHUCK BOWMAN 304-558-2157
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PURCHASER

Utilites Forestry Services, Inc.
 Attention: Don Wendt
 PO Box 1027
 Clearfield, PA 16830

SHIP TO

ENVIRONMENTAL PROTECTION
 DEPT. OF
 OFFICE OF SPECIAL RECLAMATION
 116 INDUSTRIAL DRIVE
 OAK HILL, WV
 25901 304-465-1911

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
01/28/2008				

BID OPENING DATE: 02/06/2008 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		
ADDENDUM NO. 2 POND 1-A AS SHOWN ON PAGE 56 OF THE SPECIFICATIONS, SHOWS THE 'SOLID CONCRETE CUT-OFF TRENCH' WITH A DEPTH OF 30' (FEET). THE DEPTH SHOULD BE 30" (INCHES) PLEASE MAKE NOTE OF THIS CHANGE. BID DATE AND OPENING REMAIN 02/06/08 @ 1:30 PM. NO OTHER CHANGES						
RECLAMATION: RESTORATION OF LAND						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	<i>Donald R Wendt</i>	TELEPHONE	814-765-7115	DATE	1/30/2008
TITLE	Vice President	FEIN	25-1193213	ADDRESS CHANGES TO BE NOTED ABOVE	

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

OMB #1029-0119
Expiration Date: 12/31/06

AML CONTRACTOR INFORMATION FORM

You must complete this form to obtain an AVS data evaluation to determine your eligibility as an AML contractor and/or sub-contractor. This is a requirement under 30 CFR 874.16.

Part A: General Information

Contractor Name: Utilities Forestry Ser. Inc. Tax Payer ID No.: 25-1193213
Address: 2022 Dorey ST. Ext. P.O. Box 1027
City: Clearfield State: PA Zip Code: 16830 Phone: (814) 765-7115
Fax No.: (814) 765-5698 E-mail address: tdickson@utilitiesforestry.com

Part B: Legal Structure

Corporation Sole Proprietorship Partnership LLC
 Other (please specify) _____

Part C: Certifying and updating information in the AVS. Select only one of the following options and sign below.

I, Donald R. Wendt, have the express authority to certify that:

Information on the **attached** AVS printout is accurate, complete, and up-to-date.
(NOTE: If you select this option, an AVS printout must accompany this form. Sign below and do not complete Part D.)

_____ Part of the information on the **attached** AVS printout is missing or incorrect and AVS needs to be updated as indicated in Part D. Sign below and complete Part D. _____

_____ Our company currently has no information listed in the AVS. This information must be provided as indicated in Part D. Sign below and complete Part D. _____

1/24/2008

Date

Donald R. Wendt
Signature

Vice Pres.

Title

Important!

In order to certify to existing information in Part C, you must obtain a copy of the relevant information from AVS. You may contact the AVS Office at 800-643-9748 or request a copy via e-mail from www.avs.osmre.gov on the Internet.

Office of Surface Mining

Applicant Violator System

Welcome Amy Willoughby

Logout
Help

Entity Page

[HOME](#)
 [ENTITY](#)
 [New Entity](#)
 [Update Entity](#)
 [Evaluate](#)
 [Delete Entity](#)
 [Entity OFT](#)
 [Unlock OFT](#)
 [APPLICATION](#)
 [PERMIT](#)
 [VIOLATION](#)
 [MAINTENANCE](#)

This Entity's OFT is locked.

Entity Number 143760
Entity Name Utilities Forestry Services Inc
*** First Name**
Middle Name
Alias
Tax ID 251193213
Memo
Created 4/15/1997
Updated 4/15/1997
Source srapa05e
EntityType Business

[Addresses](#)
 [Relationships](#)
 [Applications](#)
 [Permits](#)
 [Comments](#)

Parent Entity	Sub-Entity	Description	% Ownership	Begin Date	End Date
143760 Utilities Forestry Services Inc	143761 Larson Steven J	Shareholder	25	8/6/2005	
143760 Utilities Forestry Services Inc	143761 Larson Steven J	Director	0	3/1/1996	
143760 Utilities Forestry Services Inc	143761 Larson Steven J	President	0	3/1/1996	

Entity

143760	Utilities Forestry Services Inc	143762	Wawrynovic Paul B	Director	0	3/1/1996
143760	Utilities Forestry Services Inc	143762	Wawrynovic Paul B	Secretary	0	3/1/1996
143760	Utilities Forestry Services Inc	143762	Wawrynovic Paul B	Shareholder	25	8/6/2005
143760	Utilities Forestry Services Inc	143762	Wawrynovic Paul B	Treasurer	0	2/10/2005
143760	Utilities Forestry Services Inc	143762	Wawrynovic Paul B	Vice President	0	3/1/1996
143760	Utilities Forestry Services Inc	143764	Bergum Patrick A	Director	0	3/1/1996
143760	Utilities Forestry Services Inc	143764	Bergum Patrick A	Shareholder	25	8/6/2005
143760	Utilities Forestry Services Inc	143764	Bergum Patrick A	Vice President	0	3/1/1996
143760	Utilities Forestry Services Inc	143765	Wendt Donald R	Director	0	3/1/1996
143760	Utilities Forestry Services Inc	143765	Wendt Donald R	Shareholder	25	8/6/2005
143760	Utilities Forestry Services Inc	143765	Wendt Donald R	Vice President	0	3/1/1996
143760	Utilities Forestry Services Inc	143763	Wawrynovic Frank J	Director	0	3/1/1996 2/9/2005

143760	Services Inc	143763	Wawrynovic Frank J	Shareholder	10	7/9/1968	2/9/2005
143760	Utilities Forestry Services Inc	143763	Wawrynovic Frank J	Treasurer	0	3/1/1996	2/9/2005
143760	Utilities Forestry Services Inc	143761	Larson Steven J	Shareholder	22	3/17/1983	8/6/2005
143760	Utilities Forestry Services Inc	143762	Wawrynovic Paul B	Shareholder	22	3/16/1981	8/6/2005
143760	Utilities Forestry Services Inc	143764	Bergum Patrick A	Shareholder	22	5/16/1989	8/6/2005
143760	Utilities Forestry Services Inc	143765	Wendt Donald R	Shareholder	22	6/20/1985	8/6/2005

Part D.

Contractor Name: Utilities Forestry Services, Inc.

If the current information for your company is incorrect in the AVS, or if your company has no information in the AVS, you must provide the information below for the following relationships. Please attach additional information as necessary.

- Company officers (president, vice president, secretary, treasurer, etc.);
- Directors;
- Persons performing a function similar to a Director;
- persons/companies who own or control 10% or more of the voting stock in your company;
- partners (if your company is a partnership);
- members/managers (if your company is a limited liability company);
- 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:	_____	Ending Date:	_____

Name	_____	Position/Title	_____
Address	_____	Telephone #	_____
	_____	% of Ownership	_____
Begin Date:	_____	Ending 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.

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING 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 owed 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: Utilities Forestry Services, Inc.

Authorized Signature: Donald R. Wendt Date: 2/1/2008

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Utilities Forestry Services, Inc.
of PO Box 1027, Clearfield, PA 16830, as Principal, and West American Insurance Company
of 2000 Linglestown Road, Suite 203 corporation organized and existing under the laws of the State of Indiana,
Indianapolis, IN 46210, with its principal office in the City of Harrisburg, as Surety, are held and firmly bound unto the State
of West Virginia, as Obligees, in the penal sum of 5% of the amount bid (\$ _____) for the payment of which,
well and truly to be made, we jointly and severally bind ourselves, our heirs, administrators, executors, successors and assigns.

The Condition of the above obligation is such that whereas the Principal has submitted to the Purchasing Section of the
Department of Administration a certain bid or proposal, attached hereto and made a part hereof, to enter into a contract in writing for
Requisition Number DEP 13712, Level Land Mining Corp, Revoked Permit#S-3031-90
Near Hico, WV in Fayette 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 contract in accordance with the bid or proposal attached
hereto and shall furnish any other bonds and insurance required by the bid or proposal, and shall in all other respects perform the
agreement created by the acceptance of said bid, then this obligation shall be null and void, otherwise this obligation shall remain in full
force and effect. It is expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event,
exceed the penal amount of this obligation as herein stated.

The Surety, for the value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no
way impaired or affected by any extension of the time within which the Obligees may accept such bid, and said Surety does hereby
waive notice of any such extension.

IN WITNESS WHEREOF, Principal and Surety have hereunto set their hands and seals, and such of them as are corporations
have caused their corporate seals to be affixed hereunto and these presents to be signed by their proper officers, this
6th day of February, 2008.

Principal Corporate Seal

Utilities Forestry Services, Inc.
(Name of Principal)
Donald R. Wendt
By Donald R. Wendt
(Must be President or
Vice President)
Vice President
(Title)

Surety Corporate Seal

West American Insurance Company
(Name of Surety)

Kevin D. McMillen
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

CERTIFIED COPY OF POWER OF ATTORNEY
THE OHIO CASUALTY INSURANCE COMPANY
WEST AMERICAN INSURANCE COMPANY

No. 36-911

Know All Men by These Presents: That THE OHIO CASUALTY INSURANCE COMPANY, an Ohio Corporation, and WEST AMERICAN INSURANCE COMPANY, an Indiana Corporation, in pursuance of authority granted by Article VI, Section 7 of the By-Laws of The Ohio Casualty Insurance Company and Article VI, Section 1 of West American Insurance Company, do hereby nominate, constitute and appoint **Kevin D. McMillen or Randall L. Lemmo of Smethport, Pennsylvania** its true and lawful agent (s) and attorney (s)-in-fact, to make, execute, seal and deliver for and on its behalf as surety, and as its act and deed any and all BONDS, UNDERTAKINGS, and RECOGNIZANCES, not exceeding in any single instance **TEN MILLION (\$10,000,000.00) DOLLARS**, excluding, however, any bond(s) or undertaking(s) guaranteeing the payment of notes and interest thereon

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Companies at their administrative offices in Hamilton, Ohio, in their own proper persons. The authority granted hereunder supersedes any previous authority heretofore granted the above named attorney(s)-in-fact.

In WITNESS WHEREOF, the undersigned officer of the said The Ohio Casualty Insurance Company and West American Insurance Company has hereunto subscribed his name and affixed the Corporate Seal of each Company this **29th day of April, 2003**.



Sam Lawrence
Sam Lawrence, Assistant Secretary

STATE OF OHIO,
COUNTY OF BUTLER

On this **29th day of April, 2003** before the subscriber, a Notary Public of the State of Ohio, in and for the County of Butler, duly commissioned and qualified, came Sam Lawrence, Assistant Secretary of THE OHIO CASUALTY INSURANCE COMPANY and WEST AMERICAN INSURANCE COMPANY, to me personally known to be the individual and officer described in, and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn deposed and saith, that he is the officer of the Companies aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and the said Corporate Seals and his signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at the City of Hamilton, State of Ohio, the day and year first above written.



Cheryl S. Gregory

Notary Public in and for County of Butler, State of Ohio
My Commission expires **August 6, 2007**.

This power of attorney is granted under and by authority of Article VI, Section 7 of the By-Laws of The Ohio Casualty Insurance Company and Article VI, Section 1 of West American Insurance Company, extracts from which read:

Article VI, Section 7. APPOINTMENT OF ATTORNEYS-IN-FACT, ETC. "The chairman of the board, the president, any vice-president, the secretary or any assistant secretary of each of these Companies shall be and is hereby vested with full power and authority to appoint attorneys-in-fact for the purpose of signing the name of the Companies as surety to, and to execute, attach the corporate seal, acknowledge and deliver any and all bonds, recognizances, stipulations, undertakings or other instruments of suretyship and policies of insurance to be given in favor of any individual, firm, corporation, or the official representative thereof, or to any county or state, or any official board or boards of county or state, or the United States of America, or to any other political subdivision."

Article VI, Section 1. APPOINTMENT OF RESIDENT OFFICERS. "The Chairman of the Board, the President, any Vice President, a Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint attorneys in fact for the purpose of signing the name of the corporation as surety or guarantor, and to execute, attach the corporate seal, acknowledge and deliver any and all bonds, recognizances, stipulations, undertakings or other instruments of surety-ship or guarantee, and policies of insurance to be given in favor of an individual, firm, corporation, or the official representative thereof, or to any county or state, or any official board or boards of any county or state, or the United States of America, or to any other political subdivision."

This instrument is signed and sealed by facsimile as authorized by the following Resolution adopted by the respective directors of the Companies (adopted May 27, 1970-The Ohio Casualty Insurance Company; adopted April 24, 1980-West American Insurance Company):

"RESOLVED that the signature of any officer of the Company authorized by the By-Laws to appoint attorneys in fact, the signature of the Secretary or any Assistant Secretary certifying to the correctness of any copy of a power of attorney and the seal of the Company may be affixed by facsimile to any power of attorney or copy thereof issued on behalf of the Company. Such signatures and seal are hereby adopted by the Company as original signatures and seal, to be valid and binding upon the Company with the same force and effect as though manually affixed."

CERTIFICATE

I, the undersigned Assistant Secretary of The Ohio Casualty Insurance Company and West American Insurance Company, do hereby certify that the foregoing power of attorney, the referenced By-Laws of the Companies and the above Resolution of their Boards of Directors are true and correct copies and are in full force and effect on this date. IN WITNESS WHEREOF, I have hereunto set my hand and the seals of the Companies this **6th day of February, 2008**.



Mark E. Schmidt
Assistant Secretary