



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
DEP14142

PAGE
1

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

RODNEY

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

SHIP TO

**ENVIRONMENTAL PROTECTION
 DEPT. OF
 OFFICE OF SPECIAL RECLAMATION
 105 S. RAILROAD STREET
 PHILIPPI, WV
 26416-9998 304-457-3219**

| | | | | |
|-----------------------------------|---------------|----------|--------|---------------|
| DATE PRINTED 08/22/2007 | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
|-----------------------------------|---------------|----------|--------|---------------|

BID OPENING DATE: **09/25/2007** BID OPENING TIME **01:30PM**

| LINE | QUANTITY | UOP | CAT. NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|----------|-------------|------------|-------------------|
| 0001 | 1 | JB | | 962-73 | | 464,420.00 |
| <p>RECLAMATION: RESTORATION OF WATER</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS TO AWARD A CONTRACT TO PERFORM WATER RECLAMATION ON THE MINING OPERATION OF BUFFALO COAL CO., INC., NOW UNDER REVOKED PERMIT NUMBER S-122-80, PER THE ATTACHED SPECIFICATIONS, DRAWINGS, BID REQUIREMENTS, SCOPE OF WORK, AND TERMS AND CONDITIONS.</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 09/06/07 @ 10:00 AM. FAILURE TO ATTEND THE PREBID CONFERENCE WILL RESULT IN BID DISQUALIFICATION. FROM THOMAS TRAVEL NORTH APPRX. 3.6 MILES ON US RT 219. TURN RIGHT ONTO COUNTY RT. 9. TRAVEL APPRX. 1.2 MILES TO HAUL ROAD ON LEFT. GO STRAIGHT 1.6 MILES. PERMIT IS ON THE RIGHT.</p> <p>THE CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIALS, EQUIPMENT AND OTHER NECESSARY SERVICES SO AS TO ACCOMPLISH THE ITEMS AS SPECIFIED IN THIS CONTRACT. PROJECT IS LOCATED NEAR THOMAS, WV, TUCKER COUNTY AND CONSISTS OF APPROXIMATELY 12.0 ACRES.</p> <p>ALL WORK MUST BE COMPLETED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PREPARED BY THE DEPARTMENT OF</p> | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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|-----------------------------------|----------------------------------|-----------------------------------|
| SIGNATURE <i>Sonya Vincent</i> | TELEPHONE 304-765-5317 | DATE 10/2/07 |
| TITLE President | FEIN 13-427-9911 | ADDRESS CHANGES TO BE NOTED ABOVE |

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



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| ENVIRONMENTAL PROTECTION AND PURCHASE ORDER ISSUED BY THE DEPARTMENT OF ADMINISTRATION, PURCHASING DIVISION. EXHIBIT 5 NOTICE TO PROCEED: THIS CONTRACT IS TO BE PERFORMED WITHIN 365 CALENDAR DAYS AFTER THE NOTICE TO PROCEED IS RECEIVED. UNLESS OTHERWISE SPECIFIED, THE FULLY EXECUTED PURCHASE ORDER WILL BE CONSIDERED NOTICE TO PROCEED. CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE MATERIALS OR WORKMANSHIP SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM WITH THE SPECIFICATIONS OF THE THE BID AND CONTRACT HEREIN. WAGE RATES: THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY THE HIGHER OF THE U.S. DEPARTMENT OF LABOR MINIMUM WAGE RATES AS ESTABLISHED FOR TUCKER COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET,SEQ. ARBITRATION: ANY REFERENCES MADE TO ARBITRATION OR INTEREST FOR PAYMENTS DUE (EXCEPT FOR ANY INTEREST REQUIRED BY STATE LAW) CONTAINED IN THIS CONTRACT OR IN ANY AMERICAN INSTITUTE OF ARCHITECTS DOCUMENTS PERTAINING TO THIS CONTRACT ARE HEREBY DELETED. WORKERS' COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL. ALL OF THE ITEMS CHECKED BELOW WILL BE A REQUIREMENT OF THIS CONTRACT: | | | | | | |

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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 STATE MUST BE LICENSED. THE WEST VIRGINIA CONTRACTORS</p> | | |

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| | | | | | | |
| <p>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:</p> <p>CONTRACTORS NAME -Breakaway, Inc....</p> <p>CONTRACTORS LICENSE NO. - .WV037089.....</p> <p>THE SUCCESSFUL BIDDER WILL REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT.</p> <p style="text-align: center;">APPLICABLE LAW</p> <p>THE WEST VIRGINIA STATE CODE, PURCHASING DIVISION RULE 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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| <p>CALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</p> <p>EXHIBIT 7</p> <p>DOMESTIC ALUMINUM, GLASS & STEEL IN PUBLIC WORKS PROJECTS</p> <p>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 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</p> | | | | | | |

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| | | | | | | |
| <p>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.</p> <p>REV. 3/88</p> <p>EXHIBIT 9</p> <p>NOTICE FOR ISSUANCE & ACKNOWLEDGEMENT OF CONSTRUCTION PROJECT ADDENDA</p> <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 AND THE STATE AUDITOR'S OFFICE. THE SAME RULES AND</p> | | | | | | |

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| <p>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 style="text-align: center;">REQUISITION NO.: DEP14142</p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.</p> <p>ADDENDUM NO.'S:</p> <p>NO. 1 <input checked="" type="checkbox"/> <i>JH</i></p> <p>NO. 2 </p> <p>NO. 3 </p> <p>NO. 4 </p> <p>NO. 5 </p> <p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</p> <p style="text-align: right;"><i>Sonya Vincent</i></p> | | | | | | |

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| SIGNATURE <i>Breakaway, Inc.</i> COMPANY 10/2/07 DATE | | | | | | |
| REV. 11/96 | | | | | | |
| NOTICE | | | | | | |
| A SIGNED BID MUST BE SUBMITTED TO: | | | | | | |
| DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130 | | | | | | |
| THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED: | | | | | | |
| SEALED BID | | | | | | |
| BUYER: CB-23 RFQ. NO.: DEP14142 BID OPENING DATE: 09/25/2007 BID OPENING TIME: 1:30 PM | | | | | | |

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| | | | | ***** ADDENDUM NO. 1 ***** | | |
| | | | | ADDENDUM ISSUED FOR THE BUFFALO COAL COMPANY WATER PROJECT AS A RESULT OF THE MANDATORY PRE-BID MEETING OF 09/06/07. ATTACHED IS THE PRE-BID SIGN-IN SHEET AND THE VENDOR QUESTIONS/AGENCY ANSWERS & CLARIFICATIONS. | | |
| | | | | BID DATE HAS BEEN EXTENDED FROM 09/25/07 TO 10/02/07. BID OPENING TIME REMAINS 1:30 PM. | | |
| | | | | ***** NO OTHER CHANGES ***** | | |
| 0001 | 1 | JB | | 962-73 | | \$ 464,420.00 |
| | | | | RECLAMATION: RESTORATION OF WATER | | |

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SIGNATURE: *Conya Vincent* TELEPHONE: 304-765-5317 DATE: 10/2/07

TITLE: President FEIN: 13-427-9911 ADDRESS CHANGES TO BE NOTED ABOVE

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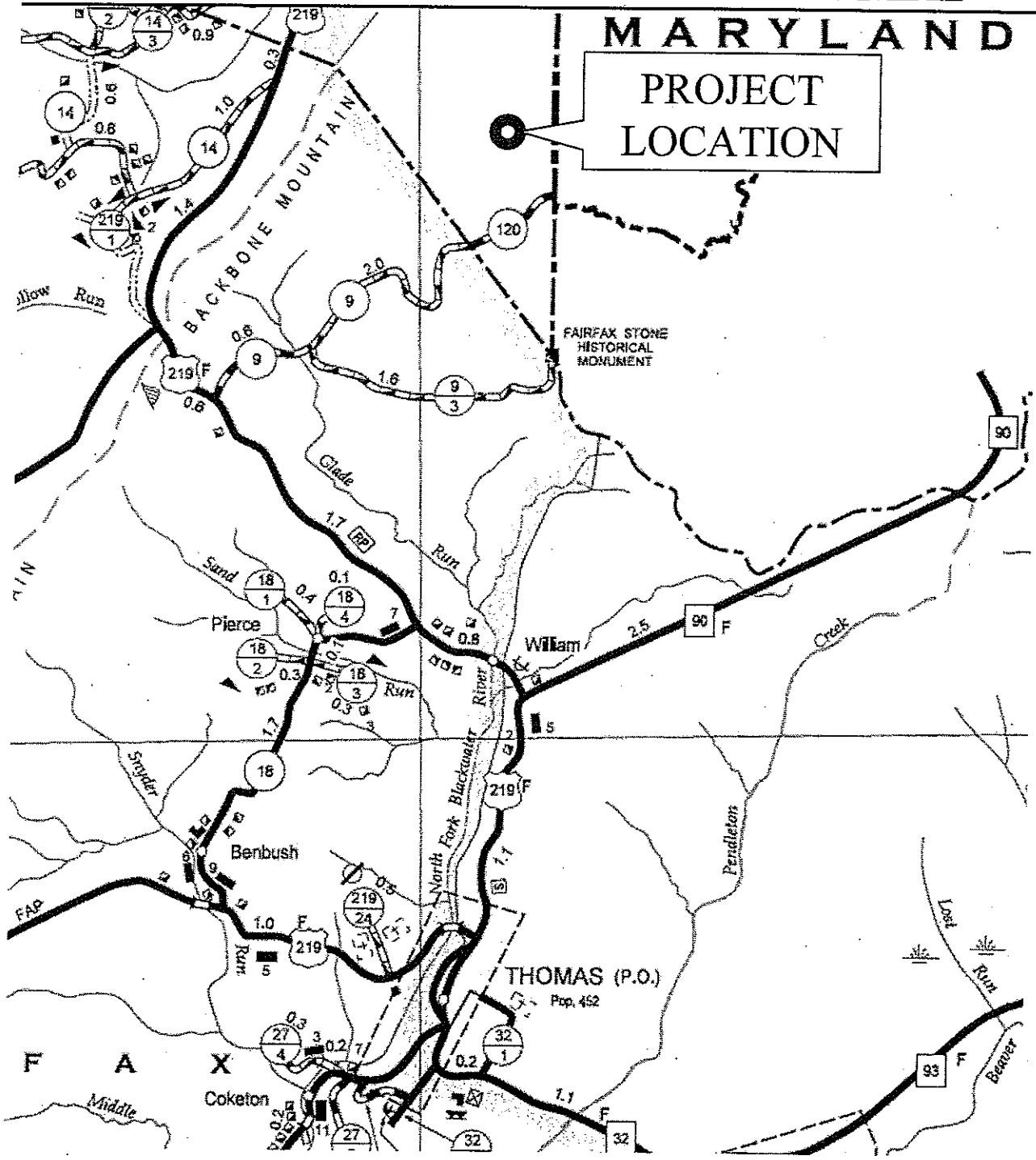
**Addendum #1 - Questions During Pre-Bid Meeting
For DEP 14142
Buffalo Coal Co. Permit # S-122-80**

- 1.) **Q.** Is the debris near the beginning of the road ditch repair part of the job?
A. Yes, the steel tank and steel culvert pipe beside the main access road is part of the debris removal bid item.
- 2.) **Q.** Will the existing culvert be sealed?
A. Yes, the question is answered in bid item #3, "an existing 36 inch diameter culvert draining the area behind the fill shall be sealed with cement grout".
- 3.) **Q.** The ditch crossing under the road through the woods, where does it come out into the seep collector? Will it enter the new 48" pipe?
A. It does not come into the seep collector, the ditch in question was the fresh water diversion ditch which will divert water through the woods and around an existing building. No, the water will not enter the 48" pipe.
- 4.) **Q.** The area where the building is, how far does that (the earth to be excavated) come down? Can the dike material for the fresh water pond be built from that material?
A. Whatever amount is needed to make the area behind the road fill to a non-impounding state. As much as 12 to 15 feet of depth may be excavated, or is available for removal at the building site. Yes, the material for the dikes can come from the area at the building site.
- 5.) **Q.** Are you going to grout the ditch from the Aquafix to the main ditch and grout the main ditch up to the 48 inch culvert?
A. Yes, grout both ditches and we may not grout up to the 48 inch culvert if seeps are encountered during construction. We may start grouting the main ditch at the Aquafix location. Plan for the grout to go all the way up to the 48 inch culvert.
- 6.) **Q.** Whenever you start the grout (in the main ditch) did you spec. a keyway in it... to keep the water from running under the grout?
A. We will determine how to start the grout during construction onsite, we do not have a spec. for it. We may dig a keyway in, or we may run the grout the entire length of ditch up to the 48 inch pipe. **Clarification: Plan to grout the ditch up to the 48 inch culvert.**
- 7.) **Q.** Is the 48 inch pipe actually an overflow for the other side?
A. Yes, correct... The 48 inch pipe is an overflow for any water impounded by the existing road fill.
- 8.) **Q.** (Cleaning of the Treatment Pond) Do we clean 10 feet from the normal water pool or from the top?
A. Sediment from the existing treatment pond shall be removed to a depth of 10 feet from the old water line (or normal water pool). Both sides of the pond shall be cleaned.

- 9.) Q. Is this the pond that was 15 feet deep?
A. It may be in the lower end of the pond, but we don't know.
- 10.) Q. Is that spillway incidental or is it a separate line item?
A. No, that is a separate line item, that is the exit spillway channel and we are paying for that by the linear foot.
- 11.) Q. Does the dike through the pond have to be as high as the outer embankment, or just have 2 to 3 feet of freeboard?
A. As long as the dike has 2 to 3 feet of freeboard, and the outer embankment has at least the same amount of freeboard to match the dike.
- 12.) Q. Do we have to remove sludge from the pond 10 feet from the old water line, or from the existing water line?
A. From the old water line ... as you can see it is down now. (The pond water level had been lowered for cleaning) We are going to raise the pond water level back up to that level (the old water line). **Clarification: The old water line is about 3 feet lower than the top of the outer embankment. Clean sediment and sludge 10 feet from the old water line, or a total of 13 feet from the top of the outer embankment down.**
- 13.) Q. Do we have to treat this water as the contractor?
A. No, our people will be treating the water.
- 14.) Q. Is there a 12 feet wide bench around all of this (the Treatment Pond), correct?
A. Yes, correct. We want to be able to build a fence around the pond after construction. On all of our new ponds, we want to have access around the ponds and to be able to fence these ponds.
- 15.) Q. What size will the sludge cell be?
A. Talking about the new sludge cell, Bid Item #11, the cell shall have a volume of 128,000 cubic feet with bottom dimensions of 140 feet by 60 feet, and we can alter that to meet site conditions, as long as we get the volume that we ask for as specified in the plans. The sludge cell has a 10 feet total depth.
- 16.) Q. Are you going to allow us to put some of this (pond cleanings) here (pointing below the pond outer embankment)?
A. We have all of this space up here (above the new sludge cell site), put it (pond cleanings) up here. If you need to dig a cell to put it in, you must reclaim it and revegetate it. Or, you can take pond cleanings to the old building site.

Buffalo Coal Co. Inc.
Permit No. S-122-80

LOCATION MAP
MARYLAND



From Thomas travel North approximately 3.6 miles on US Route 219. Turn right onto County Route 9. Travel approximately 1.2 miles to haul road on left. Go straight for 1.6 miles. Permit is on the right.

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|--|-------------|-----------------------------|
| BUYER CB-23 | PAGE 011 | REQ. OR PO NO. DEP 14142 |
| SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/SPECIAL RECLAMATION | | |

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

SCOPE OF WORK

The successful bidder shall provide appropriate equipment, materials, labor and any technical services needed for the successful reclamation of Buffalo Coal Company Inc., Permit S-122-80, and any disturbance associated with such operation. The General Performance Standards (GPS) shall apply to all items in Scope of Work.

Work necessary on this site will include the following items, but is not limited to these:

1. Upon mobilization to the site, which will be directed in a written Notice to Proceed, the access roads shall be developed in accordance with bid item # 5.0 and 6.0. If, fuel and lubricants are to be stored on site, bid item #2.0 shall be in place before fuel is delivered. Project sign is to be obtained and installed.
2. Storm water management in the form as described in bid item #9.0 shall be installed (described locations).
3. Regrading and topsoiling is required for 12 acres. Revegetation is required for 12 acres. Reclamation is to be according to the attached specifications, plans, and clarifying discussions at the Pre-Bid Conference.
4. Install dosing unit and silo.
5. Construct riprap ditches or open limestone channels.
6. Repair existing ditches.
7. Remove structures and debris from site.
8. Construct seep collection drains.
9. Construct and repair ponds.
10. Regrade disturbed area.
11. Install culverts.
12. Construct and improve roads.
13. Revegetate with seed, lime, fertilizer, and mulch.

I, David B. McCoy, the undersigned, hereby certify ¹ that this Reclamation Plan is correct and shows to the best of my knowledge and belief all the information required by the surface mining laws of the State of West Virginia. The source of information was the approved mining and reclamation plan contained in the forfeited surface mine permit, existing site conditions and information contained in the WV DEP, Inspection and Enforcement files.

 Registered Professional Engineer WV No. 14375

 Date

¹ The term "certify" as used herein is defined as follows: An engineer's certification of conditions is a declaration of professional judgment. It does not constitute a warranty or guarantee, either expressed or implied.

BREAKAWAY, INC.
 1075 Old Turnpike Road
 Sutton, WV 26601
 Voice: 304-765-5317

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| BUYER CB-23 | PAGE 2 | REQ. OR PO NO. DEP 14142 |
| SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/SPECIAL RECLAMATION | | |

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

| ITEM NO. | QUANTITY | DESCRIPTION | UNIT PRICE | AMOUNT |
|---|-----------------|---|------------------------------|----------------------|
| BID SCHEDULE | | | | |
| PERMIT NAME: <u>BUFFALO COAL COMPANY, INC.</u> | | | | |
| PERMIT NUMBER: <u>S-122-80</u> | | | | |
| 1.0 | LUMP SUM | <u>MOBILIZATION/DEMobilIZATION/PROJECT SIGN</u> (5% Total Bid Maximum for this permit) | LUMP SUM | \$ <u>100.00</u> |
| 2.0 | LUMP SUM | <u>SPILL CONTAINMENT AREA (S.C.A.)</u> (\$1,000.00 Maximum Bid for this permit) | LUMP SUM | \$ <u>100.00</u> |
| 3.0 | <u>6</u> AC | <u>ROAD FILL REMOVAL</u> | \$ <u>100.00</u> PER ACRE | \$ <u>600.00</u> |
| 4.0 | LUMP SUM | <u>CLEAR AND GRUB</u> | LUMP SUM | \$ <u>120,000.00</u> |
| 5.0 | LUMP SUM | <u>MAINTAIN HAULROAD/ACCESS ROAD</u> | LUMP SUM | \$ <u>100.00</u> |
| 6.0 | <u>1300</u> LF | <u>NEW ROAD CONSTRUCTION</u> | \$ <u>12.00</u> PER LF | \$ <u>15,600.00</u> |
| 7.0 | <u>1500</u> TON | <u>INCIDENTAL LIMESTONE FOR ROADS</u> | \$ <u>12.00</u> PER TON | \$ <u>18,000.00</u> |
| 8.0 | <u>12</u> AC | <u>REGRAVING AND TOPSOILING</u> | \$ <u>250.00</u> PER ACRE | \$ <u>3,000.00</u> |
| 9.0 | <u>1000</u> LF | <u>HAYBALE DIKE</u> (Max. Bid \$5.00 Per LF) | \$ <u>4.00</u> PER LF | \$ <u>4,000.00</u> |
| 10.0 | | <u>REVEGETATION</u> | | |
| 10.1 | <u>12</u> AC | <u>AGRICULTURAL LIME</u> | \$ <u>500.00</u> PER ACRE | \$ <u>6,000.00</u> |
| 10.2 | <u>12</u> AC | <u>FERTILIZER</u> | \$ <u>400.00</u> PER ACRE | \$ <u>4,800.00</u> |

BREAKAWAY, INC.
 1075 Old Turnpike Road
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 Voice: 304-765-5317

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 Rev. 1/29/02 PURCHASING CONTINUATION SHEET
 VENDOR:

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|------|----------------|--|------------------------------|---------------------|
| 10.3 | <u>12</u> AC | <u>MULCH</u> | \$ <u>500.00</u> PER ACRE | \$ <u>6,000.00</u> |
| 10.4 | <u>12</u> AC | <u>VEGETATIVE SPECIES</u> | \$ <u>400.00</u> PER ACRE | \$ <u>4,800.00</u> |
| 11.0 | LUMP SUM | <u>CONSTRUCTED SLUDGE DISPOSAL CELL</u> | LUMP SUM | \$ <u>100.00</u> |
| 12.0 | <u>200</u> LF | <u>TRAPEZOIDAL RIPRAP CHANNEL</u> | \$ <u>20.00</u> PER LF | \$ <u>4,000.00</u> |
| 13.0 | LUMP SUM | <u>DRIVE WATER COLLECTION POND</u> | LUMP SUM | \$ <u>100.00</u> |
| 14.0 | LUMP SUM | <u>RISER INTAKE UNIT</u> | LUMP SUM | \$ <u>100.00</u> |
| 15.0 | LUMP SUM | <u>POND CLEANING AND MODIFICATION</u> | LUMP SUM | \$ <u>10,000.00</u> |
| 16.0 | <u>160</u> LF | <u>BAFFLE CURTAIN</u> | \$ <u>50.00</u> PER LF | \$ <u>8,000.00</u> |
| 17.0 | <u>80</u> LF | <u>TRAPEZOIDAL EXIT SPILLWAY CHANNEL</u> | \$ <u>50.00</u> PER LF | \$ <u>4,000.00</u> |
| 18.0 | <u>2400</u> LF | <u>FRESHWATER DIVERSION DITCH</u> | \$ <u>20.00</u> PER LF | \$ <u>48,000.00</u> |
| 19.0 | <u>270</u> LF | <u>RIPRAP V-DITCH</u> | \$ <u>18.00</u> PER LF | \$ <u>4,860.00</u> |
| 20.0 | <u>930</u> LF | <u>GROUTED RIPRAP DITCH</u> | \$ <u>55.00</u> PER LF | \$ <u>51,150.00</u> |

BREAKAWAY, INC.
 1075 Old Turnpike Road
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 Voice 304-765-5317

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 VENDOR:

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|------|---------------|--|----------------------------|----------------------|
| 21.0 | <u>90</u> LF | <u>SEEP COLLECTOR</u> | \$ <u>50.00</u> PER LF | \$ <u>4,500.00</u> |
| 22.0 | <u>160</u> LF | <u>4 INCH HDPE DRIVE LINE PIPE</u> | \$ <u>8.00</u> PER LF | \$ <u>1,280.00</u> |
| 23.0 | LUMP SUM | <u>WATER CONNECTION AT DISPENSING UNIT</u> | LUMP SUM | \$ <u>100.00</u> |
| 24.0 | <u>700</u> LF | <u>6 INCH HDPE SLUDGE PIPE</u> | \$ <u>12.00</u> PER LF | \$ <u>8,400.00</u> |
| 25.0 | <u>80</u> LF | <u>12 INCH HDPE PIPE</u> | \$ <u>24.00</u> PER LF | \$ <u>1,920.00</u> |
| 26.0 | <u>100</u> LF | <u>30 INCH HDPE CULVERT PIPE</u> | \$ <u>60.00</u> PER LF | \$ <u>6,000.00</u> |
| 27.0 | <u>40</u> LF | <u>36 INCH HDPE CULVERT PIPE</u> | \$ <u>72.00</u> PER LF | \$ <u>2,880.00</u> |
| 28.0 | <u>80</u> LF | <u>48 INCH HDPE CULVERT PIPE</u> | \$ <u>96.00</u> PER LF | \$ <u>7,680.00</u> |
| 29.0 | <u>4</u> EA | <u>PUMP ADAPTOR CONNECTION</u> | \$ <u>150.00</u> PER EA | \$ <u>600.00</u> |
| 30.0 | <u>1</u> EA | <u>TEES (6 INCH HDPE 90°)</u> | \$ <u>250.00</u> PER EA | \$ <u>250.00</u> |
| 31.0 | <u>1</u> EA | <u>WYES (6" HDPE LATERALS 45°)</u> | \$ <u>250.00</u> PER EA | \$ <u>250.00</u> |
| 32.0 | <u>2</u> EA | <u>FLANGE (6" HDPE)</u> | \$ <u>150.00</u> PER EA | \$ <u>300.00</u> |
| 33.0 | <u>1</u> EA | <u>6 INCH GATE VALVE</u> | \$ <u>750.00</u> PER EA | \$ <u>750.00</u> |
| 34.0 | LUMP SUM | <u>FOUNDATION</u> | LUMP SUM | \$ <u>100,000.00</u> |

STATE OF WEST VIRGINIA
Purchasing Division

062

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: _____

Breakaway Inc.

Authorized Signature: _____

Jonas Vincent

Date: _____

10/2/07

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Breakaway, Inc.
of 1075 Old Turnpike Road, Sutton, WV 26601, as Principal, and Ohio Farmers Insurance
Company of One Park Circle Dr, Westfield Center, OH, a corporation organized and existing under the laws of the State of Ohio
Ohio 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 (5%) of 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
The Mining Operation of Buffalo Coal Co., Inc.
Tucker County, West Virginia

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 Obligee 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
2nd day of October, 2007.

Principal Corporate Seal

Breakaway, Inc.
(Name of Principal)
By Donna J. Price
(Must be President or
Vice President)
President
(Title)

Surety Corporate Seal

Ohio Farmers Insurance Company
(Name of Surety)
By Donna J. Price
(Attorney-in-Fact)
Donna J. Price, Attorney-in-Fact
Licensed West Virginia Resident Agent

IMPORTANT – Surety executing bonds must be licensed in West Virginia to transact surety insurance. Raised corporate seals must be affixed, 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.
Westfield Center, Ohio

CERTIFIED COPY

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** A.D., **2006**.

Corporate
Seals
Affixed



WESTFIELD INSURANCE COMPANY
WESTFIELD NATIONAL INSURANCE COMPANY
OHIO FARMERS INSURANCE COMPANY

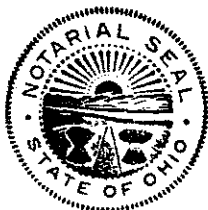
Richard L. Kinnaird, Jr.

By: **Richard L. Kinnaird, Jr., Senior Executive**

State of Ohio
County of Medina ss.:

On this **19th** day of **JUNE** A.D., **2006**, before me personally came **Richard L. Kinnaird, Jr.** to me known, who, being by me duly sworn, did depose and say, that he resides in **Medina, Ohio**; that he is **Senior Executive** of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial
Seal
Affixed



William J. Kahelin

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

State of Ohio
County of Medina ss.:

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

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this **2nd** day of **October** A.D., **2007**



Frank A. Carrino
Frank A. Carrino, Secretary