

### BREAKAWAY, INC. 1075 OLD TURNPIKE ROAD SUTTON, WV 26601

VOICE: 304-765-5317 FAX: 304-765-5389

#### **FAX COVER SHEET**

TO: <u>\\f}</u>	ate of WV- Purcha	sing Division	in- Cl	ruck	Bowman
FAX #:	304-558-3970	)	<b>-</b>		-
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State of West Virginia Department of Administration Quotation Purchasing Division 2019 Washington Street East Post Office Box 50130 Charleston, WV 25305-0130

# request for

**DEP14244** 

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- ADDRESS	CORRESPON	DENCE TO	ATTENTION	OF:

CHUCK BOWMAN 304-558-2157

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TYPE	NAME/ADDRESS	HERE
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1075 Old Turnpike Hoad Sutton, WV 26601 304-765-5317 Voice,

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

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TYPE NAME/ADDRESS HERE

BREAKAWAY, INC.

1075 Old Turnpike Road

**Sutton, WV 26601** 

304-765-5317

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

# **Request** for

BEO NUMBER **DEP14244** 

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ADDRES	CORRESP	ONDENCE	TO ATTENT	TON OF

CHUCK BOWMAN 304-558-2157

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

304-465-1911

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

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BREAKAWAY, INC. 1075 Old Turnpike Road Sulton, WV 26601 304-765-5317 Voice/

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

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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

BREAKAWAY, INC.

1075 Old Turnpike Road

Sutton, WV 26601

204-765-5317

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CHUCK BOWMAN 304-558-2157

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ENVIRONMENTAL PROTECTION DEPT. OF OFFICE OF SPECIAL RECLAMATION 116 INDUSTRIAL DRIVE

OAK HILL, WV 25901

304-465-1911

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RFQ COPY TYPE NAME/ADDRESS HERE BREAKAWAY, INC. 1075 Old Turnpike Road Sutton, WV 26601 Voice/ 304-765-5317

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

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

### request for

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FREIGHT TERMS

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CHUCK BOWMAN 304-558-2157

RFQ COPY TYPE NAME/ADDRESS HERE BREAKAWAY, INC. 1075 Old Turnpike Road Sutton, WV 26601 Voice 304-765-5317

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

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

304-765-5317

TERMS OF SALE

# *Hequest for*

SHIP VIA

AFO NUMBER **DEP14244** 

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FREIGHT TERMS

CHUCK BOWMAN 304-558-2157

ADDRESSCORRESPONDENCESCOATTENTIONOS

RFQ COPY TYPE NAME/ADDRESS HERE BREAKAWAY, INC. 1075 Old Turnpike Road Sutten, WV 26601

Voice

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

BID OPENING DATE		BID O	PENING TIME 01:30PM
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TYPE NAME/ADDRESS HERE BREAKAWAY, INC.

1075 Old Turnpike Road

Sutton, VVV 26601

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

304-765-5317

# Hequest for A PRONUMER AND A PRONUME

DEP14244

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ADDEESS CORRESPONDENCE (O'ATTENTION CLAS

CHUCK BOWMAN 304-558-2157

SH-p

ENVIRONMENTAL PROTECTION DEPT. OF OFFICE OF SPECIAL RECLAMATION 116 INDUSTRIAL DRIVE

DAK HILL, WV 25901

304-465-1911

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

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RFQ COPY TYPE NAME/ADDRESS HERE BREAKAWAY, INC. 1075 Old Turnpike Road Sullon, WV 26601 Voice 204-765-5317

SHIP VIA

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

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BREAKAWAY, INC.

1075 Old Turnpike Road

Sutton, WV 26601

304-765-5317

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

#### Mequest for RECINDARIES Quotation

DEP14244

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CHUCK BOWMAN 304-558-2157

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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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CHUCK BOWMAN 304-558-2157

\*510160447 304-765-5317 BREAKAWAY INC 1075 OLD TURNPIKE ROAD SUTTON WV 26601

ENVIRONMENTAL PROTECTION

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

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WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/ OFFICE OF SPECIAL RECLAMATION

W-36 STATE OF WEST VIRGINIA

REV. 1/29/02 PURCHASING CONTINUATION SHEET

MENDOR: Breakaway, Inc.

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TEM NO.	QUARTI	77	DESCRIPTION	UNIT PR	12CE	AMOUNT
			BID SCHEDULE			
		1	WATER QUALITY ABATEMENT			1
			PERMIT NAME: Green Mountain Energy, Inc.			
			PERMIT NUMBER(S): <u>U-4013-91</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	MUE	MOBILIZATION/DEMOBILIZATION (5% Total Bid Maximum for this permit)	i		\$ <u>5,000.00</u>
2.0	LUMP	MUB	SPILL CONTAINMENT AREA (S.C.A.)(\$1,000.00 Maximum Bid for this permit)			\$ 100.00
3.0	LUMP	MUB	HAULROAD/ACCESS ROAD (5% Total Bid Maximum for this permit)			s 100.00
4.0	LUMP	MUS	REGRADING AND TOPSOILING	LUMP	BUM	<u>10,000.00</u>
5.0	:		REVEGETATION			
5.1	LUMP	SUM	AGRICULTURAL LIME	LUMP	SUM	\$1,125.00
5.2	LUMP	SUM	<u>FERTILIZER</u>	i		\$ <u>4,500.00</u>
5.3	LUMP	SUM	MULCH	1		\$ <u>2,500.00</u>
5.4	LUMP	SUM	VEGETATIVE SPECIES	4		\$ <u>2,500.ºº</u>
6.0	LUMP	SUM	CONSTRUCTION STAKEOUT (Limited to 5% Total Bid For This Permit)	LUMP	SUM	\$ <u>2,500.∞</u>
7.0			CONSTRUCTED WATER TREATMENT STRUCTURES			
7.1	LUMP	MUE	POND A	LUMP	SUM	3 15,000.00
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SPENDING UNIT

WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/ OFFICE OF SPECIAL RECLAMATION

√V-36

STATE OF WEST VIRGINIA

REV. 1/29/02 PURCHASING CONTINUATION SHEET

ENDO	TITELAND	THOMAN! IUC.	UNIT PRICE	MODEL
7.3	LUMP SUM	SLUDGE CELL	Lump sum	\$ <u>30,000</u> .00
8.0	600_ LF	HAYBALE DIKE (Max. Bid \$5.00 Per LF)	į.	\$ <u>1.300.00</u>
0.0	Lump sum	RIP-RAP DITCH ONE (1)	į.	\$ <u>1)'000'0</u> 0
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).1	LUMP SUM	POND A SPILLYWAY	LUMP SUM	8 <u>3.000.00</u>
0.2	Lump Sum	POND B SPILLWAY	LUMP SUM	s4,000.00
1.0	LUMP SUM	STRUCTURE AND/OR DEBRIS REMOVAL	LUMP SUM	\$ 10,000.00
20	NO BID ITEM	UTILITIES	NO BID ITEM	9
3.0	Lump Sum	ACCESS ROAD CONSTRUCTION	Lump Bum	\$35,000.00
4.0	LUMP SUM	SEEP COLLECTION PIPELINE	LUMP SUM	\$10,000.00°
		TOTAL FOR PERMIT <u>U-4013-91</u>		\$ <u>159,525.</u>

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West Virginia
Agency Purchasing Division
REQ P O# DEP14244

#### **BID BOND**

	KNOW ALL M	EN BY THESE PR	ESENTS, That we, th	ne undersigned, _	Breakaway, Inc.	
	of 1075 Old	Turnpike Road	Sutton, WV 2	6601	_ as Principal, and	Ohio Farmers Insurance
Compan						g under the laws of the State of
Ohio	with i	ts principal office i	in the City of <u>Westf</u>	ield Center	_, as Surety, are he	id and firmly bound unto the State
of West	Virginia, as Obi	igee, in the penal	sum of Five Perce	nt (5%) of Amo	un <b>(S</b> Bid	) for the payment of which,
well and	i truly to be mad	e, we jointly and s	severally bind ourselv	es, our heirs, adn	ninistrators, executor	s, successors and assigns
	The Condition	of the above oblig	ation is such that whe	ereas the Principa	al has submitted to th	ne Purchasing Section of the
Departr	nent of Administ	ration a certain bio	d or proposal, attache	d hereto and ma	de a part hereof, to e	enter into a contract in writing for
The Mi	ning Operation	of Green Mount	tain Energy			A map for a first factor
Wyomir	ng, West Virgi	nia				
	NOW THEREF	FORE.				
		shall be rejected,	or			
agreem force ar	and shall furnish ent created by the nd effect. It is ex	any other bonds and acceptance of spressly understood	and insurance require said bid, then this obl	ed by the bid or pr Igation shall be n	roposal, and shall in ull and void, otherwis	with the bid or proposal attached all other respects perform the se this obligation shall remain in full claims hereunder shall, in no event
	paired or affecte lotice of any suc	d by any extension h extension.	n of the time within wi	hich the Obligee	may accept such bid	i Surety and its bond shall be in no , and said Surety does hereby
			•			nd such of them as are corporation
have ca	aused their corpo	orate seals to be a	iffixed hereunto and t	hese presents to	be signed by their p	roper officers, this
25 th	_day of	March	, 20_08			
					0	
Principa	al Corporate Sea	il			Breakaway, Icc.	(Name of Principal)
						(Name of Principal)
					By Oryn	(Must be President or
						Vice President)
					Pres	ident
					,	(Title)
Surabic	Corporate Seal				Ohio Farmers In	eurance Company
Julety 1	Colporate Seal					(Name of Surety)
					$\Omega$	· / / -
					By Dina	H. Pruce
						Attorney-in-Fact

Attorney-in-Fact
Donna J. Price, Attorney-in-Fact
Licensed West Virginia Resident Agent
MPORTANT - Surety executing bonds must be licensed in West Virginia to transact surety insurance Resed corporate soals
must be affixed, a power of attorney must be attached.

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POWER NO 4750172 01

#### General Power of Attorney

#### CERTIFIED COPY

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

Westfield Center, Ohio

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, do by these

presents make, constitute and appoint
ANDREW K. TETER, 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

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

IMITATION: 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 Hability thereunder, and any such instruments so executed by any such Attorney in-Fact shall be as binding upon the Company as it 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 heretolore 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

State of Ohio County of Medina

"LIONAL NO



WESTFIELD INSURANCE COMPANY WESTFIELD NATIONAL INSURANCE COMPANY OHIO FARMERS INSURANCE COMPANY

Richard L. Kinnaird, Jr., Senior Executive

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

Notarial Seal Affixed

State of Ohio County of Medina



William J. Kahelin, Attorney at Law, Notary Public My Commission Does Not Expire (Sec. 147 03 Onio Revised Code)

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

In Witness Whereof, I have hereunto set my hand and effixed the seals of said Companies at Westfield Center, Ohio, this 25th day of March A.D.,







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## 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, ilmited 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: _	Clorus Vincent	Date:	3/27/08	
Purchaeing Affidavit (Revised :	06/15/07)			