



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

**General Contractor**  
**WV037089**

**Voice: 304-765-5317**  
**FAX: 304-765-5389**

FAX COVER PAGE

TO State of WV - Purchasing Division - Chuck Bowman

FAX NUMBER 558-3970 DATE 10/8/08

FROM Tonya Vincent 17 pages total

RE: Sealed Bid: DEP 13005  
Bid Opening: 10/8/08 - 1:30 pm

RECEIVED  
2008 OCT - 8 A 10: 07  
PURCHASING DIVISION  
STATE OF WV



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
DEP13005

PAGE
1

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

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

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ENVIRONMENTAL PROTECTION  
DEPT. OF  
OFFICE OF SPECIAL RECLAMATION  
601 57TH STREET SE  
CHARLESTON, WV  
25304 304-926-0499

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS		
08/07/2008						
BID OPENING DATE: 10/01/2008		BID OPENING TIME 01:30PM				
LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		\$1,249,800. <sup>00</sup>
<p>RECLAMATION: RESTORATION OF LAND</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S OFFICE OF SPECIAL RECLAMATION, IS SOLICITING BIDS FROM QUALIFIED CONTRACTORS TO PROVIDE ALL LABOR AND MATERIALS TO PERFORM RECLAMATION ON THE MINING OPERATION OF BENHAM GROUP NOW UNDER REVOKED PERMIT NUMBER(S) 120-79, ON A SITE OF APPROXIMATELY TEN (10) ACRES IN BOONE CO. NEAR NELLIS, WV.</p> <p>A MANDATORY ON-SITE PRE-BID MEETING IS SCHEDULED FOR 08/28/08 AT 10:00AM. FAILURE TO ATTEND THIS MANDATORY MEETING WILL RESULT IN THE DISQUALIFICATION OF ANY BID SUBMITTED BY A VENDOR NOT IN ATTENDANCE.</p> <p>DIRECTIONS TO SITE &amp; PRE-BID MEETING: FROM CHARLESTON, TAKE I-77/64 EAST TO MARMET EXIT, GO RIGHT ONTO RT. 94E. TRAVEL SEVEN (7) MILES TO THE TOP OF THE HILL, TURN RIGHT ONTO RT. 75. TRAVEL 7.3 MILES (YOU WILL TRAVEL UNDER A RAILROAD OVERPASS, TURN LEFT, CROSS THE RIVER, AND BEAR LEFT.) THE MOUTH OF THE ACCESS ROAD WILL BE ON THE LEFT.</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>THE CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIALS, EQUIPMENT AND OTHER NECESSARY SERVICES SO AS TO</p>						
SEE REVERSE SIDE FOR TERMS AND CONDITIONS						
SIGNATURE <i>Conya Vincent</i>		TELEPHONE 304-765-5317		DATE 10/8/08		
TITLE President		FAX 13-4279911		ADDRESS CHANGES TO BE NOTED ABOVE		

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



State of West Virginia  
Department of Administration  
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<p>ACCOMPLISH THE ITEMS AS SPECIFIED IN THIS CONTRACT.</p> <p>ALL WORK MUST BE COMPLETED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PREPARED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND PURCHASE ORDER ISSUED BY THE DEPARTMENT OF ADMINISTRATION, PURCHASING DIVISION.</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 BOONE 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>						
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<p>ALL OF THE ITEMS CHECKED BELOW WILL BE A REQUIREMENT OF THIS CONTRACT:</p> <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 &amp; 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>						
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<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 LICENSING BOARD IS EMPOWERED TO ISSUE THE CONTRACTORS LICENSE. APPLICATIONS FOR A CONTRACTORS LICENSE MAY B 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>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</p>						
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<p>EFFECT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</p> <p>EXHIBIT 7</p> <p>DOMESTIC ALUMINUM, GLASS &amp; 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>						
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<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 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 &amp; 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 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>						
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<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 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>REQUISITION NO.: DEP13005</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"/> .....</p> <p>NO. 2 ..... NO. 3 ..... NO. 4 ..... NO. 5 .....</p> <p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF TH</p>						
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<p>ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</p> <p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p><i>Donna Vincent</i> ..... SIGNATURE <i>Breakaway, Inc.</i> ..... COMPANY <i>10/8/08</i> ..... DATE</p> <p>REV. 11/96</p> <p>NOTICE</p> <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>						
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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
SEALED BID  BUYER: CB-23 RFQ. NO.: DEP13005 BID OPENING DATE: 10/01/2008 BID OPENING TIME: 1:30 PM  PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- 304-205-5389 -----  CONTACT PERSON (PLEASE PRINT CLEARLY):         ***** THIS IS THE END OF RFQ DEP13005 ***** TOTAL: \$1,249,800.00						

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09/22/2008				

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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
***** ADDENDUM NO. 1 *****						
ADDENDUM ISSUED FOR THE BENHAM PROJECT TO DISTRIBUTE THE PRE-BID SIGN-IN SHEET FROM THE 08/28/08 MANDATORY PRE-BID MEETING, THE Q/A, THE REVISED SPECIFICATIONS, AND BID SCHEDULES RESULTING FROM THAT MEETING.						
BID DATE & OPENING HAVE BEEN EXTENDED FROM 10/01/08 TO 10/08/08 AT 1:30 PM						
PLEASE NOTE- IN ACCORDANCE WITH WV CODE 21-1D-5, BIDS FOR CONSTRUCTION CONTRACTS MUST CONTAIN A SIGNED PURCHASING AFFIDAVIT WITH THE BID. FAILURE TO SUBMIT THE SIGNED PURCHASING AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF THE BID.						
***** NO OTHER CHANGES *****						
0001	1	JB		962-73		\$1,249,800.00
RECLAMATION: RESTORATION OF LAND						

SIGNATURE <i>Sonya Vincent</i>		SEE REVERSE SIDE FOR TERMS AND CONDITIONS		TELEPHONE 304-765-5317	DATE 10/8/08
TITLE President	FEIN 55-062-4840	ADDRESS CHANGES TO BE NOTED ABOVE			

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**1075 Old Turnpike Road**  
**Sutton, WV 26601**  
**Voice: 304-765-5317**

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

BUYER CB-23	PAGE 7	P 12/17 REQ. OR PO NO. DEP13005
SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/ OFFICE OF SPECIAL RECLAMATION		

ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
REVISED BID SCHEDULE				
PERMIT NAME: <u>BENHAM GROUP</u>				
PERMIT NUMBER(S): <u>120-79</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	MOBILIZATION/DEMObILIZATION/PROJECT SIGN (5% Total Bid Maximum for this permit)	LUMP SUM	\$50,000. <sup>00</sup>
2.0	LUMP SUM	SPILL CONTAINMENT AREA (S.C.A.)(S1,000.00 Maximum Bid for this permit)	LUMP SUM	\$1,000. <sup>00</sup>
3.0	LUMP SUM	ACCESS ROAD MAINTENANCE	LUMP SUM	\$30,000. <sup>00</sup>
4.0	LUMP SUM	REGRAIDING AND TOPSOILING	LUMP SUM	\$30,000. <sup>00</sup>
5.0		REVEGETATION		
5.1	LUMP SUM	AGRICULTURAL LIME	LUMP SUM	\$2,500. <sup>00</sup>
5.2	LUMP SUM	FERTILIZER	LUMP SUM	\$7,500. <sup>00</sup>
5.3	LUMP SUM	MULCH	LUMP SUM	\$7,500. <sup>00</sup>
5.4	LUMP SUM	VEGETATIVE SPECIES	LUMP SUM	\$5,000. <sup>00</sup>
6.0	LUMP SUM	CONSTRUCTION STAKEOUT	LUMP SUM	\$2,500. <sup>00</sup>
WATER QUALITY ABATEMENT				
WATER TREATMENT PONDS				
7.0				
7.1	LUMP SUM	POND NUMBER ONE (#1)	LUMP SUM	\$20,000. <sup>00</sup>
7.2	LUMP SUM	POND NUMBER TWO (#2)	LUMP SUM	\$20,000. <sup>00</sup>
7.3	LUMP SUM	POND NUMBER THREE (#3)	LUMP SUM	\$20,000. <sup>00</sup>
7.4	LUMP SUM	POND NUMBER FOUR (#4)	LUMP SUM	\$25,000. <sup>00</sup>
7.5	LUMP SUM	POND NUMBER FIVE (#5) (POLISHING POND)	LUMP SUM	\$12,500. <sup>00</sup>
7.6	LUMP SUM	RAW WATER POND	LUMP SUM	\$15,000. <sup>00</sup>
7.7	LUMP SUM	ALKALINITY CELL NUMBER ONE (#1)	LUMP SUM	\$17,500. <sup>00</sup>
7.8	LUMP SUM	ALKALINITY CELL NUMBER TWO (#2), LIMESTONE CHECK DAM	LUMP SUM	\$10,000. <sup>00</sup>

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

BUYER CB-23	PAGE 8	REQ. OR PO NO. DEP13005
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
7.9	LUMP SUM	ALKALINITY CELL NUMBER THREE (#3). LIMESTONE CHECK DAM	LUMP SUM	\$10,000.00
7.10	LUMP SUM	SUMP	LUMP SUM	\$2,500.00
8.0	2000 LF	HAYBALE DIKE (MAX. BID \$5.00 PER LF)	\$ 2.00 LF	\$4,000.00
9.0	LUMP SUM	GROUTED RIP-RAP CHANNEL NUMBER FOUR-A (#4A)	LUMP SUM	\$15,000.00
10.0	LUMP SUM	STRUCTURE AND DEBRIS REMOVAL	LUMP SUM	\$50,000.00
11.0	LUMP SUM	CLEAN DEEP MINE SEAL PIPES (wet type-acid producing seams)	LUMP SUM	\$10,000.00
12.0		OPEN LIMESTONE CHANNELS/V-DITCHES		
12.1	LUMP SUM	V-DITCH #5/ACCESS ROAD #4	LUMP SUM	\$33,300.00
12.2	LUMP SUM	V-DITCH #3/ACCESS ROAD #2	LUMP SUM	\$29,250.00
12.3	LUMP SUM	V-DITCH #4/ACCESS ROAD #3	LUMP SUM	\$27,000.00
12.4	LUMP SUM	CHANNEL #1	LUMP SUM	\$15,000.00
12.5	LUMP SUM	V-DITCH #1	LUMP SUM	\$34,500.00
12.6	LUMP SUM	V-DITCH #2	LUMP SUM	\$4,500.00
13.0	LUMP SUM	WATER TREATMENT UNIT	LUMP SUM	\$120,000.00
14.0	LUMP SUM	FINGER DRAIN COLLECTION SYSTEMS (TWO)	LUMP SUM	\$4,000.00
15.0		TREATMENT SITE ROADWAYS		
15.1	LUMP SUM	POND CLEAN-OUT ACCESS ROAD NUMBER ONE (#1)	LUMP SUM	\$1,000.00
15.2	LUMP SUM	POND CLEAN-OUT ACCESS ROAD NUMBER TWO (#2)	LUMP SUM	\$2,500.00
15.3	LUMP SUM	DRYING CELL ACCESS ROAD	LUMP SUM	\$6,500.00
16.0		DRYING CELLS		
16.1	LUMP SUM	DRYING CELL NUMBER ONE (#1)	LUMP SUM	\$25,000.00
16.2	LUMP SUM	DRYING CELL NUMBER TWO (#2)	LUMP SUM	\$25,000.00
16.3	LUMP SUM	DRYING CELL NUMBER THREE (#3)	LUMP SUM	\$20,000.00

1075 Old Turnpike Road  
Sutton, WV 26601  
Voice, 304-765-5317

BUYER CB-23	PAGE 9	REQ. OR PO NO. DEP13005
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
17.0		<u>HDPE DR17 PIPE</u>		
17.1	LUMP SUM	<u>SEVEN HUNDRED LINEAR FEET (700') SIX INCH (6") HDPE DR17 CONVEYANCE LINE FROM SLUDGE CELL NUMBER THREE TO LIMESTONE RIP-RAP CHANNEL NUMBER ONE (#1), STAINLESS STEEL KNIFE VALVE/BOX</u>	LUMP SUM	\$10,000. <sup>00</sup>
17.2	LUMP SUM	<u>TWO HUNDRED LINEAR FEET (200') SIX INCH (6") HDPE DR17 SLUDGE CONVEYANCE LINE, TWO (2) HDPE DR17 SLUDGE PUMP PORTS, CAPS</u>	LUMP SUM	\$5,000. <sup>00</sup>
17.3	LUMP SUM	<u>SEVENTY FIVE LINEAR FEET (75') SIX INCH (6") HDPE DR17 CONVEYANCE LINE FROM HEADWALL IN V-DITCH NUMBER TWO (#2) TO POND NUMBER ONE (#1), STAINLESS STEEL KNIFE VALVE/BOX</u>	LUMP SUM	\$2,500. <sup>00</sup>
17.4	LUMP SUM	<u>ONE HUNDRED FIFTY LINEAR FEET (150') SIX INCH (6") HDPE DR17 CONVEYANCE LINE FROM HEADWALL IN V-DITCH NUMBER TWO (#2) TO POND NUMBER TWO (#2), 6" STAINLESS STEEL KNIFE VALVE/BOX</u>	LUMP SUM	\$5,000. <sup>00</sup>
18.0		<u>FENCING</u>		
18.1	2000 LF	<u>FENCE</u>	5. <sup>00</sup> PER LF	\$10,000. <sup>00</sup>
18.2	4	<u>GATES</u>	200. <sup>00</sup> PER EACH	\$8,000. <sup>00</sup>
19.0		<u>LAND RESTORATION</u>		
		<u>BACKFILLING/REGRADING</u>		
19.1	LUMP SUM	<u>RESTRUCTURE VALLEY FILL FACE</u>	LUMP SUM	\$30,000. <sup>00</sup>
19.2	LUMP SUM	<u>SLIP NUMBER ONE (#1) REPAIR</u>	LUMP SUM	\$75,000. <sup>00</sup>
19.3	LUMP SUM	<u>SLIP NUMBER TWO (#2) REPAIR</u>	LUMP SUM	\$275,250. <sup>00</sup>
19.4	LUMP SUM	<u>SLIP NUMBER THREE (#3) REPAIR</u>	LUMP SUM	\$114,000. <sup>00</sup>
		<u>TOTAL</u>		\$1,249,800. <sup>00</sup>

RFQ No. DEP13005STATE OF WEST VIRGINIA  
Purchasing Division**PURCHASING AFFIDAVIT****VENDOR OWING A DEBT TO THE STATE:**

*West Virginia Code §5A-3-10a* provides that: 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.

**PUBLIC IMPROVEMENT CONTRACTS & DRUG-FREE WORKPLACE ACT:**

*West Virginia Code §21-1D-5* provides that: Any solicitation for a public improvement construction contract shall require each vendor that submits a bid for the work to submit at the same time an affidavit that the vendor has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the West Virginia Code. A public improvement construction contract may not be awarded to a vendor who does not have a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the West Virginia Code and who has not submitted that plan to the appropriate contracting authority in timely fashion. For a vendor who is a subcontractor, compliance with Section 5, Article 1D, Chapter 21 of the West Virginia Code may take place before their work on the public improvement is begun.

**ANTITRUST:**

In submitting a bid to any agency for the state of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the state of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the state of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the state of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership or person or entity submitting a bid for the same materials, supplies, equipment or services and is in all respects fair and without collusion or fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.

**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](http://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 is in compliance with the requirements as stated.

Vendor's Name: Breakaway Inc  
Authorized Signature: Donna Vincent Date: 10/10/08

Agency Purchasing Division  
REQ.P.O# DEP13005

### 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 Drive, Westfield Center, OH corporation organized and existing under the laws of the State of 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 Oblige, in the penal sum of (5%) Five percent 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 Benham Group

#### 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 Oblige 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

8th day of October, 2008.

Principal Corporate Seal

Breakaway, Inc.  
(Name of Principal)

By Sonya Vincent  
(Must be President or  
Vice President)

President  
(Title)

Surety Corporate Seal

Ohio Farmers Insurance Company  
(Name of Surety)

Douglas P. Taylor  
Attorney-in-Fact  
Licensed WV 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

CERTIFIED COPY

POWER NO. 4750172 01

**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. 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., 2008.

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., 2008, 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 8th day of October A.D., 2008



*Frank A. Carrino*  
Frank A. Carrino, Secretary