



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
DEP14152

PAGE
1

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

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE

Anderson excavati
 343 Williams Road
 Morgantown, WV 26501

SHIP TO

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

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
01/26/2009				

BID OPENING DATE: **02/18/2009** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
***** ADDENDUM NO. 1 *****						
ADDENDUM ISSUED FOR THE S. KELLY INDUSTRIES PROJECT TO DISTRIBUTE THE PRE-BID SIGN-IN SHEETS AND THE Q/A RESULTING FROM THE MANDATORY PRE-BID MEETING HELD 01/14/2009.						
BID OPENING DATE AND TIME HAVE BEEN EXTENDED TO 02/18/2009 AT 1:30 PM						
***** NO OTHER CHANGES *****						
0001		JB		962-73		
	1					753,387. ⁰⁰
	RECLAMATION: WATER TREATMENT					

RECEIVED
 2009 FEB 18 AM 11:45
 WV PURCHASING
 DIVISION

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

TELEPHONE **304 983 2996** DATE **2-18-09**
 FEIN **550785115** ADDRESS CHANGES TO BE NOTED ABOVE

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

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

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. All quotations are governed by the *West Virginia Code* and the *Legislative Rules* of the Purchasing Division.
4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
5. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
6. Payment may only be made after the delivery and acceptance of goods or services.
7. Interest may be paid for late payment in accordance with the *West Virginia Code*.
8. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
9. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
11. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
12. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
13. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, this Contract may be deemed null and void, and terminated without further order.
14. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (<http://www.state.wv.us/admin/purchase/vrc/hipaa.htm>) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
15. **WEST VIRGINIA ALCOHOL & DRUG-FREE WORKPLACE ACT:** If this Contract constitutes a public improvement construction contract as set forth in Article 1D, Chapter 21 of the West Virginia Code ("The West Virginia Alcohol and Drug-Free Workplace Act"), then the following language shall hereby become part of this Contract: "The contractor and its subcontractors shall implement and maintain a written drug-free workplace policy in compliance with the West Virginia Alcohol and Drug-Free Workplace Act, as set forth in Article 1D, Chapter 21 of the West Virginia Code. The contractor and its subcontractors shall provide a sworn statement in writing, under the penalties of perjury, that they maintain a valid drug-free work place policy in compliance with the West Virginia and Drug-Free Workplace Act. It is understood and agreed that this Contract shall be cancelled by the awarding authority if the Contractor: 1) Fails to implement its drug-free workplace policy; 2) Fails to provide information regarding implementation of the contractor's drug-free workplace policy at the request of the public authority; or 3) Provides to the public authority false information regarding the contractor's drug-free workplace policy."

INSTRUCTIONS TO BIDDERS

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3. Complete all sections of the quotation form.
4. Unit prices shall prevail in case of discrepancy.
5. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
6. **BID SUBMISSION:** All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130

RECEIVED

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

RFQ # : DEP14152
Project: S. Kelly Industries
Permit #51-78

Bid Date: 2/10/09
Pre-Bid Date: 1/14/09

Name : DAVID H. BOWMAN
Company: GREEN MOUNTAIN CO
Address: 511 50th STREET
CHAS. WV 25003

Phone #: 304-925-0253
Fax #: " " 9230
Email : Jody May@AOL.com

Name : GARY LONG
Company: McCourt E. San Coast.
Address: 2790 Centralia Rd.
Sutton WV 26601

Phone #: 304 765-5288
Fax #: 304 765-5293
Email :

Name : ROBERT BAINES
Company: BAINES EXC. INC.
Address: P.O. BOX 13384
SISSONVILLE
WV 25360

Phone #: 304-984-1725
Fax #: 304-984-0074
Email : NONE

Name : GEORGE FRESHOUR
Company: EAGLE EXCAVATION INC
Address: P.O. BOX 218
KENNA, WV
25248

Phone #: (304) 372-4378
Fax #: (304) 372-4378
Email : NONE

Name : CALVIN WEARS
Company: BEAR CON.
Address: P.O. BOX 1196
BRIDGEPORT WV
26330

Phone #: 304-842-3002
Fax #: 304-842-9483
Email : AMARSS@BEAR-CONTRACTING.COM

Name : Spencer C Woodbell
Company: Cowgirl Up Inc
Address: PO Box 243
Simpson WVa 26435

Phone #: 304 739-4397
Fax #: 304 739-4401
Email :

Name : Steve Batty
Company: Batty Construction
Address: RT. 2 Box 23-n
Riversville, WV. 26588

Phone #: 304-365-3896
Fax #:
Email : Shilah40@Verizon.NET

Name : Chad Bilotta
Company: Anderson Excavating
Address: 349 Williams Rd
Morgan town WV 26601

Phone #: 304-983-2296
Fax #: 304-983-4955
Email : cbilotta54@yahoo.com

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

RFQ # : DEP14152
 Project: S. Kelly Industries
 Permit #51-78

Bid Date: 2/10/09
 Pre-Bid Date: 1/14/09

Name : Matt Evans
 Company: Pro Contracting, Inc
 Address: P.O. Box 1242
Clarksburg WV
26301
 Phone #: 304 622-2400
 Fax # : 304 622-2410
 Email : _____

Name : SCOTT ANGELO
 Company: BEITZEL CORPORATION
 Address: 12072 BITTINGER RD
GRANTSVILLE MD 21536
 Phone# : 301 245 4107
 Fax # : 301 245 4740
 Email : SCOTTANBELO@BEITZELCORP.COM.

Name : Chris Wolfe
 Company: Cave Run Contracting LLC
 Address: P.O. Box 104
Montaile, WV 26465
 Phone #: (304) 669-1722
 Fax # : (304) 457-1662
 Email : cmw Wolfe73@yahoo.com

Name : Brian Schreyer
 Company: BUSBY ELEC. INC
 Address: 11746 BITTINGER RD
GRANTSVILLE MD 21536
 Phone# : 301 245 4322
 Fax # : 301 245 4364
 Email : bwsbyco@aol.com

Name : JAMES ALLEN
 Company: JF ALLEN CO
 Address: Po Box 2019
Buckhannon WV 26201
 Phone #: 304 472 8890
 Fax # : 304 472 8897
 Email : _____

Name : Glenn Larew
 Company: Coaltrain Corp
 Address: Po Box 267
Reedsville, WV 26547
 Phone# : 304-288-3259
 Fax # : 304-594-1250
 Email : GLarew 407 @ AOL.Com

Name : Don Vincent
 Company: Breakaway, Inc
 Address: 1075 Old Turnpike
Road
Sutton WV 26601
 Phone #: 304 765-5317
 Fax # : 304 765-5389
 Email : _____

Name : PERRY BROWN
 Company: Brown's Excavating
 Address: PO BOX 264
Reedsville WV 26547
 Phone# : 304-290-6676
 Fax # : _____
 Email : _____

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

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Project: S. Kelly Industries
Permit #51-78

Bid Date: 2/10/09
Pre-Bid Date: 1/14/09

Name : Jim Weis
Company: TC Weis Enterprises
Address: PO Box 492
Mason Mills WV
26542
Phone #: (304) 864-5261
Fax #: (304) 864-7353
Email : fort1w@aol.com

Name : Jamie Pretzel
Company: JL Pretzel
Address: 9 Belknap Est.
Bruceston Mills WV 26525
Phone#: 304-379-7789
Fax #: 304-379-7788
Email : PRTZROC@AOL.COM

Name : DAN BHOME
Company: OWV EXCAVATING CO.
Address: P.O. Box 128
Poullhatan Pt, OHIO
43992
Phone #: 740-676-7969
Fax #: 740-676-4910
Email : DBHOME@OWVEXCAVATING
.COM

Name : Eddie Baker
Company: Baker Excavating
Address: P.O. 1163 Dellislaw WV
26531
Phone#: 304 282-1470
Fax #: 304-598-5775
Email :

Name : Brian Boyte
Company: Orange Construction
Address: 170 Old Chest Rd
Morgantown WV
26508
Phone #: 291-6765
Fax #: 291-6775
Email : orangeconst@aol.com

Name : Ben Bolwood
Company: CIRCELES P. BOLWOOD & SON INC
Address: 125 East High St.
Kennwood WV 26537
Phone#: 304-329-1850
Fax #: 329-1571
Email :

Name : J.R. SPENCER
Company: PROMISE SPENCER INC
Address: HC 74, Box 201
STRANISH CREEK WV
25063
Phone #: 304 369 8626
Fax #: 8376
Email : RHS20 Hughes.net

Name : David M... WV DEP
Company: WV DEP
Address: 1-14-2009
Phone#: ~~_____~~
Fax #: ~~_____~~
Email : ~~_____~~

**Addendum #1 - Questions During Pre-Bid Meeting
For DEP 14152
S. Kelly Industries Permit # 51-78**

- 1.) Q. When you shot the elevations (for the seep collectors), was that on the ground level or where you found the water?
A. The elevations were shot at the excavated water levels. The same thing for the area of the manhole location...it was assumed that the manhole was buried 3 feet below ground level. The elevations are approximate and it will be up to the contractor to verify elevations and adjust as needed.
- 2.) Q. Will the solid pipe for the cleanout of the seep collectors be paid separately?
A. The cleanouts and fittings are paid as part of the seep collector bid item and are incidental.
- 3.) Q. The new constructed road, where is it going to go?
A. The new road will follow the existing path on the upper side of the existing rocked run-off ditch. The new road will be culverted across the ditch, and will be located in the area just above the manhole location and above seep collector #5. Also, the new road will extend around the left side of the treatment ponds. A turn around area will be needed above the Aquafix doser site.
- 4.) Q. The water coming in to the pond from the flat bottom ditch, does the pond need to be 8 feet deep from that point?
A. Yes, the pond water depth is 8 feet and the pond shall have 2 feet of freeboard. (Clarification: The flat bottom ditch that feeds the pond may actually be 6 inches higher than the pond exit spillway channel elevation, so the 8 feet of pond water depth shall be measured from the exit spillway elevation.)
- 5.) Q. Does the road have to be constructed at pond level, or can it be on a higher bench above the pond?
A. The road can be 3 or 4 feet above the pond level.
- 6.) Q. What do you plan on doing with all the water while you are cleaning on the ponds?
A. Once the ponds have been dewatered, just divert the water around the ponds until everything has been constructed.
- 7.) Q. Do we have to treat the water being diverted?
A. No, only treat the water from the initial pond dewatering, and there is a separate bid item to pay for that.

RECEIVED

DEC 2009

DM



State of West Virginia
DRUG FREE WORKPLACE CONFORMANCE AFFIDAVIT
West Virginia Code §21-1D-5

STATE OF WEST VIRGINIA,
COUNTY OF Monongalia, TO-WIT:

I, Rodney Anderson, after being first duly sworn, depose and state as follows:

- 1. I am an employee of Anderson Excavating, LLC; and,
(Company Name)
- 2. I do hereby attest that Anderson Excavating, LLC
(Company Name)

maintains a valid written drug free workplace policy and that such policy is in compliance with **West Virginia Code §21-1D-5**.

The above statements are sworn to under the penalty of perjury.

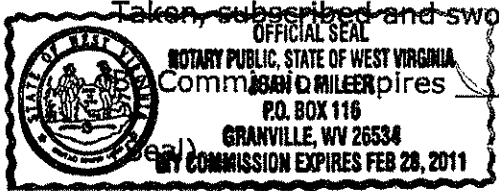
Anderson Excavating LLC
(Company Name)

By: [Signature]

Title: Member

Date: 2-18-09

Taken, subscribed and sworn to before me this 18th day of February 2009



Feb. 28, 2011

[Signature]
(Notary Public)

THIS AFFIDAVIT MUST BE SUBMITTED WITH THE BID IN ORDER TO COMPLY WITH WV CODE PROVISIONS. FAILURE TO INCLUDE THE AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF THE BID.



State of West Virginia
 Department of Administration
 Purchasing Division
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Request for Quotation

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 DEP14152

PAGE
 1

ADDRESS CORRESPONDENCE TO ATTENTION OF
 CHUCK BOWMAN
 804-558-2157

RFQ COPY
 TYPE NAME/ADDRESS HERE

Anderson excavating, LLC
 343 Williams Road
 Morgantown, WV 26501

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

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
12/11/2008				

BID OPENING DATE: 02/10/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		753,387.00
RECLAMATION: WATER TREATMENT 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 S. KELLEY INDUSTRIES, NOW UNDER REVOKED PERMIT NUMBER(S) 51-78. THIS SITE CONSISTS OF APPROXIMATELY 10 ACRES AND IS LOCATED NEAR LITTLE FALLS, WV IN MONONGALIA COUNTY. 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. A MANDATORY ON-SITE PREBID CONFERENCE SHALL BE HELD ON 01/14/2008 @ 10:00 AM. FAILURE TO ATTEND THE PREBI CONFERENCE WILL RESULT IN BID DISQUALIFICATION. DIRECTIONS TO PREBID: IN MONONGALIA COUNTY, TURN SOUTH ON US ROUTE 119 AT I-68 INTERSECTION AND TRAVEL 5.3 MILES. TURN ONTO GUM SPRING ROAD (CR 119/11) AND TRAVEL 1.8 MILE. TURN LEFT ONTO ANOTHER ROCK BASED ROAD (CR 76/5) AND TRAVEL 1500 FEET TO THE SITE ON THE RIGHT. ALL WORK MUST BE COMPLETED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PREPARED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND PURCHASE ORDER ISSUED						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE *Chuck Bowman* TELEPHONE 304-457-32296 DATE 2-18-09

TITLE Member FEIN 55-0785115 ADDRESS CHANGES TO BE NOTED ABOVE

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

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Anderson excavating, LLC
 343 Williams Road
 Morgantown, WV 26501

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<p>BY THE DEPARTMENT OF ADMINISTRATION, DIVISION OF PURCHASING.</p> <p>EXHIBIT 5</p> <p>WEST VIRGINIA CODE 21-1D-5 PROVIDES THAT: ANY SOLICITATION FOR A PUBLIC IMPROVEMENT CONSTRUCTION CONTRACT REQUIRES EACH VENDOR THAT SUBMITS A BID FOR THE WORK TO SUBMIT AT THE SAME TIME AN AFFIDAVIT OF COMPLIANCE WITH THE BID. THE ENCLOSED PURCHASING AFFIDAVIT MUST BE SIGNED AND SUBMITTED WITH THE BID AS EVIDENCE OF THE VENDOR'S COMPLIANCE WITH THE PROVISIONS OF ARTICLE 1D, CHAPTER 21 OF THE WEST VIRGINIA CODE. FAILURE TO SUBMIT THE SIGNED PURCHASING AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF SUCH BID.</p> <p>NOTICE TO PROCEED: THIS CONTRACT IS TO BE PERFORMED WITH 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 HERE IN.</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 MONONGALIA COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET, SEQ. (PREVAILING WAGE RATES APPLY TO THIS PROJECT)</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]* TELEPHONE: DATE: TITLE: FEIN: ADDRESS CHANGES TO BE NOTED ABOVE

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<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> <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 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 AND MATERIAL BOND.</p>						

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 26416-9998 304-457-3219

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
12/11/2008				

BID OPENING DATE: 02/10/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOF	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<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 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: .. Anderson Excavating, LLC .. CONTRACTORS LICENSE NO.: .. WV 033687 ..</p> <p>THE SUCCESSFUL BIDDER WILL BE 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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	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
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

Request for Quotation

RFO NUMBER
 DEP14152

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

RFQ COPY
 TYPE NAME/ADDRESS HERE

Anderson excavating, LLC
 343 Williams Road
 Morgantown, WV 26501

ENVIRONMENTAL PROTECTION
 DEPT. OF
 OFFICE OF SPECIAL RECLAMATION
 105 S. RAILROAD STREET
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<p>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 AUTOMATICALLY 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,</p>						

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<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 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</p>						

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<p>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. 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</p>						

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DATE. REV. 11/96 EXHIBIT 10 ADDENDUM ACKNOWLEDGEMENT DEP14152 I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC. ADDENDUM NOS. : NO. 1 NO. 2 NO. 3 NO. 4 NO. 5 I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF THE BIDS. 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.						

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Request for Quotation

RFQ NUMBER
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 304-558-2157

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE
 Anderson excavating, LLC
 343 Williams Road
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SHIP TO

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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>.....<i>[Signature]</i>..... SIGNATURE <i>Anderson Excavating, LLC</i>..... COMPANY <i>2-18-09</i>..... DATE</p> <p>REV. 11/96</p> <p style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p style="text-align: center;">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.: DEPL4152</p> <p>BID OPENING DATE: 02/10/2009</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: <i>304 983 4755</i></p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>[Signature]</i>	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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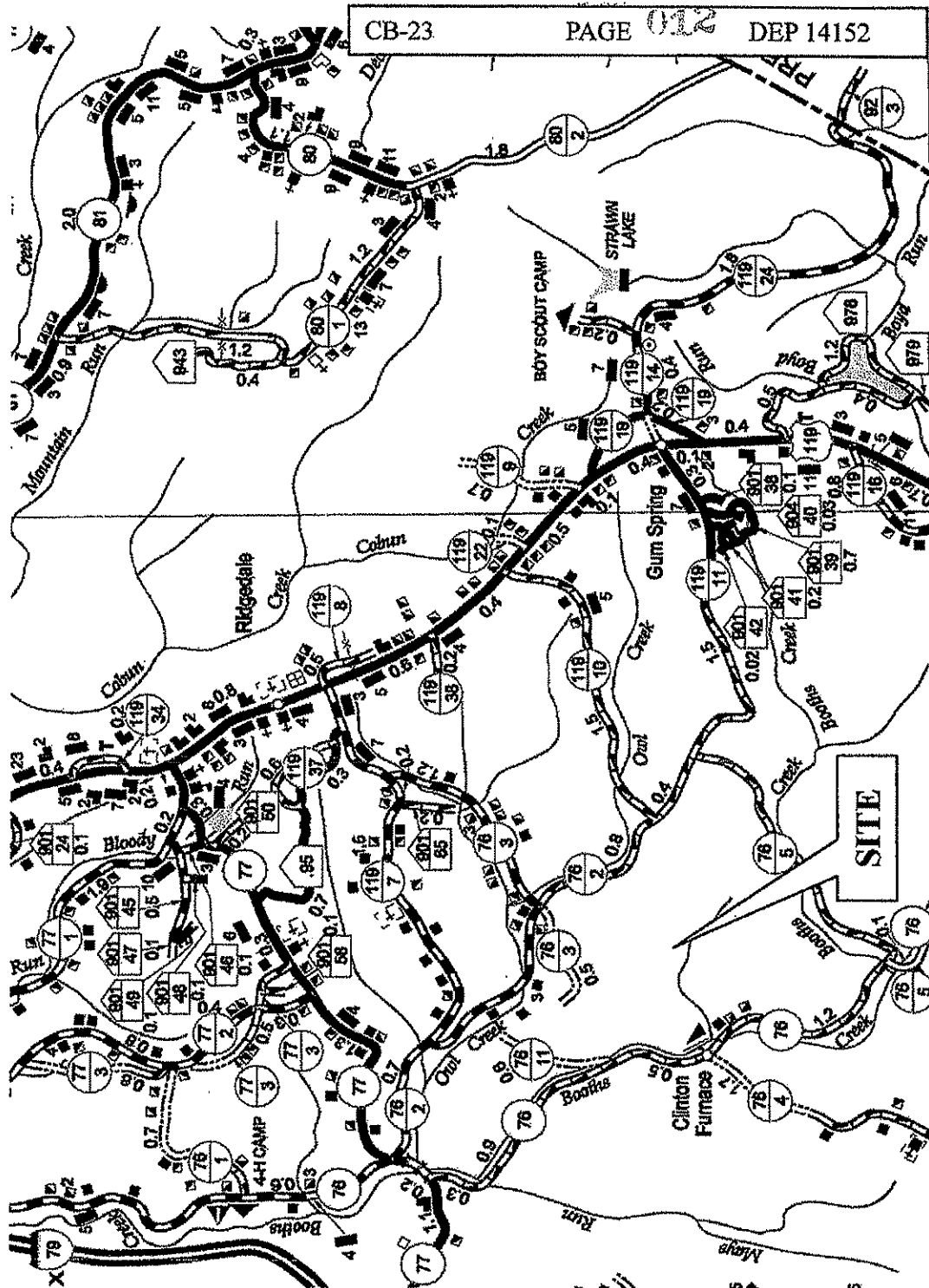
LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
				3049834755		
PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE:						
<i>Rodney Anderson</i>						
***** THIS IS THE END OF RFQ DEP14152 *****						TOTAL: <u>753,387.⁰⁰</u>

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Rodney Anderson</i>	TELEPHONE 304 983 2296	DATE 2-18-09
TITLE Member	FEIN 550785115	ADDRESS CHANGES TO BE NOTED ABOVE

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SITE LOCATION



In Monongalia County, turn South on US Route 119 at I-68 intersection, and travel 5.3 miles. Turn onto Gum Spring Road (CR 119/11) and travel 1.8 miles. Turn left onto another rock based road (CR 76/5) and travel 1500 feet to the site on the right.

BUYER CB-23	PAGE 013	REQ. OR PO NO. DEP 14152
SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/SPECIAL RECLAMATION		

WV-36a STATE OF WEST VIRGINIA
REV. 5-1-08 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 S. KELLY INDUSTRIES, Permit 51-78, and any disturbance associated with such operation. The General Performance Standards (GPS) shall apply to all items in Scope of Work.

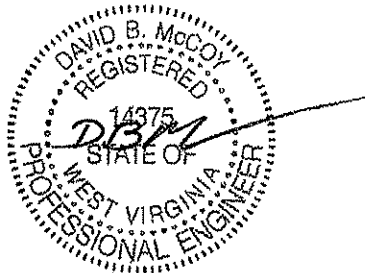
Work necessary on this site will include the following items, but is not limited to these:

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 #4. If, fuel and lubricants are to be stored on site, bid item #2 shall be in place before fuel is delivered. The project sign is to be obtained and installed.
2. Storm water management in the form as described in bid item #8 shall be installed (described locations).
3. Revegetation and soil improvements are required for all disturbed areas. Reclamation is to be according to the attached specifications, plans, and clarifying discussions at the Pre-Bid Conference.
4. Construct new access road.
5. Install culverts.
6. Construct grouted riprap channels.
7. Construct seep conveyance drains (5).
8. Eliminate pond and wetland.
9. Modify existing wetlands (2).
10. Install a dosing unit and twenty ton silo for calcium oxide treatment of the seep water.
11. Construct sludge disposal cells (2).
12. Vegetative enhancement with seed, lime, fertilizer, and mulch.
13. Any other site specific items required.

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.

David B. McCoy

Registered Professional Engineer WV No. 14375



Date: 10-27-08

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.

Anderson excavating, LLC
 343 Williams Road
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BUYER CB-23	PAGE 014	REQ. OR PO NO. DEP 14152
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WV-36a STATE OF WEST VIRGINIA
 REV. 5-1-08 PURCHASING CONTINUATION SHEET
 VENDOR:

ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
BID SCHEDULE				
PERMIT NAME: <u>S. KELLY INDUSTRIES</u>				
PERMIT NUMBER(S): <u>51-78</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/PROJECT SIGN</u> (5% Total Bid Maximum for this permit)	LUMP SUM	\$ <u>35,050.⁰⁰</u>
2.0	LUMP SUM	<u>SPILL CONTAINMENT AREA (S.C.A.)</u> (\$1,000.00 Maximum Bid for this permit)	LUMP SUM	\$ <u>1,000.⁰⁰</u>
3.0	<u>200 TON</u>	<u>INCIDENTAL #1 STONE</u>	\$ <u>31.³⁰</u> PER TON	\$ <u>6,260.⁰⁰</u>
4.0	<u>4700 LF</u>	<u>CONSTRUCT NEW ACCESS ROAD</u>	\$ <u>29.²³</u> PER LF	\$ <u>137,381.⁰⁰</u>
5.0	<u>200 LF</u>	<u>18-INCH CULVERTS</u>	\$ <u>110.⁰⁰</u> PER LF	\$ <u>22,000.⁰⁰</u>
6.0	<u>120 LF</u>	<u>24-INCH CULVERTS</u>	\$ <u>130.⁰⁰</u> PER LF	\$ <u>15,600.⁰⁰</u>
7.0	LUMP SUM	<u>CLEAR AND GRUB</u>	LUMP SUM	\$ <u>40,000.⁰⁰</u>
8.0	<u>1000 LF</u>	<u>SEDIMENT CONTROL WITH SILT FENCE AND HAYBALE DIKE (Max. Bid \$5.00 per LF)</u>	\$ <u>4.⁰⁰</u> PER LF	\$ <u>4,000.⁰⁰</u>
9.0		<u>REVEGETATION</u>		
9.1	<u>10 AC</u>	<u>AGRICULTURAL LIME</u>	\$ <u>600.⁰⁰</u> PER ACRE	\$ <u>6,000.⁰⁰</u>

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BUYER CB-23	PAGE 015	REQ. OR PO NO. DEP 14152
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WV-36a STATE OF WEST VIRGINIA
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ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
9.2	10 AC	<u>FERTILIZER</u>	\$ 500. ⁰⁰ PER ACRE	\$ 5,000. ⁰⁰
9.3	10 AC	<u>MULCH</u>	\$ 500. ⁰⁰ PER ACRE	\$ 5,000. ⁰⁰
9.4	10 AC	<u>VEGETATIVE SPECIES</u>	\$ 500. ⁰⁰ PER ACRE	\$ 5,000. ⁰⁰
<u>WATER QUALITY ABATEMENT</u>				
10.0	545 LF	<u>TWO FOOT BOTTOM GROUTED RIPRAP DITCH</u>	\$ 32. ⁰⁰ PER LF	\$ 17,440. ⁰⁰
11.0	LUMP SUM	<u>WATER TREATMENT</u>	LUMP SUM	\$ 2,500. ⁰⁰
12.0	LUMP SUM	<u>POND 1 ELIMINATION</u>	LUMP SUM	\$ 62,060. ⁰⁰
13.0	LUMP SUM	<u>WETLAND 1 ELIMINATION</u>	LUMP SUM	\$ 59,360. ⁰⁰
14.0	LUMP SUM	<u>WETLAND 2 MODIFICATION</u>	LUMP SUM	\$ 44,520. ⁰⁰
15.0	LUMP SUM	<u>WETLAND 3 MODIFICATION</u>	LUMP SUM	\$ 63,240. ⁰⁰
16.0	300 LF	<u>SEEP COLLECTORS</u>	\$ 67. ⁵⁰ PER LF	\$ 20,250. ⁰⁰
17.0	450 LF	<u>6 INCH SDR- 35 PIPE</u>	\$ 25. ⁰⁰ PER LF	\$ 11,250. ⁰⁰
18.0	LUMP SUM	<u>MANHOLE</u>	LUMP SUM	\$ 6,500. ⁰⁰

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WV-36a STATE OF WEST VIRGINIA
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ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
19.0	LUMP SUM	<u>BAFFLE CURTAIN</u>	LUMP SUM	\$ 8,000. ⁰⁰
20.0	<u>10</u> LF (Depth)	<u>SUB-FOUNDATION PREPARATION</u>	\$ 600. ⁰⁰ PER LF	\$ 6,000. ⁰⁰
21.0	LUMP SUM	<u>FOUNDATION</u>	LUMP SUM	\$ 10,000. ⁰⁰
22.0	LUMP SUM	<u>CRANE</u>	LUMP SUM	\$ 1,500. ⁰⁰
23.0	LUMP SUM	<u>DOSING UNIT AND SILO</u>	LUMP SUM	\$ 117,995. ⁰⁰
24.0	<u>40</u> LF	<u>4 INCH HDPE DRIVE LINE</u>	\$ 60. ⁰⁰ PER LF	\$ 2,400. ⁰⁰
25.0	<u>750</u> LF	<u>6 INCH HDPE SLUDGE PIPE</u>	\$ 9.50 PER LF	\$ 7,125. ⁰⁰
26.0	<u>400</u> LF	<u>8 INCH HDPE PIPE</u>	\$ 14.25 PER LF	\$ 5,700. ⁰⁰
27.0	LUMP SUM	<u>SLUDGE DISPOSAL CELLS</u>	LUMP SUM	\$ 20,636. ⁰⁰
28.0	LUMP SUM	<u>PUMP CONNECTION END</u>	LUMP SUM	\$ 1,750. ⁰⁰
29.0	LUMP SUM	<u>WATER CONNECTION AT DISPENSING UNIT</u>	LUMP SUM	\$ 2,970. ⁰⁰
TOTAL PERMIT #51-78				\$ 753,387. ⁰⁰

BID BOND PREPARATION INSTRUCTIONS

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AGENCY _____ (A)
RFQ/RFP# _____ (B)

- (A) WV State Agency
(Stated on Page 1 "Spending Unit")
Request for Quotation Number (upper
right corner of page #1)
 - (C) Your Company Name
 - (D) City, Location of your Company
 - (E) State, Location of your Company
 - (F) Surety Corporate Name
 - (G) City, Location of Surety
 - (H) State, Location of Surety
 - (I) State of Surety Incorporation
 - (J) City of Surety Incorporation
 - (K) Minimum amount of acceptable bid
bond is 5% of total bid. You may state
"5% of bid" or a specific amount on
this line in words.
 - (L) Amount of bond in figures
 - (M) Brief Description of scope of work
 - (N) Day of the month
 - (O) Month
 - (P) Year
 - (Q) Name of Corporation
 - (R) Raised Corporate Seal of Principal
 - (S) Signature of President or Vice
President
 - (T) Title of person signing
 - (U) Raised Corporate Seal of Surety
 - (V) Corporate Name of Surety
 - (W) Signature of Attorney in Fact of the
Surety
- NOTE: Dated, Power of Attorney with Raised
Surety Seal must accompany this bid
bond.

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned,
_____ (C) of _____ (D) _____ (E)
as Principal, and _____ (F) of _____ (G)
_____ (H) _____, a corporation organized and existing under the laws
of the State of _____ (I) with its principal office in the City of
_____ (J) _____, as Surety, are held and firmly bound unto The State
of West Virginia, as Obligee, in the penal sum of _____ (K)
(\$ _____ (L) _____) 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 _____ (M) _____

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 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 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 hereto and these presents to be signed by their proper officers,
this _____ (N) day of _____ (O) _____, 20 _____ (P) _____.

Principal Corporate Seal

(R)

(Name of Principal)
By _____ (S)
(Must be President or
Vice President)

(T)
Title

Surety Corporate Seal

(U)

(V)
(Name of Surety)

(W)
Attorney-in-Fact

IMPORTANT – Surety executing bonds must be licensed in West Virginia to
transact surety insurance. Raised Corporate Seals must be affixed and a Power of
Attorney must be attached.

STATE 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 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: Anderson Excavating LLC

Authorized Signature: [Signature]

Date: 2-18-09

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Anderson Excavating, LLC
of Morgantown WV, as Principal, and Ohio Farmers Ins
of Westfield Center, a corporation organized and existing under the laws of the State of
OH with its principal office in the City of Westfield Ctr, as Surety, are held and firmly bound unto the State
of West Virginia, as Obligee, in the penal sum of 5% of Bond (\$ 37,670.00) 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
Reclamation of mining operations of S. Kelley Industries

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
18th day of February, 2009.

Principal Corporate Seal

Anderson Excavating, LLC
(Name of Principal)
By [Signature]
(Must be President or Vice President)
Member
(Title)

Surety Corporate Seal

Ohio Farmers Ins. Co.
(Name of Surety)
[Signature]
Attorney-in-Fact

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. 4750401 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
J. CHRISTOPHER PALLOTTA, MARK D. PALLOTTA, JOHN JAY PALLOTTA, JOINTLY OR SEVERALLY

of FAIRMONT 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, undertakings, and recognizances; provided, however, that the penal sum of any one such instrument executed hereunder shall not exceed ONE MILLION DOLLARS AND NO CENTS (\$1,000,000)----

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 06th day of MAY A.D., 2003 .

Corporate
Seals
Affixed



WESTFIELD INSURANCE COMPANY
WESTFIELD NATIONAL INSURANCE COMPANY
OHIO FARMERS INSURANCE COMPANY

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

State of Ohio
County of Medina ss.:

On this 06th day of MAY A.D., 2003, 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, M. Brooks Rorapugh, 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 18th day of FEBRUARY A.D., 2009



M. Brooks Rorapugh
M. Brooks Rorapugh, Secretary