

\*709060417

PO BOX 13015

SISSONVILLE WV

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

CARPENTER RECLAMATION INC

304-984-1115

25360-0015

# Request for Quotation

BFONUMBER
DEP14482

PAGE 1

ADDRESS CORRESPONDENCE TO ATTENTION OF

CHUCK BOWMAN 304-558-2157

ENVII H DEPAI

ENVIRONMENTAL PROTECTION DEPARTMENT OF OFFICE OF AML&R

601 57TH STREET SE CHARLESTON, WV

HARLESTON, WV 25304

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# 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**

- 1. Use the quotation forms provided by the Purchasing Division.
- 2. SPECIFICATIONS: Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as EQUAL to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
- 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

RFQ # : 14482 Project: GILMER B 3-8	Bid Date: /2/18/08 Pre-Bid Date: ///18/08
Name: DAVID H. ROWNAN CO Company: GREW Mawnan Co Address: 511 500 STREET CHAS. W	Name: <u>AMOETICA</u> Company: <u>BASIL CAMPENTER CACAL</u> , Address: <u>333 A CALL RO Sissiencille</u>
Phone #: 304-925-0255  Fax # : 9230  Email : 504, Maye Aul. am	Phone# : <u>984-0388</u> Fax # : <u>984-7825</u> Email :
Name: Mike WARDWE! Company: Eastern Arrow Address: Po 4108 Charleston WV.	Name: SAMUEL SKIDMERE Company: SAM'S EXCOUNTION Address: 655 Peplan Ridge Sutton July 26601
Phone #: 304 332-5527 Fax # : Email :	Phone#: 304-765-2194  Fax #: 304-765-2066  Email: Sant = Xaranin & dity Not. Net
Name: Robert Barnes  Company: Barnes EXC. Inc.  Address: P.O. Box 13384  Sissonville Will.  25360	Name: Berl Collins Company: Collins Building & Contracting Inc. Address: 3406 Corley Curvess Rd Flat woods WU 26621
Phone #: <u>984-1725</u> Fax # : <u>984-0074</u> Email :	Phone#: 304.765.3521  Fax #: 304.765.3521  Email:
Name: Thomas I. Dennison/ Company: Breakaway Inc Address: 1075 old tumpike Rd Sutton wv 26601	Name: Spencer C Wooddell Company: Cowfire up INC. Address: PO Box 243 Simpson, Wha 26435
Phone #: 304-765-5317  Fax # : 304-765-5389  Email : breakaway-wc@verizon.	Phone#: 304 739 - 4397 Fax #: 304 739 - 4397 Email:

	: 14482	Bid Date: /2//8/08  Pre-Bid Date: ///8/08
Project	GILMER B 3-8	Pre-Bid Date: ///18/08
	David L. Smith WVDEP AML	Name: Roger Corperter  Company: Caspecter Reclamation  Address: POROY 13283 Chadeston  W.VA 25360
Phone #: Fax # : Email :		Phone# : 304-984-115 Fax # : 304-984-115 Email :
Name : Company: Address:	GARY Long Mª Court & Son Const. 2790 Centralia Rd Sutlon W/ 26601	Name: SANTES Allien Company: JF Allien Co Address: Dobox 2049  Bukhannon W 2620
	304 765-5288 304 765-5293	Phone# : 30/ \$72 8890 Fax # : 30/ 472 8897 Email :
Name : Company: Address:	Por Contracting Tor Por Bex 2442 Charlesburg (20 2630)	Name : Company: Address:
	304-622-2400 304-622-2410 Allargema.rr.com	Phone# : Fax # : Email :
Name : Company: Address:	CEORGE FRESHOUR EAGLE EXCAVATION THE. P.O. BOX 218 KENNA WV 25248	Name : Company: Address:
Phone #: Fax # : Email :	372-4378 372-4378 Wilek	Phone# : Fax # : Email :

### Addendum #1 - Questions During Pre-Bid Meeting For DEP 14482 Gilmer "B" - Sites 3 -8 Project

The following questions were identified from the Pre-Bid Conference. The answers provided herein take precedence over verbal answers at the PBC should there be any conflicts between the two.

- 1.) **Q.** Do we have a Corp Permit yet? **A.** Yes.
- 2.) Q. Unclassified Excavation, which site is that on? A. Site 7.
- 3.) Q. Is this excavation to regrade a refuse pile?

  A Yes
- 4.) Q. Did we identify soil borrow areas? A. Yes, they are located on the map.
- Q. Which site has the stream bank protection?A. Site 5 it protects Copen Creek.

#### Site 5

- 6.) Q. Is there a ditch that we will run into?
  A. No
- 7.) Q. Is the bench behind the mine? A. No, in front of all.
- 8.) Q. Is conveyance pipe a separate item?
  A. Yes
- 9.) Q. Is it for single run of pipe? A. Yes

#### Sites 3 & 4

- 10.) **Q.** The stream crossing, do we grout it?
  - A. The inlet side only.
- 11.) Q. Do you place the grout in the stream?
  - A. Will be done under low or no flow period.
- 12.) Q. Do you think the bottom will be in rock if the stream channel excavation is completed to prevent the water from entering the mine works?A. No.

Questions & Answers
Pre-Bid Conference
DEP14482 - Gilmer "B" - Sites 3-8 Project
Page Three

- 26.) Q. Gas lines, will we work around them.
  - A. Yes.
- 27.) Q. If you do not hit water installing wet seals do they remain as wet or change to dry seals?
  - **A.** They will remain as wet seals.
- 28.) Q. Preparing for the channel crossing, where is the spoil for the work to be placed?
  - A. There is room for it nearby.
- 29.) **Q.** What is to be done with the trees?
  - A. Windrow all greater than 8" diameter, burn smaller material.
- 30.) Q. The gas lines, are they to be below the ditch, above the ditch or thru the ditch?
  - A. We will work with each line, if it needs to be relocated then we will evaluate for a relocation.



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Quotation 2019 Washington Street East Post Office Box 50130 Charleston, WV 25305-0130

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CHUCK BOWMAN 304-558-2157

**\*709060417** 304-984-1115 CARPENTER RECLAMATION INC PO BOX 13015

SISSONVILLE WV 25360-0015

**ENVIRONMENTAL PROTECTION** DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV 25304

304-926-0499

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OFFICE OF AML&R
601 57TH STREET SE
CHARLESTON, WV
25304 304-926-0499

DATE PRINTED TERMS OF SALE SHIP VIA F.O.B. FREIGHT TERMS 11/06/2008 BID OPENING DATE: 12/18/2008 **BID OPENING TIME** 01:30PM CAT. LINE QUANTITY UOP ITEM NUMBER UNIT PRICE AMOUNT REV. 11/00 AML CONTRACTOR INFORMATION FORM OMB #1029-0119 (EXPIRATION DATE: 01/31/2010) IS ATTACHED. YOU MUST COMPLETE THIS ORIGINAL FORM TO OBTAIN AN AVS DATA EVALUATION TO DETERMINE YOUR ELIGIBILITY AS AN AML CONTRACTOR. THIS IS A REQUIREMENT UNDER 30 CFR 874.16. IF THE ORIGINAL OMB #1029-0119 IS NOT ATTACHED TO THE BIDDING DOCUMENTS YOU CAN CONTACT THE AVS OFFICE AT 800-643-9748 OR WWW.AVS.DSMRE.GOV CONTRACTORS LICENSE 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, 1900 KANAWHA BLVD. E, BLDG. 6, RM 749-B, CHARLESTON, WV 25305, PH. 304-558-7890. WEST VIRGINIA STATE CODE 21-11-11 REQUIRES ANY PROSPECTIVE  $oldsymbol{ iny{BIDDE}}$ R TO  $oldsymbol{ iny{INCLUDE}}$  THE CONTRACTORS LICENSE NUMBER ON THEIR BID. BIDDER TO COMPLETE: ARPENTER KeelAMAtion. CONTRACTORS CONTRACTORS LICENSE #. .. WV.O.O. 7.728

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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304-558-2157

ADDRESS CORRESPONDENCE TO ATTENTION OF CHUCK BOWMAN

**ENVIRONMENTAL PROTECTION DEPARTMENT OF** OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV

25304

DATE PRINT	ED	TEA	MS OF SAL	E.	SHIP V	IA	F.O.B.		FREIGHT TERMS
11/06/	2008								
BID OPENING DATE:		12/18/	2008			BID	OPENING TIME	01	:30PM
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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

25360-0015

# Request for Quotation

DEP14482

RFQ NUMBER

PAGE

ADDRESS CORRESPONDENCE TO ATTENTION OF:

CHUCK BOWMAN 304-558-2157

\*709060417 304-984-1115 CARPENTER RECLAMATION INC PO BOX 13015

SISSONVILLE WV

\$ H P TO ENVIRONMENTAL PROTECTION DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE CHARLESTON, WV

25304

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**\*709060417** 

PO BOX 13015

SISSONVILLE WV

State of West Virginia
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PAGE 9

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SHIPTO

ENVIRONMENTAL PROTECTION
DEPARTMENT OF
OFFICE OF AML&R
601 57TH STREET SE
CHARLESTON, WV

25304 304-926-0499

DATE PRINTED TERMS OF SALE SHIP VIA F.O.B. FREIGHT TERMS 11/06/2008 BID OPENING DATE: 12/18/2008 **BID OPENING TIME** 01:30PM CAT. LINE QUANTITY UOP ITEM NUMBER UNIT PRICE AMOUNT EXCEED ONE TENTH OF ONE PERCENT (.1%) OF THE TOTAL CONTRACT COST OR TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), WHICHEVER IS GREATER. FOR THE PURPOSES OF THIS SECTION, THE COST IS THE VALUE OF THE STEEL PRODUCT AS DELIVERED TO THE PROJECT OR. В. THE DIRECTOR OF THE PURCHASING DIVISION DETERMINES THAT SPECIFIED STEEL MATERIALS ARE NOT PRODUCED IN THE UNITED STATES IN SUFFICIENT QUANTITY OR OTHERWISE ARE NOT REASONABLY AVAILABLE TO MEET CONTRACT REQUIREMENTS. A CONTRACTOR WHO USES STEEL PRODUCTS IN VIOLATION OF THIS SECTION MAY BE SUBJECT TO CIVIL PENALTIES PURSUANT TO W. VA. CODE SECTION 5A-3-56. REV. 10/01/01 EXHIBIT 7 DOMESTIC ALUMINUM, GLASS & STEEL IN PUBLIC WORKS PROJECTS IN ACCORDANCE WITH WEST VIRGINIA CODE 5-19-1 ET., SEQ., EVERY CONTRACT FOR CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR, IMPROVEMENT OR MAINTENANCE OF PUBLIC WORKS, WHERE THE COST IS MORE THAN \$50,000 AND, IN THE CASE OF STEEL ONLY, WHERE THE COST OF STEEL IS MORE THAN \$50,000 OR WHERE MORE THAN 10,000 POUNDS OF 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

FEIN

TITLE

PHONE DATE

ADDRESS CHANGES TO BE NOTED ABOVE

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



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### Request for Quotation

RFQ NUMBER **DEP14482** 

10

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**ENVIRONMENTAL PROTECTION** DEPARTMENT OF OFFICE OF AML&R 601 57TH STREET SE

CHARLESTON, WV

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State of West Virginia
Department of Administration
Purchasing Division
2019 Washington Street East
Post Office Box 50130
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# Request for Quotation

DEP14482

PAGE

12-18-08

ADDRESS CHANGES TO BE NOTED ABOVE

11

ADDRESS CORRESPONDENCE TO ATTENTION OF

CHUCK BOWMAN 304-558-2157

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SIGNATURE

\*709060417 304-984-1115 CARPENTER RECLAMATION INC PO BOX 13015

SISSONVILLE WV 25360-0015

ENVIRONMENTAL PROTECTION
DEPARTMENT OF
OFFICE OF AML&R
601 57TH STREET SE
CHARLESTON, WV
25304 304-926-0499

DATE PRINTED TERMS OF SALE SHIP VIA F.O.B. FREIGHT TERMS 11/06/2008 BID OPENING DATE: 12/18/2008 BID OPENING TIME 01:30PM CAT. QUANTITY LINE UOP ITEM NUMBER UNIT PRICE AMOUNT 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. 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. ALL ADDENDA SHOULD BE FORMALLY ACKNOWLEDGED BY ALL BIDDERS AND SUBMITTED TO THE STATE PURCHASING DIVISION. THE SAME RULES AND REGULATIONS THAT APPLY TO THE ORIGINAL BIDDING DOCUMENT SHALL ALSO APPLY TO AN ADDENDUM DOCUMENT. THE ONLY EXCEPTION MAY BE FOR AN ADDENDUM THAT IS ISSUED FOR THE SOLE PURPOSE OF CHANGING A BID OPENING TIME AND/OR DATE. REV. 11/96 EXHIBIT 10 REQUISITION NO.: .DEP14482... ADDENDUM ACKNOWLEDGEMENT 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 NO. S: SEE REVERSE SIDE FOR TERMS AND CONDITIONS

<u>550693493</u>

TELEPHONE



**\*709060417** 

PO BOX 13015

SISSONVILLE WV

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

CARPENTER RECLAMATION INC

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25360-0015

### **Request for** Quotation

RFQ NUMBER **DEP14482** 

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13

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WV36 REV. 10/81

**DEP14482** 

SPENDING UNIT:

VEN

**STATE OF WEST VIRGINIA** 

PURCHASING CONTINUATION SHEET

ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
.0	LS	Mobilization and Demobilization (Lump Sum) (Cannot exceed 10% of Total Amount Bid)	LS	\$60,000.00
.0	LS	Construction Layout (Lump Sum) (Cannot exceed 5% of the Total Amount Bid)	LS	30,000.00
.0	LS	Quality Control (Lump Sum) (Cannot exceed 3% of the Total Amount Bid)	LS	\$30,000.00 \$10,000.00
.1	LS	Clearing and Grubbing (Lump Sum) (Cannot exceed 5% of Total Amount Bid)	LS	30,000.00
.2	1000 Ton	Road Restoration (Per Ton)	\$ 30.00	\$30,000.00
.3	2 Each	Farm Gate (Per Each)	\$ 1,000.00	\$ 2,000.00
.0	2000 CY	Unclassified Excavation (Per Cubic Yard)	\$ 4.00	\$ 8,000.00
.1	535 LF	Type I Ditch (Per Linear Foot)	\$ 25.00	\$13,375,00
.2	670 LF	Type Il Ditch (Per Linear Foot)	\$ 40.00	\$26,800.00
.3	291 LF	Type III Ditch (Per Linear Foot)	\$ 62.00	\$26,800.00 \$18,042.00
.4	200 LF	Underdrain (Per Linear Foot)	\$ 40.00	\$ 8,000.00
.5	LS	Low Water Crossing (Per Lump Sum)	\$ 1,800.00	\$ 1,800.00
.6	60 LF	24"HDPE Culvert (Per Linear Foot)	\$ 50.00	\$3,000.00
5.7	53 EA	Wet Mine Seals (Per Each)	\$ 4,800.°°	\$ 254,400.
.8	4 EA	Dry Mine Seals (Per Each)	\$4,000.00	
.9	4 EA	Bat Gate Mine Seals (Per Each)		
5.10	20 BAG	Acid Mine Drainage Treatment (Per 50 lb. Bag)	\$ 10.00	\$ 200.00
5.11	2070 LF	Mine Seal and Under Drain Conveyance Pipe (Per Linear Foot)	\$ 16.00	\$33,120,00
.12	41 EA	Splash Pads (Per Each)	\$1,000.00	\$ 41,000.0
5.13	135 LF	Bank Protection (Per Linear Foot)	\$ 29.00	\$ 3,915,00
3.0	0.5 Acre	Soil Cover (Per Acre)	\$ 4,000.01	\$ 2,000.00
0.1	2550 LF	Sediment Control (Per Linear Foot)	\$ 4.00	\$ 10,200.00
0.2	3 EA	Stone Check Dams (Per Each)	\$ 1,500.00	\$ 4,500.00
0.0	10 Acre	Revegetation (Per Acre)	\$2,200.00	\$ 22,000.00
			TOTAL \$	648,352

OMB #1029-0119 Expiration Date: Ol/31/2010

### AML CONTRACTOR INFORMATION FORM

You must complete this form for your AML contracting officer to request an AML eligibility evaluation from the Office of Surface Mining to determine if you are eligible to receive an AML contract. This eligibility requirement applies to contractors and their sub-contractors and is found under OSM's regulations at 30 CFR 874.16.

Part A: General Information

Contractor Name: CARPENTER RECLAMATION Tax Payer ID No.: 550693493
Address: P.O Boy 13015  City: 5,5000:11e State: WV Zip Code: 25360 Phone: 304-984-1115  Fax No.: 304-984-2770 E-mail address: RCARPEN 1036 AOC. COM
Part B: Legal Structure
() Corporation () Sole Proprietorship () Partnership () LLC () Other (please specify)
Part C: Certifying and updating information in the Applicant/Violator System (AVS). Select only one of the following options, follow the instructions for that option, and sign below.
I, <u>Kelley Carpenter</u> , have the express authority to certify that:
Information on the attached Entity OFT from AVS is accurate, complete, and uptodate. If you select this option, you must attach an Entity OFT from AVS to this form. Sign and date below and do not complete Part D.
Part of the information on the attached Entity OFT from AVS is missing or incorrect and the information in AVS for my company must be updated. If you select this option, you must attach an Entity OFT from AVS to this form. Use Part D to provide missing or corrected information. Sign and date below and complete Part D.
Our company currently has no information in AVS. If you select this option, you must provide all information required in Part D. Sign and date below and complete Part D.
Date 12-18-08 Signature K. Carpenter Title President
IMPORTANT! In order to certify in Part C to the accuracy of existing information in AVS, you must obtain a copy of your business' Entity OFT. To obtain an Entity OFT, contact the AVS Office, toll-free,

at 800-643-9748 or request it from www.avs.osmre.~ov on the Internet.

	NA	
Contractor Name:	Carpenter	Reclamation

If the current entity and Entity OFT information for your business is incomplete or incorrect in AVS, or if there is no information in AVS for your business, you must provide all of the following information as it applies to your business affiliations. Please make as many copies of this page as you require.

- Every officer (President, Vice President, Secretary, Treasurer, etc.);
- All Directors;
- All persons performing a function similar to a Director;
- Every person or business that owns 10% or more of the voting stock in your business;
- Every partner, if your business is a partnership;
- Every member and manager, if your business is a limited liability company; and
- Any other person(s) who has the ability to determine the manner in which the AML reclamation project is being conducted.

Name	Position/Title			
Address	Telephone #			
	% of Ownership Begin Date:			
Ending Date:	•			
Name	Position/Title			
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#### PAPERWORK REDUCTION STATEMENT

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501) requires us to inform you that: Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. This information is necessary for all successful bidders prior to the distribution of AML funds, and is required to obtain a benefit.

Public reporting burden for this form is estimated to average 45 minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to the Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, Room 210 S1B, Constitution Ave., NW, Washington, D.C. 20240.

•	BID BOND	- Control
KNOW ALL MEN BY THESE PRESENTS, Th	at we, the undersigned,	
of	-	
		and existing under the laws of the State of
with its principal office in the City of	, as Sure	ety, are held and firmly bound unto the State
of West Virginia, as Obligee, in the penal sum of		
vell and truly to be made, we jointly and severally bind	ourselves, our heirs, administrators	s, executors, successors and assigns.
The Condition of the above obligation is such		<del>-</del>
Department of Administration a certain bid or proposal,	attached hereto and made a part h	ereof, to enter into a contract in writing for
NOW THEREFORE,		
(a) If said bid shall be rejected, or         (b) If said bid shall be accepted and the Princhereto and shall furnish any other bonds and insurance agreement created by the acceptance of said bid, then force and effect. It is expressly understood and agreed exceed the penal amount of this obligation as herein state.	required by the bid or proposal, ar this obligation shall be null and voi I that the liability of the Surety for a	nd shall in all other respects perform the d, otherwise this obligation shall remain in full
The Surety, for the value received, hereby stip way impaired or affected by any extension of the time waive notice of any such extension.	oulates and agrees that the obligation which the Obligee may accept	ons of said Surety and its bond shall be in no of such bid, and said Surety does hereby
IN WITNESS WHEREOF, Principal and Suret	v have hereunto set their hands an	d seals, and such of them as are corporations
have caused their corporate seals to be affixed hereun		·
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Principal Corporate Seal  A Hack		
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1 Hall		(Must be President or
(/ , H''		Vice President)
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Surety Corporate Seal	Barratin - anni an	(Name of Surety)
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Agency\_\_\_\_ REQ.P.O#\_\_\_

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.

#### BID BOND PREPARATION INSTRUCTIONS

AGENCY\_\_\_(A)\_\_\_ RFQ/RFP#\_\_(B)\_\_\_

(A) WY 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 (F) State, Location of your Company (F) State, Location of Surety (H) State of Surety (neoporation of Surety (H) State of Surety Incorporation (I) City of Surety Incorporation (I) City of Surety Incorporation (I) 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. (I) Amount of bond in figures (I) Manier of Corporation (R) Raised Corporate Seal of Surety (I) Signature of Principal Signature of Principal Signature of Principal Signature of Principal Signature of Attorney with Raised Surety Seal must accompany this bid bond. (I) Surety Seal must accompany this bid bond. (II) Surety Seal must accompany this bid bond. (II) Surety Seal must accompany this bid bond is seal to the surety surety seal must accompany this bid bond. (II) Surety Seal must accompany this bid bond is seal to the surety surety seal must accompany this bid bond. (II) Surety Seal must accompany this bid bond is seal to the surety surety seal must accompany this bid bond is seal to the surety surety seal must accompany this bid bond is seal to the surety surety seal must accompany this bid bond is seal to the surety surety seal must accompany this bid bond is seal to the surety surety seal must accompany this bid bond is seal to the surety surety seal seal to the surety surety seal surety seal seal to the surety surety seal seal to the surety surety seal surety seal to the surety surety seal to the surety surety seal to the surety surety sea		,		В	id Bond	
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right comer of page #1)  (C) Your Company Name  (D) City, Location of your Company  (E) State, Location of Your Company  (S) State, Location of Surety  (S) State (Surety Incorporation  (K) State of Surety Incorporation  (K) State 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  (B) Brief Description of scope of work  (D) Day of the month  (O) Month  (P) Year  (Q) Name of Corporation  (R) Raised Corporate Seal of Principal Signature of President Or Vice President  (T) Title of person signing  Raised Corporate Seal 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.  (D) Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  (D) Month  (D) Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  (D) Signature of President or Vice President Or Vic		Request for Quotation Number (upper				
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MOM THEREFORE.  (N) Day of the month  (N) Day of the month  (D) 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  (W) Corporate Name of Surety  (W) Signature of Attorney in Fact of the Surety Surety Seal must accompany this bid bond.  NOW THEREFORE.  (a) If said bid shall be rejected, or  (b) If said bid shall be rejected, or  (c) Mame of Corporation  (d) 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  Surety of Power of Attorney with Raised Surety Seal must accompany this bid bond.  Note the Surety Seal must accompany this bid bond.  Note the Surety Seal must accompany this bid bond.  Note the Surety Seal must accompany this bid bond.  Note the Surety Seal must accompany this bid bond.  Note the Surety Seal must accompany this bid bond.  Note the Surety Seal must accompany this bid bond.  Note the Surety Seal must accompany this bid bond.  Note the Surety Seal must accompany this bid bond.  Note the Surety Seal must accompany this bid bond.  Note the Surety Seal must accompany this bid bond.  Note the Surety Seal must accompany this bid bond.  Note the Surety Seal Must received, hereby stipulates and agrees that the obligation shall remain in full force and effect. It is expressly understood and agreed that the liability of the Surety brighters to all the bid or proposal, and shall in all other respects by force and effect. It is expressly understood and agreed that the liability of the Surety brighters to date the plant the surety and its bond shall be in no way impaired or affected by Surety does hereby waive notice of any such extension.  Now the Note of Attorney the Attorney			<del> </del>			
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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 Seal must accompany this bid bond.  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						
(S) Signature of President or Vice President 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.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety 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)(Name of Principal)  (R)						
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 Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety seal surety stude 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 such extension.  N 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						
(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.  IN WITNESS WHEREOF, Principal and Surety have hereunto set their acceptant of the seals to be affixed hereto and these presents to be signed by their proper officers, this(N) day of	(S)		force and effect It	is evnressly unde	rstood and agr	eed that the liability of the
(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.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety said 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	(T)		Surety for any and	all claims hereun	der shall, in no	event exceed the penal
(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.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety seal must accompany this bid bond.  NOTE: Dated, Power of Attorney with Raised Surety seal surety seal must accompany this bid source seal so the reby 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 Oblige may accept such bid: and said Surety shall be in no way impaired or affected by any extension of time within which the Oblige may accept such bid: and said Surety shall be in no way impaired or affected by any extension of time within which the Oblige may accept such bid: and said Surety shall be in no way impaired or affected by any extension of time within which the Oblige may accept such bid: and said Surety shall be in no way impaired or affected by any extension of time within which the Oblige may accept such bid: and said Surety and tis bond shall be in no way impaired or affected by any extension of time within which the Oblige may accept such bid: and said Surety and tis bond shall be in no way impaired or affected by any extension of time within which the Oblige may accept such bid: and said Surety and tis bond shall be in no way impaired or affected by any extension.  NOTE: Date Surety Sure						or only only on the police.
(W) Signature of Attorney in Fact of the Surety NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  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 Seal must accompany this bid bond.  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						ulates and agrees that the
Surety NOTE: Dated, Power of Attorney with Raised Surety Seal must accompany this bid bond.  Surety Seal must accompany this bid bond.  Surety Seal must accompany this bid bond.  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						
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Surety Seal must accompany this bid bond.  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	NOTE:					
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	NOTE.					
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						
Principal Corporate Seal  (R)  (R)  By (S)  (Must be President or Vice President)  (T)  Title  (U)  Surety Corporate Seal  (V)  (Name of Surety)						
(R)  (R)  (R)  (R)  (By (S)  (Must be President or Vice President)  (T)  Title  (U)  Surety Corporate Seal  (V)  (Name of Surety)  (W)			this(N)	day of	( <b>O</b> ), 20	<u>(P)</u> .
(R)  (R)  (R)  (R)  (By (S)  (Must be President or Vice President)  (T)  Title  (U)  Surety Corporate Seal  (V)  (Name of Surety)  (W)				~ •		(0)
(R)  By (S)  (Must be President or Vice President)  (T)  Title  (U)  Surety Corporate Seal  (V)  (Name of Surety)  (W)			Principal Corporat	e Seal		
(Must be President or Vice President)  (T)  Title  (U)  Surety Corporate Seal  (V)  (Name of Surety)  (W)					ъ	
Vice President) (T) Title  (U) Surety Corporate Seal (V) (Name of Surety)  (W)			(	R)	ву	
(U) Surety Corporate Seal  (V) (Name of Surety)						
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(Name of Surety)						αn
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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.

I HAS

RFQ No. DEP14482

### 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 <a href="https://www.state.wv.us/admin/purchase/privacy">www.state.wv.us/admin/purchase/privacy</a> 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 aftidavit and is in compliance with the requirements as stated.
Vendor's Name: Cappenter Reclamation Inc.
Authorized Signature: K. Caupentee Date: 12-18-08
Purchasing Affidavit (Revised 07/01/08)

Page 1 of 1

NOV-05-2008 WED 03:23 PM AVS

reportviewer

awilloughby@osmre.gov	Email Report F	ל.וא ויוטי				
AVSOFT Report by Entity All OFT's where the select Entity is 140618 Carpen	ted entity is listed	in the OFT			•	/illoughby
Parent	Description	Ownership	SubEntity	Percentage	BeginDate	EndDate
140618 Carpenter Reclamation Inc	President	President	140616 Kelley Carpenter		10/01/1989	)
140618 Carpenter Reclamation Inc	Shareholder	Is Owned By	140616 Kelley Carpenter	50%	10/01/1989	<b>;</b>
140618 Carpenter Reclamation Inc	Shareholder	Is Owned By	140617 Mary Carpenter	50%	10/01/1989	)
140618 Carpenter	Vice President	Vice President	140617 Mary Carpenter		10/01/1989	<b>)</b>

Ceverent Information K. Carpentee - President

AgencyDEP	
REQ.P.O# 14482	

#### **BID BOND**

KNOW ALL MEN BY THES	E PRESENTS, That we, the undersig	gned, Carpenter Reclamation, Inc
of PO Box 13015 Sissor	nville, W,V 25360	, as Principal, and <u>Western Surety Company</u>
		ation organized and existing under the laws of the State of
		as Surety, are held and firmly bound unto the State
of West Virginia, as Obligee, in the p	enal sum of <u>Five Percent</u>	(\$_5%) for the payment of which,
		rs, administrators, executors, successors and assigns.
The Condition of the above	obligation is such that whereas the P	rincipal has submitted to the Purchasing Section of the
Department of Administration a certa	in bid or proposal, attached hereto ar	nd made a part hereof, to enter into a contract in writing for
DEP14482, Gilmer B Sites 3-8 i	n Gilmer County, according to pla	ans and specifications.
	•	
NOW THEREFORE,		
agreement created by the acceptance force and effect. It is expressly under exceed the penal amount of this obligation.  The Surety, for the value recovary impaired or affected by any exterwaive notice of any such extension.	pted and the Principal shall enter into nds and insurance required by the bid e of said bid, then this obligation shall rstood and agreed that the liability of lation as herein stated. Seived, hereby stipulates and agrees nsion of the time within which the Obl	o a contract in accordance with the bid or proposal attached d or proposal, and shall in all other respects perform the I be null and void, otherwise this obligation shall remain in full the Surety for any and all claims hereunder shall, in no event, that the obligations of said Surety and its bond shall be in no ligee may accept such bid, and said Surety does hereby
		If their hands and seals, and such of them as are corporations
20th day of November		nts to be signed by their proper officers, this
ZOUT day of November	, 20 <u>08</u> .	
Principal Corporate Seal		Carpenter Reclamation (Name of Principal)  By Llly Aspendic  Kelley Carpente Must be President or Vice President)
		President (Title)
Surety Corporate Seal		Western Surety Company (Name of Surety)
		Ross El Johnson Attorney-in-Fact
IMPORTANT – Surety executing bond and a power of attorney must be attact	ls must be licensed in West Virginia t hed	to transact surety insurance. Corporate seals must be affixed,

# Western Surety Company

#### POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Ross E Johnson, Beverly A Holstine, Kathryn K Arthur, Sheila Mc Cormick, Individually

of Charleston, WV, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

#### - In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 25th day of April, 2008.

WESTERN SURETY COMPANY

Paul 2 Bruflat Sezior Vice President

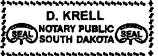
State of South Dakota County of Minnehaha

**5**S

On this 25th day of April, 2008, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

November 30, 2012



D. Krell, Notary Public

#### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 20th day of November 2008.



WESTERN SURETY COMPANY

J. Nelson, Assistant Secretary

#### **Authorizing By-Law**

#### ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.