



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:
 DEP14708

PAGE:
 4

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

RFQ COPY
 TYPE NAME/ADDRESS HERE

BYCO ENTERPRISES, INC.
 11746 BITTINGER ROAD
 GRANTSVILLE, MD 21536

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 |
|--------------|---------------|----------|--------|---------------|
| 06/17/2009 | | | | |

BID OPENING DATE: 08/13/2009 BID OPENING TIME 01:30PM

| LINE | QUANTITY | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
|--|----------|-----|--------|-------------|------------|--------|
| <p>BOND COVERING THE ROOFING SYSTEM WILL BE A REQUIREMENT OF THE SUCCESSFUL VENDOR.</p> <p>REV. 11/00 *****</p> <p>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.OSMRE.GOV *****</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, 1900 KANAWHA BLVD. E, BLDG. 6, RM 749-B, CHARLESTON, WV 25305, PH. 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. BIDDER TO COMPLETE:</p> <p>CONTRACTORS NAME:..... BYCO ENTERPRISES, INC.</p> | | | | | | |

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 WV PURCHASING DIVISION

| | | | |
|---|-------------------|-----------------------------------|--------------------|
| SEE REVERSE SIDE FOR TERMS AND CONDITIONS | | | |
| SIGNATURE <i>Timothy L. Bender</i> | TIMOTHY L. BENDER | TELEPHONE 301-245-4322 | DATE 08/12/2009 |
| TITLE PRESIDENT | FEN 52-2038280 | ADDRESS CHANGES TO BE NOTED ABOVE | |

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



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|---|----------|-----|--------|-------------|------------|--------|
| | | | | WV021818 | | |
| <p>CONTRACTORS LICENSE #:</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 & REGULATIONS, AND THE INFORMATION PROVIDED IN THE "REQUEST FOR QUOTATION" ISSUED BY THE PURCHASING DIVISION IS THE SOLE AUTHORITY GOVERNING THIS PROCUREMENT.</p> <p>ANY INFORMATION PROVIDED IN SPECIFICATION MANUALS, OR ANY OTHER SOURCE, VERBAL OR WRITTEN, WHICH CONTRADICTS OR ALTERS THE INFORMATION PROVIDED FROM THE SOURCES AS DESCRIBED IN THE ABOVE PARAGRAPH IS VOID AND OF NO EFFECT.</p> <p>(1) NOTICE TO PROCEED: THE CONSTRUCTION WORK SPECIFIED HEREIN IS TO BE COMPLETED WITHIN 365 CALENDAR DAYS AFTER THE OFFICIAL NOTICE TO PROCEED IS RECEIVED. IN THE EVENT THAT A PRE-CONSTRUCTION CONFERENCE IS REQUIRED, THE NOTICE TO PROCEED SHALL BE THE SPECIFIC DATE ESTABLISHED IN THE PRE-CONSTRUCTION CONFERENCE.</p> <p>(2) GUARANTEE AND MAINTENANCE: (A) THE MATERIALS AND WORKMANSHIP AFFECTED BY THE CONTRACTOR ARE SUBJECT TO THE GUARANTEE ESTABLISHED BY CUSTOM OF THE RESPECTIVE TRADES. IN THE ABSENCE OF A TRADE GUARANTEE CUSTOM OR A SPECIAL GUARANTEE PROVISION, THE WORK, BOTH AS TO THE MATERIALS AND WORKMANSHIP, SHALL UPON ACCEPTANCE OF FINAL PAYMENT BY THE CONTRACTOR BE CONSIDERED GUARANTEED BY THE</p> | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

| | | | |
|---------------------------------------|--------------------|-----------------------------------|--------------------|
| SIGNATURE <i>Timothy L. Bender</i> | TIMOTHY L. BENDER | TELEPHONE 301-245-4322 | DATE 08/12/2009 |
| TITLE PRESIDENT | FEIN 52-2038280 | ADDRESS CHANGES TO BE NOTED ABOVE | |

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|--|----------|-----|----------|-------------|------------|--------|
| <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 DATE.</p> <p>REV. 11/96</p> <p>EXHIBIT 10</p> <p>REQUISITION NO.: .DEP14708..</p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.</p> | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

| | | | |
|---------------------------------------|--------------------|-----------------------------------|--------------------|
| SIGNATURE <i>Timothy L. Bender</i> | TIMOTHY L. BENDER | TELEPHONE 301-245-4322 | DATE 08/12/2009 |
| TITLE PRESIDENT | FEIN 52-2038280 | ADDRESS CHANGES TO BE NOTED ABOVE | |

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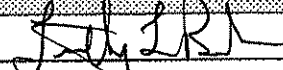
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| LINE | QUANTITY | UQP | CAT. NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|--|----------|-----|----------|---------------|---------------|--------|
| ADDENDUM NO. S: | | | | | | |
| NO. 1 | | | | JULY 28, 2009 | | |
| NO. 2 | | | | | | |
| NO. 3 | | | | | | |
| NO. 4 | | | | | | |
| NO. 5 | | | | | | |
| I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF 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. | | | | | | |
|  SIGNATURE | | | | | | |
| BYCO ENTERPRISES, INC. | | | | | COMPANY | |
| 08/12/2009 | | | | | DATE | |
| REV. 11/96 | | | | | | |
| NOTICE | | | | | | |
| A SIGNED BID MUST BE SUBMITTED TO: | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

| | | | |
|--|--------------------|-----------------------------------|--------------------|
| SIGNATURE  | TIMOTHY L. BENDER | TELEPHONE 301-245-4322 | DATE 08/12/2009 |
| TITLE PRESIDENT | FEIN 52-2038280 | ADDRESS CHANGES TO BE NOTED ABOVE | |

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| DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130 | | | | | | |
| THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED: SEALED BID | | | | | | |
| BUYER: | | | | CB-23 | | |
| RFQ. NO.: | | | | DEP14708 | | |
| BID OPENING DATE: | | | | 08/13/2009 | | |
| BID OPENING TIME: | | | | 1:30 PM | | |
| PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: TIMOTHY L. BENDER, PRESIDENT | | | | | | |
| VENDOR SHOULD SUBMIT WITH THEIR BID THE CURRENT REMIT-TO ADDRESS TO BE USED FOR PAYMENT PROCESSING: 11746 BITTINGER ROAD, GRANTSVILLE, MD 21536 | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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| SIGNATURE <i>Timothy L. Bender</i> | TIMOTHY L. BENDER | TELEPHONE 301-245-4322 | DATE 08/12/2009 |
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|---|----------|-----|--------|-------------|------------|--------|
| PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE: | | | | | | |
| TIMOTHY L. BENDER | | | | | | |
| ***** THIS IS THE END OF RFQ DEP14708 ***** TOTAL: | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

| | | | |
|--------------------|--------------------|-----------------------------------|--------------------|
| SIGNATURE | TIMOTHY L. BENDER | TELEPHONE 301-245-4322 | DATE 08/12/2009 |
| TITLE PRESIDENT | FEIN 52-2038280 | ADDRESS CHANGES TO BE NOTED ABOVE | |

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Pendleton Creek Strip DEP14708

Contractor's Bid Sheet

Company Name: BYCO ENTERPRISES, INC.

Address: 11746 BITTINGER ROAD

GRANTSVILLE, MD 21536

The DEP reserves the right to request additional information and supporting documentation regarding unit prices when the unit price appears to be unreasonable.

| ITEM NO. | QUANTITY | DESCRIPTION | UNIT PRICE | AMOUNT |
|--------------|-----------|--|------------|---------------|
| 1.0 | 1 LS | Mobilization and Demobilization (shall not exceed 10%) | 74,000.00 | \$ 74,000.00 |
| 2.0 | 1 LS | Construction Layout (shall not exceed 8%) | 65,000.00 | \$ 65,000.00 |
| 3.0 | 1 LS | Quality Control (shall not exceed 3%) | 4,000.00 | \$ 4,000.00 |
| 4.0 | 1 LS | Site Preparation (shall not exceed 5%) | 40,000.00 | \$ 40,000.00 |
| 5.0 | 3,650 LF | Sediment Control | 5.48 | \$ 20,002.00 |
| 6.1 | 10 AC | Reforestation | 4,000.00 | \$ 40,000.00 |
| 6.2 | 2 AC | Riparian Revegetation | 5,000.00 | \$ 10,000.00 |
| 6.3 | 1 AC | Other Revegetation | 4,000.00 | \$ 4,000.00 |
| 7.1 | 300 LF | 24-Inch Pipe Culverts | 60.00 | \$ 18,000.00 |
| 7.2 | 267 LF | Trapezoidal Riprap Ditch | 33.60 | \$ 8,971.20 |
| 7.3 | 952 LF | Relocated Stream No. 1 | 210.00 | \$ 199,920.00 |
| 7.4 | 605 LF | Relocated Stream No. 2 | 82.64 | \$ 49,997.20 |
| 7.5 | 1 LS | Basin Dewatering and Temporary Stream Diversion | 5,000.00 | \$ 5,000.00 |
| 7.6 | 2 EA | Low Water Crossing | 500.00 | \$ 1,000.00 |
| 8 | 50,600 CY | Unclassified Excavation | 4.35 | \$ 220,110.00 |
| 9 | 2 EA | Mine Opening Seal | 14,000.00 | \$ 28,000.00 |
| | | | | \$ |
| | | | | \$ |
| | | | | \$ |
| | | | | \$ |
| | | | | \$ |
| | | | | \$ |
| | | | | \$ |
| | | | | \$ |
| | | | | \$ |
| | | | | \$ |
| | | | | \$ |
| | | | | \$ |
| | | | | \$ |
| TOTAL | | | | \$ 788,000.40 |

AUGUST 12, 2009


TIMOTHY V. BENDER, PRESIDENT

OMB #1029-0119
Expiration Date: 01/31/2010

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: BYCO ENTERPRISES, INC. Tax Payer ID No.: 52-2038280
Address: 11746 BITTINGER ROAD
City: GRANTSVILLE State: MD Zip Code: 21536 Phone: 301-245-4322
Fax No.: 301-245-4364 E-mail address: t1bbyco@aol.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, TIMOTHY L. BENDER, have the express authority to certify that:
(print name)

Information on the attached Entity OFT from AVS is accurate, complete, and up-to-date. 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.

XXX 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 08/12/2009

Signature



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.gov on the Internet.



All OFT's where the selected entity is listed as an entity or related entity

Entity Selected (154028) Byco Enterprises Incorporated

| Parent Entity | Description | Related Entity | % Ownership | Begin Date | End Date |
|--|----------------|----------------------------|-------------|------------|---------------|
| (154028) Byco Enterprises Incorporated | Director | (154030) Timothy L. Bender | | 8/27/2003 | |
| (154028) Byco Enterprises Incorporated | Shareholder | (154030) Timothy L. Bender | | 8/27/2003 | |
| (154028) Byco Enterprises Incorporated | Vice President | (154030) Timothy L. Bender | | 8/27/2003 | Oct. 25, 2003 |
| (154028) Byco Enterprises Incorporated | Director | (154031) Cheryl L. Bender | | 8/27/2003 | |
| (154028) Byco Enterprises Incorporated | Secretary | (154031) Cheryl L. Bender | | 8/27/2003 | |
| (154028) Byco Enterprises Incorporated | Treasurer | (154031) Cheryl L. Bender | | 8/27/2003 | |
| (154028) Byco Enterprises Incorporated | Director | (154029) Dirk A. Yoder | | 8/27/2003 | Oct. 25, 2003 |
| (154028) Byco Enterprises Incorporated | President | (154029) Dirk A. Yoder | | 8/27/2003 | Oct. 25, 2003 |
| (154028) Byco Enterprises Incorporated | Shareholder | (154029) Dirk A. Yoder | | 8/27/2003 | Oct. 25, 2003 |
| 154028 Byco Enterprises, Inc | President | (154030) Timothy L. Bender | 100% | 10/25/2003 | Sept 29, 2007 |
| 154028 Byco Enterprises, Inc | Vice President | (154031) Cheryl L. Bender | | 10/25/2003 | Sept 29, 2007 |
| 154028 Byco Enterprises, Inc | President | (154030) Timothy L. Bender | 97% | 9/20/2007 | |
| 154028 Byco Enterprises, Inc | Vice President | Brian W. Schroyer | | 9/20/2007 | |
| 154028 Byco Enterprises, Inc | Shareholder | Brian W. Schroyer | 3% | 9/20/2007 | |
| 154028 Byco Enterprises, Inc | Director | Brian W. Schroyer | | 9/20/2007 | |

BYCO ENTERPRISES, INC.

Timothy L. Bender
TIMOTHY L. BENDER, PRESIDENT

Part D.

Contractor Name: BYCO ENTERPRISES, INC.

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 TIMOTHY L. BENDER Position/Title PRESIDENT, DIRECTOR, SHAREHOLDER
 Address 82 BEECHNUT LANE Telephone # 301-245-4322
 ACCIDENT, MD 21520 97% of Ownership Begin Date: SEPT. 20, 2007
 Ending Date:

Name BRIAN W. SCHROYER Position/Title PRESIDENT, DIRECTOR, SHAREHOLDER
 Address 3559 ACCIDENT BITTINGER ROAD Telephone # 301-245-4322
 ACCIDENT, MD 21520 3% of Ownership Begin Date: SEPT. 20, 2007
 Ending Date:

Name CHERYL L. BENDER Position/Title SECRETARY, TREASURER, DIRECTOR
 Address 82 BEECHNUT LANE Telephone # 301-245-4322
 ACCIDENT, MD 21520 0 % of Ownership
 Begin Date: 08/27/2003 Ending Date:

Name Position/Title
 Address Telephone #
 % of Ownership Begin Date:
 Ending Date:

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.



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

STATE OF MARYLAND

COUNTY OF GARRETT, TO-WIT:

I, TIMOTHY L. BENDER, after being first duly sworn, depose and state as follows:

- 1. I am an employee of BYCO ENTERPRISES, INC.; and,
(Company Name)
- 2. I do hereby attest that BYCO ENTERPRISES, INC.
(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.

BYCO ENTERPRISES, INC.
(Company Name)

By: [Signature]

Title: PRESIDENT

Date: AUGUST 12, 2009

Taken, subscribed and sworn to before me this 12TH day of AUGUST 2009.

By Commission expires 02/01/2010

(Seal) CAROL S. TICE, NOTARY PUBLIC
[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
Purchasing Division

021

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:

If this is a solicitation for a public improvement construction contract, the vendor, by its signature below, affirms that it has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the **West Virginia Code**. The vendor **must** make said affirmation with its bid submission. Further, 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. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.

Under penalty of law for false swearing (**West Virginia Code §61-5-3**), it is hereby certified that the vendor affirms and acknowledges the information in this affidavit and is in compliance with the requirements as stated.

Vendor's Name: BYCO ENTERPRISES, INC.Authorized Signature:  Date: 08/12/2009Purchasing Affidavit (Revised 01/01/09) TIMOTHY L. BENDER, PRESIDENT



CONTRACTOR LICENSE

Authorized by the

West Virginia Contractor Licensing Board

Number: WV021818

Classification:

GENERAL BUILDING

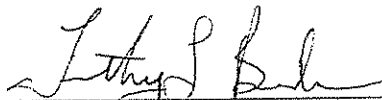
BYCO ENTERPRISES INC
11746 BITTINGER RD
GRANTSVILLE, MD 21536

Date Issued

AUGUST 30, 2008

Expiration Date

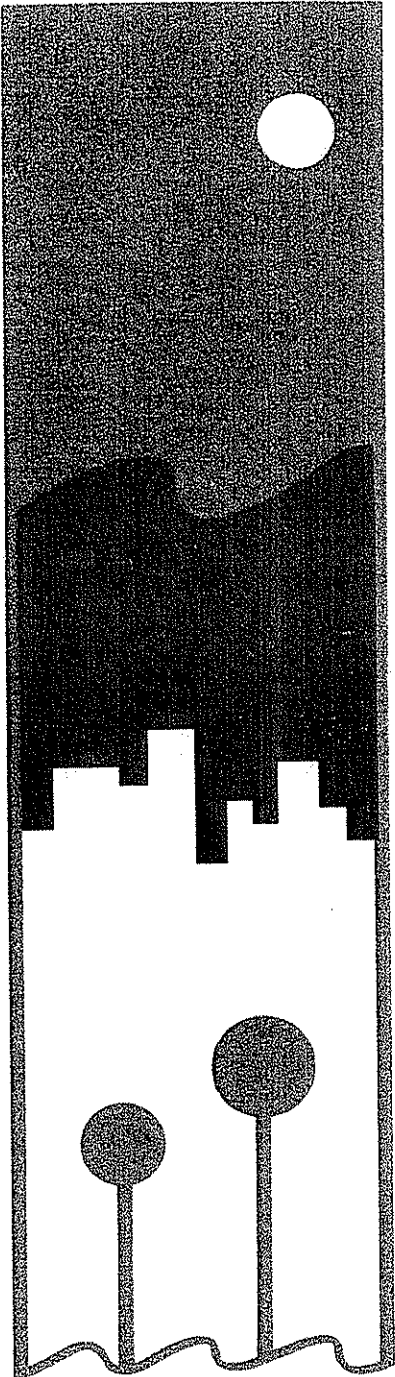
AUGUST 30, 2009



Authorized Company Signature



Chair, West Virginia Contractor
Licensing Board



**WEST VIRGINIA
CONTRACTOR
LICENSING
BOARD**



This license, or a copy thereof, must be posted in a conspicuous place at every construction site where work is being performed. This license number must appear in all advertisements, on all bid submissions and on all fully executed and binding contracts. This license cannot be assigned or transferred by licensee. Issued under provisions of West Virginia Code, Chapter 21, Article 11.

2009

WEST VIRGINIA
STATE TAX DEPARTMENT

2011

**BUSINESS REGISTRATION
CERTIFICATE**

ISSUED TO:
BYCO ENTERPRISES INC
11746 BITTINGER RD
GRANTSVILLE, MD 21536-3160

BUSINESS REGISTRATION ACCOUNT NUMBER: 1031-8021

This certificate is issued for the registration period beginning: **July 1, 2009**

This certificate is valid until: **June 30, 2011**

*This business registration certificate is issued by
the West Virginia State Tax Commissioner
in accordance with Chapter 11, Article 12 of the West Virginia Code.*

*The person or organization identified on this certificate is registered
to conduct business in the State of West Virginia at the location above.*

This certificate is not transferrable and must be displayed at the location for which issued.

**ENGAGING IN BUSINESS WITHOUT CONSPICUOUSLY POSTING A WEST VIRGINIA BUSINESS
REGISTRATION CERTIFICATE IN THE PLACE OF BUSINESS IS A CRIME AND MAY SUBJECT YOU
TO FINES PER W. VA. CODE § 11-9.**

TRAVELING/STREET VENDORS: Must carry a copy of this certificate in every vehicle operated by them.
CONTRACTORS, DRILLING OPERATORS, TIMBER/LOGGING OPERATIONS: Must have a copy of
this certificate displayed at every job site within West Virginia.

018

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, BYCO ENTERPRISES, INC.
of GRANTSVILLE, MARYLAND, as Principal, and COLONIAL SURETY COMPANY
of MONTVALE, NEW JERSEY, a corporation organized and existing under the laws of the State of PENNSYLVANIA with its principal office in the City of MONTVALE, NJ, as Surety, are held and firmly bound unto the State of West Virginia, as Obligee, in the penal sum of 5% OF AMOUNT BID NOT TO EXCEED \$57500 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 RFQ# DEP14708 "PENDLETON CREEK STRIP" PROJECT, THOMAS, WV

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 12TH day of AUGUST, 2009.

Principal Corporate Seal

BYCO ENTERPRISES, INC.
(Name of Principal)
By Timothy L. Bender
(Must be President or Vice President) TIMOTHY L. BENDER
PRESIDENT
(Title)

Surety Corporate Seal

COLONIAL SURETY COMPANY
(Name of Surety)
Anthony J. Cimasko
Attorney-in-Fact
ANTHONY J. CIMASKO

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.

COLONIAL SURETY COMPANY

Duncannon, Pennsylvania

Administrative Office: 50 Chestnut Ridge Road, Montvale, New Jersey 07645

GENERAL POWER OF ATTORNEY

Know all Men by These Presents, That COLONIAL SURETY COMPANY, a corporation duly organized and existing under the laws of the Commonwealth of Pennsylvania and having an administrative office in Montvale, Bergen County, NJ does by these presents make, constitute and appoint

Anthony J. Cimasko

Grantsville MD 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

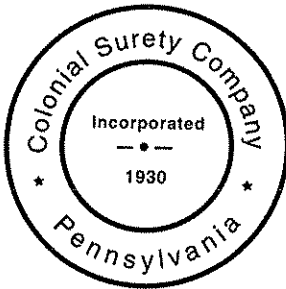
and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of the Colonial Surety Company at a meeting held on the 25th day of July, 1950.

"Be it Resolved, that the President, any Vice-President, any Secretary or any Assistant Secretary 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:

"Section 1. Attorney-in-Fact. 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 binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"In Witness Whereof, Colonial Surety Company has caused these presents to be signed by its President and its corporate seal to be hereto affixed the 8th day of September, A.D., 2006.

State of New Jersey }
County of Bergen } SS.:



COLONIAL SURETY COMPANY

By Wayne Nunziata
Wayne Nunziata, President

On this 8th day of September, in the year 2006, before me Theresa Simmons, a notary public, personally appeared Wayne Nunziata, personally known to me to be the person who executed the within instrument as President, on behalf of the corporation therein named and acknowledged to me that the corporation executed it.



THERESA SIMMONS
A Notary Public of New Jersey
My Commission Expires September 2, 2010

Theresa Simmons
Theresa Simmons Notary Public

I, the undersigned Secretary of Colonial Surety Company, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in force and effect.

And I do hereby further certify that the Certification of this Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolution adopted by the Board of Directors of the Colonial Surety Company at a meeting duly called and held on the 30th of January 1968, and that said resolution has not been amended or repealed:

RESOLVED, that the signature of the Secretary or any Assistant Secretary of this Corporation, and the seal of Corporation, may be affixed or printed by facsimile to any certificate to a Power of Attorney of this Corporation, and that such printed facsimile signature and seal shall be valid and binding upon this Corporation."

GIVEN under my hand and the seal of said Company, at Montvale, New Jersey this 12th day of August, 20 09.

For verification of the authenticity of this Power of Attorney you may call (201) 573-8788 and ask for the Power of Attorney clerk. Please refer to the above named individual(s) and details of the bond to which the power is attached.

Frederick S. Gallo
Frederick S. Gallo, Secretary

State of MARYLAND

County of GARRETT

AND NOW, this 12th day of August, in the calendar year of 2009, before me, a duly appointed and commissioned notary public, came the identified subscriber to the within instrument or instruments, and/or the demonstrated attorney-in-fact for said signatory and subscriber on said instrument or instruments, **Anthony J. Cimasko, attorney-in-fact of Colonial Surety Company**, an insurance company duly organized and existing under the laws of the Commonwealth of Pennsylvania and which is authorized to conduct business in this State, and that as such being authorized to do so, acknowledged that the within instrument or instruments were executed as the authorized act of his disclosed principal for the purposes therein contained, and declared to be a person executing said instrument or instruments as attorney-in-fact and with full capacity and competency, at the request of and on behalf of Colonial Surety Company therein named and acknowledged to me that the aforesaid Colonial Surety Company had authorized the execution by the aforesaid attorney-in-fact of said instrument or instruments with the intent to be legally bound as required by common and statutory law.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

A Notary Public of MARYLAND
My Commission Expires on 02/01/2010

Notary Public in and for the

County of GARRETT
State of MARYLAND



NOTARY PUBLIC CAROL S. TICE