



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  
**DEP14831**

PAGE  
**1**

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

RFQ COPY  
 TYPE NAME/ADDRESS HERE

VENDOR

**EASTERN ARROW**  
 P.O. BOX 4108  
 CHARLESTON, WV 25364  
 PHONE: 304 414-0255  
 FAX: 304 414-0256  
 easternarrow@hotmail.com  
 easternarrow.net

SUBJECT

**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 | FOB | FREIGHT TERMS |
|--------------|---------------|----------|-----|---------------|
| 11/05/2009   |               |          |     |               |

BID OPENING DATE: **01/05/2010** BID OPENING TIME **01:30PM**

| LINE   | QUANTITY | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
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| 0001   | 1        | JB  |        | 962-73      |            |        |
| <p><b>RECLAMATION: RESTORATION OF LAND</b></p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S OFFICE OF SPECIAL RECLAMATION, IS SOLICITING BIDS FROM QUALIFIED CONTRACTORS TO PROVIDE ALL LABOR AND MATERIALS TO PERFORM RECLAMATION ON THE MINING OPERATION OF LOYAL G. FORMAN AND SONS, NOW UNDER REVOKED PERMIT NUMBER(S) S-2009-01. THIS SITE CONSISTS OF APPROXIMATELY 40 ACRES AND IS LOCATED NEAR ALBRIGHT, WV IN PRESTON COUNTY.</p> <p>THE RECLAMATION SHALL BE PERFORMED UNDER THE GUIDANCE AND GENERAL SUPERVISION OF THE AGENT ASSIGNED TO THE PROJECT FOR THE STATE OF WEST VIRGINIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION.</p> <p>A MANDATORY ON-SITE PREBID CONFERENCE SHALL BE HELD ON 12/02/2009 @ 10:00 AM. ALL INTERESTED PARTIES ARE REQUIRED TO ATTEND THIS MEETING. FAILURE TO ATTEND THE MANDATORY PRE-BID SHALL RESULT IN DISQUALIFICATION OF THE BID. NO ONE PERSON MAY REPRESENT MORE THAN ONE BIDDER.</p> <p>AN ATTENDANCE SHEET WILL BE MADE AVAILABLE FOR ALL POTENTIAL BIDDERS TO COMPLETE. THIS WILL SERVE AS THE OFFICIAL DOCUMENT VERIFYING ATTENDANCE AT THE MANDATORY PRE-BID. FAILURE TO PROVIDE YOUR COMPANY AND REPRESENTATIVE NAME ON THE ATTENDANCE SHEET WILL RESULT IN DISQUALIFICATION OF THE BID. THE STATE WILL NOT ACCEPT ANY OTHER DOCUMENTATION TO VERIFY ATTENDANCE. THE BIDDER IS RESPONSIBLE FOR ENSURING THEY HAVE COMPLETED THE INFOR</p> |          |     |        |             |            |        |

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 WV PURCHASING DIVISION

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| 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'

**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, the State may deem this contract null and void, and terminate such contract 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."

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**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



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| <p>MATION REQUIRED ON THE ATTENDANCE SHEET. THE PURCHASING DIVISION AND THE STATE AGENCY WILL NOT ASSUME ANY RESPONSIBILITY FOR A BIDDER'S FAILURE TO COMPLETE THE PRE-BID ATTENDANCE SHEET. IN ADDITION, WE REQUEST THAT ALL POTENTIAL BIDDERS INCLUDE THEIR E-MAIL ADDRESS AND FAX NUMBER.</p> <p>ALL POTENTIAL BIDDERS ARE REQUESTED TO ARRIVE PRIOR TO THE STARTING TIME FOR THE PRE-BID. BIDDERS WHO ARRIVE LATE, BUT PRIOR TO THE DISMISSAL OF THE TECHNICAL PORTION OF THE PRE-BID WILL BE PERMITTED TO SIGN IN. BIDDERS WHO ARRIVE AFTER CONCLUSION OF THE TECHNICAL PORTION OF THE PRE-BID, BUT DURING ANY SUBSEQUENT PART OF THE PRE-BID WILL NOT BE PERMITTED TO SIGN THE ATTENDANCE SHEET.</p> <p>DIRECTIONS TO PRE-BID: IN PRESTON COUNTY, AT THE BRUCETON MILLS EXIT OF INTERSTATE I-68, TURN SOUTH ON COUNTY ROUTE 26 AND GO 8.0 MILES. TURN LEFT ON COUNTY ROUTE 17 (WOOLEN MILL ROAD) AND THEN TURN RIGHT IMMEDIATELY ON COUNTY ROUTE 26/21 AND GO 2.0 MILES. TURN RIGHT AT THE 4-WAY INTERSECTION AND GO 0.6 MILES. TURN RIGHT ONTO ROCK DRIVEWAY, 1,000 FT TO HAULROAD.</p> <p>ALL WORK MUST BE COMPLETED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PREPARED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND PURCHASE ORDER ISSUED BY THE DEPARTMENT OF ADMINISTRATION, DIVISION OF PURCHASING.</p> <p>EXHIBIT 5</p> <p>WEST VIRGINIA CODE 21-ID-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</p> |          |     |          |             |            |        |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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| <p>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 PRESTON COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET, SEQ. (PREVAILING WAGE RATES APPLY TO THIS PROJECT)</p> <p>ARBITRATION: ANY REFERENCES MADE TO ARBITRATION OR INTEREST FOR PAYMENTS DUE (EXCEPT FOR ANY INTEREST REQUIRED BY STATE LAW) CONTAINED IN THIS CONTRACT OR IN ANY AMERICAN INSTITUTE OF ARCHITECTS DOCUMENTS PERTAINING TO THIS CONTRACT ARE HEREBY DELETED.</p> <p>WORKERS' COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL.</p> <p>ALL OF THE ITEMS CHECKED BELOW WILL BE A REQUIREMENT OF THIS CONTRACT:</p> |          |     |         |             |            |        |

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|      |          |     |          |  |            |        |
|      |          |     |          | <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> <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</p> |            |        |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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| <p>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:<br/>         CONTRACTORS NAME: ... <u>EASTERN ARROW ... CORP. INC</u> ...<br/>         CONTRACTORS LICENSE NO.: <u>WV 022303</u> .....</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 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, THE STATE MAY DEEM THIS CONTRACT NULL AND VOID AND TERMINATE SUCH CONTRACT</p> |          |     |        |             |            |        |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

|                                 |                           |                                   |
|---------------------------------|---------------------------|-----------------------------------|
| SIGNATURE<br><i>[Signature]</i> | TELEPHONE<br>304-414-0255 | DATE<br>1-5-10                    |
| TITLE<br>PRESIDENT              | FEIN<br>55-0754491        | ADDRESS CHANGES TO BE NOTED ABOVE |

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| WITHOUT FURTHER ORDER.<br>PREFERENCE FOR USE OF DOMESTIC STEEL PRODUCTS<br>1. 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,<br>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.<br>B. "STEEL PRODUCTS" MEANS PRODUCTS ROLLED, FORMED, SHAPED, DRAWN, EXTRUDED, FORGED, CAST, FABRICATED OR OTHERWISE SIMILARLY PROCESSED, OR PROCESSED BY A COMBINATION OF TWO OR MORE OF SUCH OPERATIONS, FROM STEEL MADE BY THE OPEN HEARTH, BASIC OXYGEN, ELECTRIC FURNACE, BESSEMER OR OTHER STEEL MAKING PROCESS.<br>C. "UNITED STATES" MEANS THE UNITED STATES OF AMERICA AND INCLUDES ALL TERRITORY, CONTINENTAL OR INSULAR, SUBJECT TO THE JURISDICTION OF THE UNITED STATES.<br>2. THE DIRECTOR OF THE PURCHASING DIVISION MAY, IN |          |     |        |             |            |        |

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|---|----------|-----|--------|-------------|------------|--------|
|   |          |     |        |             |            |        |
| <p>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 REDUCTION IN THE LOWEST BID FOR SUCH DOMESTIC PRODUCTS. ALL VENDORS MUST INDICATE IN THEIR BID IF THEY ARE SUPPLYING FOREIGN ALUMINUM, GLASS OR STEEL.</p> <p>REV. 3/88</p> <p>EXHIBIT 9</p> <p>NOTICE FOR ISSUANCE &amp; ACKNOWLEDGEMENT OF CONSTRUCTION PROJECT ADDENDA</p> <p>THE ARCHITECT/ENGINEER AND/OR AGENCY SHALL BE REQUIRED</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

|            |
|------------|
| RFQ NUMBER |
| DEP14831   |

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| PAGE |
| 9    |

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| ADDRESS CORRESPONDENCE TO ATTENTION OF |
| CHUCK BOWMAN<br>304-558-2157           |

RFQ COPY  
 TYPE NAME/ADDRESS HERE

PROPERTY

**EASTERN ARROW**  
 P.O. BOX 4108  
 CHARLESTON, WV 25364  
 PHONE: 304 414-0255  
 FAX: 304 414-0256  
 easternarrow@hotmail.com  
 easternarrow.net

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 |
| 11/05/2009   |               |          |        |               |

BID OPENING DATE: **01/05/2010** BID OPENING TIME **01:30PM**

| LINE  | QUANTITY | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|--------|-------------|------------|--------|
|   |          |     |        |             |            |        |
| <p>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 DATE.</p> <p>REV. 11/96</p> <p>EXHIBIT 10<br/>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 | TELEPHONE | DATE                              |
| TITLE     | FEIN      | ADDRESS CHANGES TO BE NOTED ABOVE |

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

# Request for Quotation

RFQ NUMBER  
 DEP14831


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

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

|                              |               |                          |        |               |
|------------------------------|---------------|--------------------------|--------|---------------|
| DATE PRINTED<br>11/05/2009   | TERMS OF SALE | SHIP VIA                 | F.O.B. | FREIGHT TERMS |
| BID OPENING DATE: 01/05/2010 |               | BID OPENING TIME 01:30PM |        |               |

| LINE   | QUANTITY | UOP   | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
|--|----------|-------|--------|-------------|------------|--------|
| ADDENDUM NOS. :  |          |       |        |             |            |        |
|  | NO. 1    | ..... | ✓      | .....       |            |        |
|  | NO. 2    | ..... |        | .....       |            |        |
|  | NO. 3    | ..... |        | .....       |            |        |
|  | NO. 4    | ..... |        | .....       |            |        |
|  | NO. 5    | ..... |        | .....       |            |        |
| <p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF THE BIDS.</p> <p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> |          |       |        |             |            |        |
|   |          |       |        | SIGNATURE   |            |        |
| EASTERN ARROW CORP   |          |       |        | COMPANY     |            |        |
| 1/5/10   |          |       |        | DATE        |            |        |
| REV. 11/96   |          |       |        |             |            |        |
| NOTICE   |          |       |        |             |            |        |
| A SIGNED BID MUST BE SUBMITTED TO:   |          |       |        |             |            |        |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

|  |                           |                                   |
|--|---------------------------|-----------------------------------|
| SIGNATURE<br> | TELEPHONE<br>304-414-0255 | DATE<br>1/5/10                    |
| TITLE<br>PRESIDENT   | FEIN<br>55-0754491        | 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  
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# Request for Quotation

RFQ NUMBER  
 DEP14831

PAGE  
 11

ADDRESS CORRESPONDENCE TO ATTENTION OF  
 CHUCK BOWMAN  
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RFQ COPY  
 TYPE NAME/ADDRESS HERE

VENDOR

**EASTERN ARROW**  
 P.O. BOX 4108  
 CHARLESTON, WV 25364  
 PHONE: 304 414-0255  
 FAX: 304 414-0256  
 easternarrow@hotmail.com  
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SHIP TO

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 26416-9998 304-457-3219

| DATE PRINTED | TERMS OF SALE | SHIP VIA | FOB | FREIGHT TERMS |
|--------------|---------------|----------|-----|---------------|
| 11/05/2009   |               |          |     |               |

BID OPENING DATE: **01/05/2010** BID OPENING TIME: **01:30PM**

| LINE  | QUANTITY | UOP | CAT NO     | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|------------|-------------|------------|--------|
| DEPARTMENT OF ADMINISTRATION<br>PURCHASING DIVISION<br>BUILDING 15<br>2019 WASHINGTON STREET, EAST<br>CHARLESTON, WV 25305-0130 |          |     |            |             |            |        |
| THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF<br>THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:                        |          |     |            |             |            |        |
| SEALED BID  |          |     |            |             |            |        |
| BUYER:  |          |     | CB-23      |             |            |        |
| REQ. NO.:   |          |     | DEP14831   |             |            |        |
| BID OPENING DATE:   |          |     | 01/05/2010 |             |            |        |
| BID OPENING TIME:   |          |     | 1:30 P.M.  |             |            |        |
| PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY<br>TO CONTACT YOU REGARDING YOUR BID:                                       |          |     |            |             |            |        |
| ----- 304 414 0256 -----  |          |     |            |             |            |        |
| PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT<br>CONCERNING THIS QUOTE:  |          |     |            |             |            |        |
| ----- Ann Harowick -----  |          |     |            |             |            |        |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

|           |           |           |              |                                   |        |
|-----------|-----------|-----------|--------------|-----------------------------------|--------|
| SIGNATURE |           | TELEPHONE | 304-414-0255 | DATE                              | 1/5/10 |
| TITLE     | PRESIDENT | FEIN      | 58-0754491   | ADDRESS CHANGES TO BE NOTED ABOVE |        |

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

**Loyal G. Forman & Son**  
**Permit Number: S-2009-01**

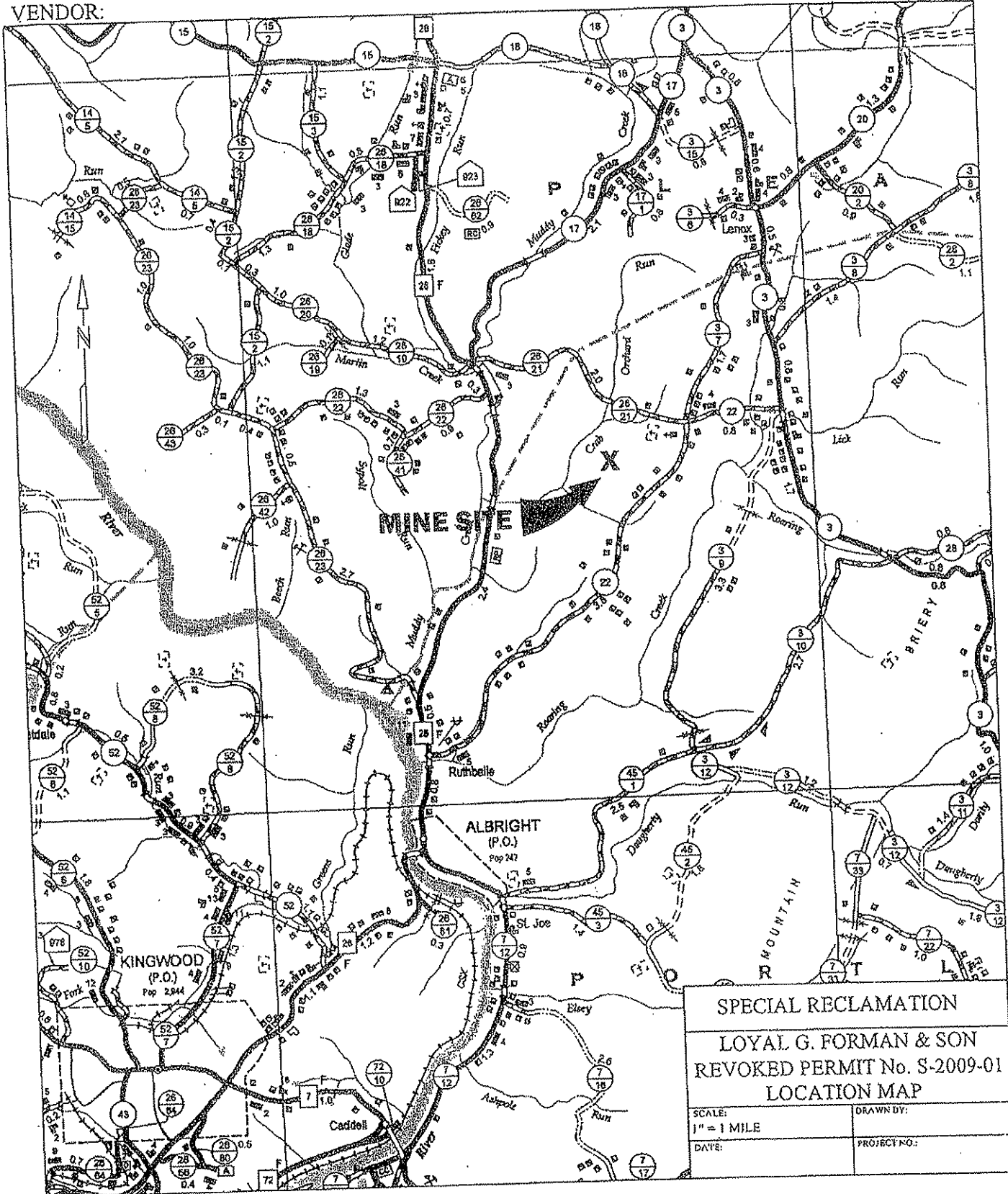
**Directions**

At the Bruceton Mills Exit of Interstate I-68, turn south on County Route 26 and go 8.0 miles. Turn left on County Route 17 (Woolen Mill Road) and then turn right immediately on County Route 26/21 and go 2.0 miles. Turn right at the 4-Way intersection and go 0.6 miles. Turn right onto a rock based driveway – 1,000 feet to the haulroad.

|   |      |                              |
|---|------|------------------------------|
| BUYER<br>CB-23  | PAGE | REQ. or P.O. No.<br>DEP14831 |
| SPENDING UNIT<br>WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/<br>SPECIAL RECLAMATION |      |                              |

WV-36  
REV. 1/29/02  
VENDOR:

STATE OF WEST VIRGINIA  
PURCHASING CONTINUATION SHEET



|  |      |                            |
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| BUYER<br>CB-23   | PAGE | REQ. OR PO NO.<br>DEP14831 |
| SPENDING UNIT<br>WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL<br>PROTECTION/SPECIAL RECLAMATION |      |                            |

WV-36a STATE OF WEST VIRGINIA  
REV. 5-26-09 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 Loyal G. Forman & Son, Permit S-2009-01, 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 # 3.0. If, fuel and lubricants are to be stored on site, bid item # 2.0 shall be in place before fuel is delivered. Project sign shall be constructed and erected in accordance with attached specifications. The sign shall be maintained during construction activities and through the life of the warranty period. Sign cost is a No Bid Item and is included with mobilization cost. No work shall be authorized or allowed at the site until sign is constructed and erected on site and approved by DEP.
2. Storm water management, as necessary, in the form as described, in the National Pollutant Discharge Elimination System, Water Pollution Control Permit Number WV0115924, existing sediment control ponds and in additional bid item # 11.0 & 12.0 shall be installed. See Water Quality Control under the General Performance Standards.
3. Concurrent and continuous reclamation shall be maintained throughout the life of the project. Backfill is required for all areas. Regrading and topsoiling is required for all areas. Revegetation and soil improvements are required for all areas. Reclamation is to be according to the attached specifications, plans, and clarifying discussions at the Pre-Bid Conference.
4. Construction stakeout as necessary to carry out work. (Bid Item # 7.0 )
5. Check for and locate all utilities within the work area to provide and maintain a safe working area in addition to preventing damage to the utility.
6. Remove any and all debris from site. Contractor must provide documentation of proper disposal. Debris disposal shall be incidental to and included in Mobilization/Demobilization.
7. Backfill to eliminate approximately 1,300 linear feet of highwall and/or open pit. All existing spoil piles shall be used for backfill material and shall be regraded to establish a sheet flow drainage pattern toward Ditch 3 and Ditch 5. The contractor shall set grade to balance existing available material. All backfilled and regraded surfaces shall be no steeper than 2 horizontal to 1 vertical. No pooled or standing water shall be allowed on regraded area. After backfilling the best soil type material available shall be uniformly spread over the regraded area to promote vegetative growth.
8. Any water impounded in pits shall be pumped out prior to backfilling. The water shall be pumped to the existing Pond A. Water quality parameters of less than 35 mg/l total suspended solids and pH of between 6.0 and 9.0 shall be maintained prior to water entering the existing Pond A. Any time a pump is running on site, responsible personnel shall be provided to ensure water quality. The cost of pumping and any necessary water treatment shall be incidental to and included in backfilling.

|  |      |                            |
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| BUYER<br>CB-23   | PAGE | REQ. OR PO NO.<br>DEP14831 |
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WV-36a STATE OF WEST VIRGINIA  
REV. 5-26-09 PURCHASING CONTINUATION SHEET  
VENDOR:

9. Construct approximately 1,000 linear feet of Ditch 1, ending at Ditch 2. This shall include the construction of spurs, which will be of the same size and specification as Ditch 1, up to the 2 existing road culverts and the construction of a drive-thru crossing. The drive-thru crossing shall have its sides laid back to be 5 horizontal to 1 vertical, while maintaining the designed flow depth.
10. Construct approximately 200 linear feet of Ditch 2, within Ditch 3, starting at the discharge of Ditch 1.
11. Construct approximately 1,000 linear feet of Ditch 3, ending at Ditch 4. Ditch 3 shall be grass lined with jute erosion control matting staked in place with 6 inch long "Bio-STAKES" or equivalent. (See Details and Specifications).
12. Ditch 2 and Ditch 3 shall be constructed by expanding the existing channel. This expansion shall be done by excavation on the side of the existing channel toward the highwall, No disturbance shall be allowed beyond the existing channel on the side away from the highwall.
13. Construct approximately 250 linear feet of Ditch 4, ending at Pond A.
14. Construct approximately 650 linear feet of Ditch 5, ending at Ditch 6. Ditch 5 shall be grass lined with jute erosion control matting staked in place with 6 inch long "Bio-STAKES" or equivalent. (See Details and Specifications).
15. Construct approximately 250 linear feet of Ditch 6, ending at Pond A.
16. **Note: All stone for rip-rap and grouted rip-rap ditches shall be limestone obtained from off site due to the unsuitability of on site stone. Note: Due to the minimal slope, Ditches 2, 3, and 5 shall be laid out with surveying instruments to ensure consistent grade and no areas of pooled water.**
17. Lime entire permit area evenly and uniformly with 200 tons of agricultural lime. Lime shall be spread by using a lime spreader or hydroseeder.
18. Install 300 linear feet of haybale dike for sediment control during and after construction.
19. Install 2,500 linear feet of silt fence for control during and after construction. Approximately 1,250 linear feet of the silt fence shall be placed on the upslope side of Ditch 3. Approximately 650 linear feet of the silt fence shall be placed on the upslope side of Ditch 5 and Ditch 6.
20. Regrade and revegetate approximately 40 acres of disturbance. The post-mining landuse is split on this permit. Black locust shall be included in the seed mixture for areas shown as woodland on the attached seeding detail. Black locust shall not be applied to areas shown as pastureland on the attached seeding detail. Inspection and Enforcement files.

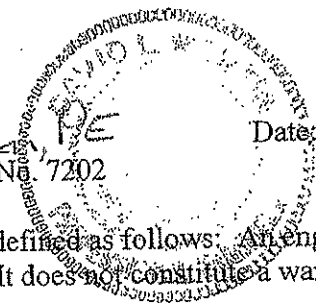


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| BUYER<br>CB-23   | PAGE<br>: | REQ. OR PO NO.<br>DEP14831 |
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WV-36a STATE OF WEST VIRGINIA  
 REV. 5-26-09 PURCHASING CONTINUATION SHEET  
 VENDOR:

I, David L. Martin, Sr., the undersigned, hereby certify <sup>1</sup> 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 L. Martin, Sr.  
 Registered Professional Engineer WV No. 7202



Date: SEPTEMBER 28, 2009

<sup>1</sup> 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.

**EASTERN ARROW**  
**P.O. BOX 4108**  
**CHARLESTON, WV 25364**  
**PHONE: 304 414-0255**  
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 easternarrow@hotmail.com

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WV-36a STATE OF WEST VIRGINIA  
 REV. 5-26-09 PURCHASING CONTINUATION SHEET  
 VENDOR:

| ITEM NO.  | QUANTITY | DESCRIPTION   | UNIT PRICE | AMOUNT            |
|---|----------|---|------------|-------------------|
|   |          | <b>BID SCHEDULE</b>   |            |                   |
|   |          | PERMIT NAME: <u>Loyal G. Forman &amp; Son</u>   |            |                   |
|   |          | PERMIT NUMBER(S): <u>S-2009-01</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><br>(5% Total Bid Maximum for this permit) | LUMP SUM   | \$ <u>1,000</u>   |
| 2.0   | LUMP SUM | <u>SPILL CONTAINMENT AREA (S.C.A.)</u><br>(\$1,000.00 Maximum Bid for this permit)        | LUMP SUM   | \$ <u>1,000</u>   |
| 3.0   | LUMP SUM | <u>HAULROAD/ACCESS ROAD</u><br>(5% Total Bid Maximum for this permit)                     | LUMP SUM   | \$ <u>1,000</u>   |
| 4.0   | LUMP SUM | <u>BACKFILLING</u>  | LUMP SUM   | \$ <u>284,649</u> |
| 5.0   | LUMP SUM | <u>REGRAIDING AND TOPSOILING</u>  | LUMP SUM   | \$ <u>140,000</u> |
| 6.0   |          | <u>REVEGETATION</u>   |            |                   |
| 6.1   | LUMP SUM | <u>AGRICULTURAL LIME</u>  | LUMP SUM   | \$ <u>15,000</u>  |
| 6.2   | LUMP SUM | <u>FERTILIZER</u>   | LUMP SUM   | \$ <u>15,000</u>  |
| 6.3   | LUMP SUM | <u>MULCH</u>  | LUMP SUM   | \$ <u>15,000</u>  |
| 6.4   | LUMP SUM | <u>VEGETATIVE SPECIES</u>   | LUMP SUM   | \$ <u>15,000</u>  |
| 7.0   | LUMP SUM | <u>CONSTRUCTION STAKEOUT</u>  | LUMP SUM   | \$ <u>1,000</u>   |
| 8.0   |          | <u>RIP-RAP DITCH</u>  |            |                   |
| 8.1   | LUMP SUM | <u>DITCH 2</u>  | LUMP SUM   | \$ <u>10,400</u>  |

**EASTERN ARROW**  
 P.O. BOX 4108  
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|  |      |                            |
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| BUYER<br>CB-23   | PAGE | REQ. OR PO NO.<br>DEP14831 |
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WV-36a STATE OF WEST VIRGINIA  
 REV. 5-26-09 PURCHASING CONTINUATION SHEET  
 VENDOR:

| ITEM NO.                     | QUANTITY        | DESCRIPTION                                     | UNIT PRICE              | AMOUNT            |
|------------------------------|-----------------|---|-------------------------|-------------------|
| 9.0                          |                 | <u>GROUTED RIP-RAP DITCH</u>                    |                         |                   |
| 9.1                          | LUMP SUM        | <u>DITCH 1</u>                                  | LUMP SUM                | \$ <u>70,000</u>  |
| 9.2                          | LUMP SUM        | <u>DITCH 4</u>                                  | LUMP SUM                | \$ <u>19,500</u>  |
| 9.3                          | LUMP SUM        | <u>DITCH 6</u>                                  | LUMP SUM                | \$ <u>13,750</u>  |
| 10.0                         |                 | <u>GRASS-LINED DITCH</u>                        |                         |                   |
| 10.1                         | LUMP SUM        | <u>DITCH 3</u>                                  | LUMP SUM                | \$ <u>14,440</u>  |
| 10.2                         | LUMP SUM        | <u>DITCH 5</u>                                  | LUMP SUM                | \$ <u>8,760</u>   |
| 11.0                         | <u>300</u> LF   | <u>HAYBALE DIKE</u><br>(Max. Bid \$5.00 Per LF) | \$ <u>5</u><br>PER LF   | \$ <u>1,500</u>   |
| 12.0                         | <u>2,500</u> LF | <u>SILT FENCE</u><br>(Max. Bid \$5.00 Per LF)   | \$ <u>25</u><br>PER LF  | \$ <u>6,250</u>   |
| 13.0                         | NO BID ITEM     | <u>UTILITIES</u>                                | NO BID ITEM             | NO BID ITEM       |
| 14.0                         | <u>200</u> TON  | <u>LIMING</u>                                   | \$ <u>90</u><br>PER TON | \$ <u>18,000</u>  |
| <u>TOTAL FOR (S-2009-01)</u> |                 |   |                         | \$ <u>645,620</u> |



State of West Virginia  
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# Request for Quotation

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ADDRESS CORRESPONDENCE TO ATTENTION OF  
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| DATE PRINTED | TERMS OF SALE | SHIP VIA | FOB | FREIGHT TERMS |
|--------------|---------------|----------|-----|---------------|
| 12/09/2009   |               |          |     |               |

BID OPENING DATE: **01/05/2010** BID OPENING TIME **01:30PM**

| LINE  | QUANTITY | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT                             |
|---|----------|-----|--------|-------------|------------|------------------------------------|
| ***** ADDENDUM NO. 1 *****  |          |     |        |             |            |                                    |
| ADDENDUM ISSUED FOR THE LOYAL G. FORMAN & SON PROJECT TO DISTRIBUTE THE PRE-BID SIGN-IN SHEETS AND THE Q/A RESULTING FROM THE 12/02/09 MANDATORY ON-SITE PRE-BID MEETING. |          |     |        |             |            |                                    |
| BID OPENING DATE & TIME REMAIN UNCHANGED AS 01/05/2010 AT 1:30 PM.  |          |     |        |             |            |                                    |
| ***** NO OTHER CHANGES *****  |          |     |        |             |            |                                    |
| 0001  | 1        | JB  |        | 962-73      |            |                                    |
| RECLAMATION: RESTORATION OF LAND  |          |     |        |             |            |                                    |
| ***** THIS IS THE END OF RFQ DEP14831 *****   |          |     |        |             |            | TOTAL: <u>645,624<sup>00</sup></u> |

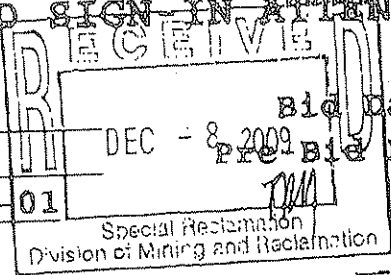
SEE REVERSE SIDE FOR TERMS AND CONDITIONS

|           |              |                                   |
|-----------|--------------|-----------------------------------|
| SIGNATURE | TELEPHONE    | DATE                              |
|           | 304-414-0255 | 1-5-10                            |
| TITLE     | FEIN         | ADDRESS CHANGES TO BE NOTED ABOVE |
| PRESIDENT | 55-0754491   |                                   |

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

# MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

RFQ # : DEP14831  
 Project: Loyal G. Forman  
 Permit Number(s): S-2009-01



Bid Date: 01-05-10  
 Pre Bid Date: 12-02-09

Name : JAMIE Pretzel  
 Company: JL Pretzel Contracting LLC  
 Address: 274 Horseshoe Dr  
Drucetan Mills Wv 26025  
 Phone #: 304-779-7789  
 Fax #: 304-779-7788  
 Email : jpretzel@jpl.com

Name : John Fox  
 Company: Bear Contracting, LLC  
 Address: 112 State St, Bridgeport W.V., 26330  
 Phone#: (304) 842-3002  
 Fax #: 304-842-9433  
 Email : mureso@bearcontracting.com

Name : Ty Martin  
 Company: Solid Rock Ex. Inc.  
 Address: 3106 Hudson Rd  
Allbright, Wv 26019  
 Phone #: 304-276-2371  
 Fax #: 304-379-9502  
 Email : Solidrock@frontier.net.net

Name : Thana Ryder  
 Company: RBS Inc.  
 Address: PO Box 490  
White Sulphur Springs  
WV. 24986  
 Phone#: 304-645-2277  
 Fax #: 304-645-2597  
 Email : Ron@RBSInc.com

Name : Don Vincent  
 Company: Breakaway, Inc.  
 Address: 1025 Old Turnpike Rd  
Sutton, W.V. 26601  
 Phone #: 304-265-5317  
 Fax #: 304 265-5389  
 Email : breakaway-inc@  
Verizon.net

Name : Regis L Collier Jr.  
 Company: Collier Building & Company inc.  
 Address: 3406 Corby-Carm Rd  
Alum Creek, Wv  
26621  
 Phone#: 304-765-3721  
 Fax #: 304-765-7521  
 Email : CollierBuilding@Hughes.net

Name : Steve Szabo  
 Company: Pro Contracting, Inc  
 Address: P.O. Box 2442  
Clarksburg, Wv 26302  
 Phone #: 304 622-2400  
 Fax #: 304 622-2410  
 Email : procon.535@ma.com

Name : William F. Bolinger II  
 Company: J B & SONS LLC  
 Address: 10643 Brandonville Pike  
Allbright, Wv 26519  
 Phone#: 304-329-0818  
 Fax #: 304-329-0818  
 Email : Bolinger5@Verizon.net

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

RFO # : DEP14831

Bid Date: 01-05-10

Project: Loyal G. Forman

Pre-Bid Date: 12-02-09

Permit Number(s): S-2009-01

Name : Robert Baines  
Company: Baines Exc. Inc.  
Address: P.O. Box 13384  
Sissonville  
WV 25360

Phone #: 304-984-1725  
Fax #: 304-984-0074  
Email : BainesExc@aol.com

Name : Gary Stanley  
Company: Stanley Ind. Inc.  
Address: 7 Maple Lake  
Bridgport WV  
26330

Phone #: 304-842-8560  
Fax #: 304-842-8609  
Email : gstanley@ma.rr.com

Name : LYMON ANDERSON  
Company: Basil Carpenter crew  
Address: 637 call rd  
Charleston WV 25312

Phone #: 304-984-0389  
Fax #: 304-984-8528  
Email :

Name : DAVID H. BOWMAN  
Company: GREEN MOUNTAIN CO  
Address: 511 50th STREET  
CHAS, WV  
25304

Phone #: 304 925 0253  
Fax #: 304 925 9230  
Email : Jody Mayer AOL Com

Name : Todd Cooper  
Company: EIK Run Coal Company Inc.  
Address: 300 Morgan Massey Dr.  
Julian, WV 25829

Phone #: 504. 769 - 8617  
Fax #: 304 - 369 - 8664  
Email : todd.cooper@masseyenergyco.com

Name : LES BOLEN  
Company: ASPEN CORPORATION  
Address: 2400 RITTER DRIVE  
DANIELS WV 25832

Phone #: 304 763 - 4573  
Fax #: 304. 763 - 4591  
Email : lbolen@aspen-golf.com

Name : Gary Long  
Company: M'Court & Son Const.  
Address: 2790 Centralia Rd  
Sutton WV 26601

Phone #: 304 765-5388  
Fax #: 304 765-5293  
Email :

Name : Chad Bilotta  
Company: Anderson Excavating  
Address: 343 Williams Rd  
Morgantown WV 26501

Phone #: 304-983-2296  
Fax #: 304-983-4755  
Email : cbilotta@AndersonExcavatingLLC.com

# MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

RFQ # : DEP14831  
 Project: Loyal G. Forman  
 Permit Number(s): S-2009-01

Bid Date: 01-05-10  
 Pre-Bid Date: 12-02-09

Name : Bell Bolvard  
 Company: CHARLES E. BURNARD & SON INC  
 Address: 126 East Hill St  
KRAVWOOD WV 26537  
 Phone #: 304-529-1350  
 Fax #: 304-329-1571  
 Email : cebsinc@verizon.net

Name : Scott Laurita  
 Company: SCJL Co-Leasing Co.  
 Address: 8 Hunter Lane Rd  
FAIRMONT WV 26554  
 Phone#: 304-290-4608  
 Fax #: 304-290-8252  
 Email :

Name : Dennis C. Elton  
 Company: Cowfirth HP Inc  
 Address: PO Box 243  
CLARKSBURG WV 26550  
 Phone #: 304-739-4897  
 Fax #: 304-739-4401  
 Email : DCE - Cowfirth HP & Equipment .NET

Name : And Wadsworth  
 Company: EASTERN Arrow Corp  
 Address: PO Box 4108  
CHARLESTON WV  
25366  
 Phone#: 304-414-0255  
 Fax #: 0256  
 Email : easternarrow@hotmail.com

Name : Randy Carpenter  
 Company: Carpenter Reconstruction  
 Address: PO Bx 13015  
Sissonville, WV 25360  
 Phone #: 304-984-1115  
 Fax #: 304-984-2770  
 Email : RCarpenter101@aol.com

Name : Kevin Bradford  
 Company: Pineville Paving & Excavating Inc.  
 Address: P.O. Box 1290  
Pineville WV 24874  
 Phone#: 304-732-8303  
 Fax #: 304-732-7855  
 Email : KDBPPI@AOL.COM

Name : JAMES ALLEN  
 Company: J. FALLON CO  
 Address: P.O. Box 2049  
Buckhannon WV  
26201  
 Phone #: 304 472 8890  
 Fax #: 304 472 8897  
 Email : JAMES.ALLEN@JFALLONCO.COM

Name : Eddie Baker  
 Company: Baker Excavating  
 Address: 1163 Dellslow  
WV 26531  
 Phone#: 304-282-1470  
 Fax #:   
 Email : Baker Excavating@hotmail.com

Com

DEP14831

Loyal G. Forman & Son

Permit Number: S-2009-01

Pre-Bid Conference

December 2, 2009

Addendum Number One (1)

### Questions and Answers

Q1. Referring to the road crossing Ditch 3. Are you going to put a pipe or a drive-thru crossing in this area?

A1. You will just maintain the existing road in this area and construct Ditch 3 above and below it.

Q2. Referring to the existing disturbance above the highwall. Are we going to do anything above the highwall?

A2. Yes, if it is previously disturbed, it will be reclaimed, regraded, blended into undisturbed ground at the big tree line.

Q3. Referring to the big tree line above the highwall. Can we go above the highwall into the big tree line to bring material down over the highwall?

A3. No, you can not disturb additional area above the highwall.

Q4. Referring to the water in the pit. Do you know how deep this water is?

A4. The water is as deep as the coal seam.



Q5. Referring to Ditch 3? Can you lower Ditch 3?

A5. Ditch 3 may need adjusted slightly, but is about at the depth it needs to be.

Q6. Referring to seeding. Where will the black locust be seeded?

A6. Black locust will be included in the seeding on steep slopes only, which will be determined by your final grade.

Q7. Is there a cost estimate for this project?

A7. Yes, \$1, 375, 000.00.

Q8. Referring to the open pits. Are we going to lime the pits?

A8. No, we will spread the lime uniformly on the surface.

Q9. Do you have a yardage estimate?

A9. No, you are welcome to bring surveyors back on site, we have never seen the gates on the access road locked.

Q10. Referring to Pond A. Will Pond A be left as is when we finish the job?

A10. Both ponds will be left in place, they will not be cleaned unless you fill them up.

Q11. Referring to Ditch 4. Will we have to lay the slopes back along Ditch 4?

A11. All the slopes along Ditch 4 and Ditch 6 will have to be dressed up and laid back to a 2 horizontal to 1 vertical slope.

**BID BOND**

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Eastern Arrow Corporation, Inc.  
of PO Box 4108, Charleston, West Virginia 25364, as Principal, and Ohio Farmers Insurance Company  
of PO Box 5001 Westfield Center Ohio, 44251, a corporation organized and existing under the laws of the State of Ohio  
with its principal office in the City of Westfield Center, as Surety, are held and firmly bound unto the State  
of West Virginia, as Obligee, in the penal sum of 5% of bid amount (\$ 5% of bid amount ) 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  
DEP14831, Loyal G. Forman & Son in Preston County, according to plans and specifications.

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  
21st day of December, 2009.

Principal Corporate Seal

Eastern Arrow Corporation Inc.

(Name of Principal)

By 

(Must be President or Vice President)

Ann Wardwell, President

(Title)

Surety Corporate Seal

Ohio Farmers Insurance Company

(Name of Surety)

  
Ross E. Johnson, Attorney-in-Fact

Attorney-in-Fact

Ross E. Johnson, Attorney-In-Fact

IMPORTANT – Surety executing bonds must be licensed in West Virginia to transact surety insurance. Corporate seals must be affixed, and a power of attorney must be attached.

General  
Power  
of Attorney

POWER NO. 4751892 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  
**ROSS E. JOHNSON, H. RANDOLPH NEVILLE, PATRICK B. KEE, SHEILA D. MCCORMICK, JOINTLY OR SEVERALLY**

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

**LIMITATION: THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.**

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY:

"Be it Resolved, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact, may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"Be it Further Resolved, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000).

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their Senior Executive and their corporate seals to be hereto affixed this 25th day of **AUGUST** A.D., 2008 .

Corporate  
Seals  
Affixed



WESTFIELD INSURANCE COMPANY  
WESTFIELD NATIONAL INSURANCE COMPANY  
OHIO FARMERS INSURANCE COMPANY

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

State of Ohio  
County of Medina ss.:

On this 25th day of **AUGUST** A.D., 2008 , before me personally came **Richard L. Kinnaird, Jr.** to me known, who, being by me duly sworn, did depose and say, that he resides in **Medina, Ohio**; that he is **Senior Executive** of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial  
Seal  
Affixed



**William J. Kahelin, Attorney at Law, Notary Public**  
My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio  
County of Medina ss.:

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

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this 21st day of December A.D., 2009 .

  
**Frank A. Carrino, Secretary**



045

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

STATE OF WV

COUNTY OF KANAWHA, TO-WIT:

I, ANN WARDWILL, after being first duly sworn, depose and state as follows:

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

TEASTERN AIRROW CORP INC  
(Company Name)

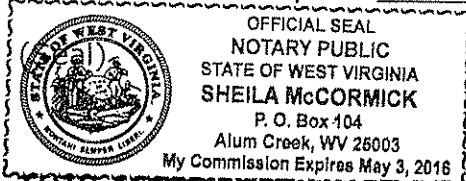
By: [Signature]

Title: PRESIDENT

Date: 7/20/09

Taken, subscribed and sworn to before me this 20<sup>th</sup> day of July 2009

By Commission expires May 3, 2016



Sheila McCormick  
(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**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: EASTERN ARROW CORPAuthorized Signature: Date: 1/5/10