



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  
 DEP14897

PAGE  
 1

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

RODZEV

\*405112416 304-586-3736  
 WISEMAN EXCAVATING INC  
 RT 1 BOX 190  
 LIBERTY WV 25124

SHIP TO

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
02/17/2010				

BID OPENING DATE: 04/14/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		\$39,990.00
<p>RECLAMATION: RESTORATION OF LAND &amp; OTHER PROPERTIES</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FROM QUALIFIED CONTRACTORS FOR A CONTRACT TO PROVIDE ALL LABOR AND MATERIALS FOR THE RECLAMATION OF 1-ACRE ABANDONED MINE PROJECT KNOWN AS THE "CAMPBELL'S CREEK (MILLER) DRAINAGE" PROJECT IN CAMPBELL'S CREEK, WEST VIRGINIA, (KANAWHA CO.).</p> <p>A MANDATORY ON SITE PREBID CONFERENCE SHALL BE HELD ON 03/17/10 @ 10:00 AM. ALL INTERESTED PARTIES ARE REQUIRED TO ATTEND THIS MEETING. FAILURE TO ATTEND TH MANDATORY PRE-BID SHALL RESULT IN DISQUALIFICATION OF THE BID. NO ONE PERSON MAY REPRESENT MORE THAN ONE BIDDER. ALSO, PREBIDS WILL INVOLVE EXTENSIVE FOOT TRAVEL OVER DIFFICULT TERRAIN AND/OR DURING INCLEMENT WEATHER.</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 INFORMATION 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</p>						

RECEIVED  
 APR 14 A 8:15  
 PURCHASING DIVISION  
 STATE OF WV

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Brad Wiseman</i>	TELEPHONE (304) 586-3736	DATE 4/14/10
TITLE <i>President</i>	FEIN 550678046	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. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
  4. 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.
  5. Payment may only be made after the delivery and acceptance of goods or services.
  6. Interest may be paid for late payment in accordance with the *West Virginia Code*.
  7. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
  8. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
  9. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
  10. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern the purchasing process.
  11. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
  12. **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.
  13. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, is available online at [www.state.wv.us/admin/purchase/vrc/hipaa.htm](http://www.state.wv.us/admin/purchase/vrc/hipaa.htm) and 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.
  14. **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>.
  15. **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, and the West Virginia Insurance Commission. 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.
  16. **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 material, 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.

### INSTRUCTIONS TO BIDDERS

1. Use the quotation forms provided by the Purchasing Division. Complete all sections of the quotation form.
2. 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. Unit prices shall prevail in case of discrepancy. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
4. 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
5. Communication during the solicitation, bid, evaluation or award periods, except through the Purchasing Division, is strictly prohibited (W.Va. C.S.R. §148-1-6.6).



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POSTED

\*405112416      304-586-3736  
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**LIBERTY WV 25124**

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

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<p>ADDITION, WE REQUEST THAT ALL POTENTIAL BIDDERS INCLUDE THEIR EMAIL 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 TECHNIAL 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 PREBID:</p> <p>FROM CHARLESTON, TAKE ST. RT. 60 EAST. TURN LEFT ON CAMPBELL'S CREEK. TRAVEL 3/4 MILE TO THE SITE ON THE RIGHT.</p> <p>PLANS AND SPECIFICATIONS MAY BE OBTAINED FROM WVDEP, OFFICE AML&amp;R, 601 57TH ST., SE, CHARLESTON, WV 25304, PH. 304-926-0485 UPON PAYMENT OF \$10.00 NON-REFUNDABLE FEE. PAYMENT MUST BE MADE BY CHECK OR MONEY ORDER. NO CASH WILL BE ACCEPTED.</p> <p>EXHIBIT 5</p> <p>WEST VIRGINIA CODE 21-1D-5 PROVIDES THAT: ANY SOLICITATION FOR A PUBLIC IMPROVEMENT CONSTRUCTION CONTRACT REQUIRES EACH VENDOR THAT SUBMITS A BID FOR THE WORK TO SUBMIT AT THE SAME TIME AN AFFIDAVIT OF COMPLIANCE WITH THE BID. THE ENCLOSED PURCHASING AFFIDAVIT MUST BE SIGNED AND SUBMITTED WITH THE BID AS EVIDENCE OF THE VENDOR'S COMPLIANCE WITH THE PROVISIONS OF ARTICLE 1D, CHAPTER 21 OF THE WEST VIRGINIA CODE. FAILURE TO SUBMIT THE SIGNED PURCHASING AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF SUCH BID.</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Brad Wiseman</i>	TELEPHONE <i>(304) 586-3736</i>	DATE <i>4-14-10</i>
TITLE <i>President</i>	FEIN <i>550678046</i>	ADDRESS CHANGES TO BE NOTED ABOVE

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<p>NOTICE TO PROCEED: THIS CONTRACT IS TO BE PERFORMED WITHIN 365 CALENDAR DAYS AFTER THE NOTICE TO PROCEED IS RECEIVED. UNLESS OTHERWISE SPECIFIED, THE FULLY EXECUTED PURCHASE ORDER WILL BE CONSIDERED NOTICE TO PROCEED.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE MATERIALS OR WORKMANSHIP SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM WITH THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>WAGE RATES: THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY THE HIGHER OF THE U.S. DEPARTMENT OF LABOR MINIMUM WAGE RATES AS ESTABLISHED FOR KANAWHA 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> <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</p>						

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SIGNATURE Brad Wiseman TELEPHONE (304) 586-3736 DATE 4-14-10

TITLE President FEIN 550678046 ADDRESS CHANGES TO BE NOTED ABOVE

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COVERAGE REQUIRED IS \$250,000.  ( ) 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.  (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/MATERIAL BOND.  ( ) MAINTENANCE BOND: A TWO (2) YEAR MAINTENANCE BOND COVERING THE ROOFING SYSTEM WILL BE A REQUIREMENT OF THE SUCCESSFUL VENDOR.  REV. 11/00 *****  AML CONTRACTOR INFORMATION FORM OMB #1029-0119 (EXPIRATION DATE: 01/31/2010) IS ATTACHED. YOU MUST COMPLETE THIS ORIGINAL FORM TO OBTAIN AN AVS DATA EVALUATION TO DETERMINE YOUR ELIGIBILITY AS AN AML CONTRACTOR. THIS IS A REQUIREMENT UNDER 30 CFR 874.16. IF THE ORIGINAL OMB #1029-0119 IS NOT ATTACHED TO THE BIDDING DOCUMENTS YOU CAN CONTACT THE AVS OFFICE AT 800-643-9748 OR WWW.AVS.OSMRE.GOV						

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*****						
CONTRACTORS LICENSE						
WEST VIRGINIA STATE CODE 21-11-2 REQUIRES THAT ALL PERSONS DESIRING TO PERFORM CONTRACTING WORK IN THIS STATE MUST BE LICENSED. THE WEST VIRGINIA CONTRACTORS LICENSING BOARD IS EMPOWERED TO ISSUE THE CONTRACTORS LICENSE. APPLICATIONS FOR A CONTRACTORS LICENSE MAY BE MADE BY CONTACTING THE WEST VIRGINIA DIVISION OF LABOR, CAPITOL COMPLEX, 1900 KANAWHA BLVD. E, BLDG. 6, RM 749-B, CHARLESTON, WV 25305, PH. 304-558-7890.						
WEST VIRGINIA STATE CODE 21-11-11 REQUIRES ANY PROSPECTIVE BIDDER TO INCLUDE THE CONTRACTORS LICENSE NUMBER ON THEIR BID. BIDDER TO COMPLETE:						
CONTRACTORS NAME: <i>Wiseman Excavating, Inc.</i>						
CONTRACTORS LICENSE #: <i>WV.043.641</i>						
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT.						
APPLICABLE LAW						
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.						
ANY INFORMATION PROVIDED IN SPECIFICATION MANUALS, OR ANY OTHER SOURCE, VERBAL OR WRITTEN, WHICH CONTRADICTS						

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<p>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 CONTRACTOR FOR ONE YEAR FROM THE DATE OF THE ACCEPTANCE OF THE WORK. NEITHER THE FINAL ACCEPTANCE NOR THE FINAL PAYMENT SHALL RELIEVE THE CONTRACTOR OF RESPONSIBILITY FOR NEGLIGENCE OR FAULTY MATERIALS, AND FOR DEFECTS APPEARING WITHIN THE GUARANTEE PERIOD SHALL BE REMEDIED AT THE EXPENSE OF THE CONTRACTOR UPON WRITTEN NOTICE.            (B) DURING THE ONE-YEAR GUARANTEE PERIOD, THE CONTRACTOR WILL MAINTAIN THE PROJECT TO THE CONDITIONS EXISTING AT THE DATE OF THE ACCEPTANCE OF THE WORK. ANY FAILURES DUE TO THE NEGLIGENCE OR WORKMANSHIP OF CONTRACTOR IN ANY OF THE WORK THAT DEVELOPS DURING THE GUARANTEE PERIOD SHALL BE CORRECTED BY THE CONTRACTOR AT ITS EXPENSE.            (C) THE ONE-YEAR GUARANTEE PERIOD SHALL NOT BE CONSTRUED AS BEING AN EXTENSION OF THE PERFORMANCE TIM</p>						

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<p>ALLOTTED FOR WORK UNDER THE CONTRACT.            (D) GUARANTEES CONCERNING REVEGETATION MAY BE FURTHER DEFINED IN THE TECHNICAL SPECIFICATIONS CONTAINED HEREIN.</p> <p>(3) TERMINATION:            (1) THIS CONTRACT MAY BE CANCELLED IN WHOLE OR IN PART IN WRITING BY THE DIRECTOR OF PURCHASING, WITHOUT PREJUDICE TO ANY OTHER RIGHT OR REMEDY IT MAY HAVE, PROVIDED THAT THE CONTRACTOR IS GIVEN NOT LESS THAN THIRTY CALENDAR DAYS WRITTEN NOTICE, (DELIVERED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED) OF INTENT TO TERMINATE.</p> <p>(4) IT SHALL BE THE RESPONSIBILITY OF THE SUCCESSFUL VENDOR TO:            (A) OBTAIN ALL NECESSARY DIVISION OF HIGHWAYS PERMITS FOR ALL TRANSPORTATION OF EQUIPMENT AND MATERIALS TO AND FROM THE JOB SITE.            (B) OBTAIN ANY AND ALL REQUIRED CONSTRUCTION PERMITS OR RELATED JOB PERMITS.</p> <p>(5) TECHNICAL SPECIFICATIONS:            ALL WORK UNDER THIS CONTRACT SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS PREPARED FOR THE RECLAMANCE OF THE "CAMPBELL'S CREEK (MILLER) DRAINAGE" PROJECT.            PLANS &amp; SPECS ARE INCORPORATED HERE IN BY REFERENCE AND ALL PROVISIONS, CLAUSES AND CONDITIONS THEREIN ARE MADE PROPERLY A PART OF THIS CONTRACT, AND CONSISTS OF 5 DRAWINGS AS PREPARED IN-HOUSE BY THE WV DEPARTMENT OF ENVIRONMENTAL PROTECTION.</p> <p>(6) PAYMENTS AND COMPLETION:            THE CONTRACTOR SHALL FURNISH TO DEP AN APPLICATION FOR PAYMENT WITH AN ITEMIZED SCHEDULE OF VALUES AS HEREIN BEFORE REQUESTED. THE FORM INCLUDED</p>						

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BID OPENING DATE: 04/14/2010      BID OPENING TIME 01:30PM

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<p>IN THE SPECIFICATIONS SHALL BE USED FOR APPLICATIONS OF PAYMENT. IT IS THE DEP'S INTENT THAT THE PAYMENT TO THE CONTRACTOR BE MADE WITHIN 60 DAYS AFTER RECEIPT OF APPLICATION FOR PAYMENT.</p> <p>(7) APPLICATION FOR PARTIAL PAYMENT:            THE CONTRACTOR MAY, ON A PERIODIC BASIS, SUBMIT FOR PARTIAL PAYMENT BASED ON THE AMOUNT OF WORK COMPLETED AT THE TIME OF THE SUBMITTAL. THE AMOUNT OF PAYMENT WILL BE DETERMINED FROM THE ACTUAL QUANTITY OF WORK COMPLETED IF BASED UPON UNIT MEASURES OR THE PERCENT COMPLETED IF BASED UPON A LUMP SUM.</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 WITHOUT FURTHER ORDER.</p> <p>REV. 1/2005</p> <p>PREFERENCE FOR USE OF DOMESTIC STEEL PRODUCTS</p> <p>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 IN THIS CONTRACT,</p> <p>A. "STATE CONTRACT PROJECT" MEANS ANY ERECTION OR CONSTRUCTION OF, OR ANY ADDITION TO, ALTERATION OF OR OTHER IMPROVEMENT TO ANY BUILDING OR STRUCTURE, INCLUDING, BUT NOT LIMITED TO, ROADS OR HIGHWAYS, OR THE INSTALLATION OF ANY HEATING OR COOLING OR VENTILATING PLANTS OR OTHER EQUIPMENT, OR THE SUPPLY OF AND MATERIALS FOR</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: <i>Brad Wiseman</i>	TELEPHONE: (304) 586-3736	DATE: 4-14-10
TITLE: <i>President</i>	FEIN: 550678046	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  
 DEP14897

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

**VENDOR**  
 \*405112416 304-586-3736  
 WISEMAN EXCAVATING INC  
 RT 1 BOX 190  
 LIBERTY WV 25124

**SHIP TO**  
 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
02/17/2010				

BID OPENING DATE: 04/14/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
				<p>SUCH PROJECTS, PURSUANT TO A CONTRACT WITH THE STATE OF WEST VIRGINIA FOR WHICH BIDS WERE SOLICITED ON OR AFTER JUNE 6, 2001.</p> <p>B. "STEEL PRODUCTS" MEANS PRODUCTS ROLLED, FORMED, SHAPED, DRAWN, EXTRUDED, FORGED, CAST, 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.</p> <p>C. "UNITED STATES" MEANS THE UNITED STATES OF AMERICA AND INCLUDES ALL TERRITORY, CONTINENTAL OR INSULAR, SUBJECT TO THE JURISDICTION OF THE UNITED STATES.</p> <p>2. THE DIRECTOR OF THE PURCHASING DEPARTMENT MAY, IN WRITING, AUTHORIZE THE USE OF FOREIGN STEEL PRODUCTS IF:</p> <p>A. THE COST FOR EACH CONTRACT ITEM USED DOES NOT EXCEED ONE TENTH OF ONE PERCENT (.1%) OF THE TOTAL CONTRACT COST OR TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), WHICHEVER IS GREATER. FOR THE PURPOSES OF THIS SECTION, THE COST IS THE VALUE OF THE STEEL PRODUCT AS DELIVERED TO THE PROJECT OR,</p> <p>B. THE DIRECTOR OF THE PURCHASING DIVISION DETERMINES THAT SPECIFIED STEEL MATERIALS ARE NOT PRODUCED IN THE UNITED STATES IN SUFFICIENT QUANTITY OR OTHERWISE ARE NOT REASONABLY AVAILABLE TO MEET CONTRACT REQUIREMENTS.</p> <p>3. A CONTRACTOR WHO USES STEEL PRODUCTS IN VIOLATION</p>		

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Brad Wiseman</i>	TELEPHONE (304) 586-3736	DATE 4-14-10
TITLE <i>President</i>	FEIN 550678046	ADDRESS CHANGES TO BE NOTED ABOVE

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# Request for Quotation

RFQ NUMBER:  
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ADDRESS CORRESPONDENCE TO ATTENTION OF:  
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DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
02/17/2010				
BID OPENING DATE: 04/14/2010		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>OF THIS SECTION MAY BE SUBJECT TO CIVIL PENALTIES PURSUANT TO W. VA. CODE SECTION 5A-3-56.</p> <p>REV. 10/01/01</p> <p>EXHIBIT 7</p> <p>DOMESTIC ALUMINUM, GLASS &amp; STEEL IN PUBLIC WORKS PROJECTS</p> <p>IN ACCORDANCE WITH WEST VIRGINIA CODE 5-19-1 ET., SEQ., EVERY CONTRACT FOR CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR, IMPROVEMENT OR MAINTENANCE OF PUBLIC WORKS, WHERE THE COST IS MORE THAN \$50,000 AND, IN THE CASE OF STEEL ONLY, WHERE THE COST OF STEEL IS MORE THAN \$50,000 OR WHERE MORE THAN 10,000 POUNDS OF STEEL ARE REQUIRED, THE STATE WILL ACCEPT ONLY ALUMINUM GLASS, OR STEEL PRODUCTS PRODUCED IN THE UNITED STATES IN ADDITION, ITEMS OF MACHINERY OR EQUIPMENT PURCHASED FOR USE AT THE SITE OF PUBLIC WORKS SHALL BE MADE OF DOMESTIC ALUMINUM, GLASS OR STEEL, UNLESS THE COST OF THE PRODUCT IS LESS THAN \$50,000 OR LESS THAN 10,000 POUNDS OF STEEL ARE USED IN PUBLIC WORKS PROJECTS.</p> <p>FOREIGN MADE ALUMINUM, GLASS OR STEEL PRODUCTS MAY BE ACCEPTED ONLY IF THE COST OF DOMESTIC PRODUCTS IS FOUND TO BE UNREASONABLE. SUCH COST IS UNREASONABLE IF IT IS 20% OR MORE HIGHER THAN THE BID PRICE FOR FOREIGN MADE PRODUCTS. IF THE DOMESTIC ALUMINUM, GLASS OR STEEL PRODUCTS TO BE SUPPLIED OR PRODUCED IN A "SUBSTANTIAL LABOR SURPLUS AREA", AS DEFINED BY THE UNITED STATES DEPARTMENT OF LABOR, FOREIGN PRODUCTS MAY BE SUPPLIED ONLY IF DOMESTIC PRODUCTS ARE 30% OR MORE HIGHER IN PRICE THAN THE FOREIGN MADE PRODUCTS.</p> <p>IF, PRIOR TO THE AWARD OF A CONTRACT UNDER THE ABOVE</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Brad Wiseman</i>	TELEPHONE (304) 586-3736	DATE 4-14-10
TITLE <i>President</i>	FEIN 550678046	ADDRESS CHANGES TO BE NOTED ABOVE

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# Request for Quotation

RFQ NUMBER  
**DEP14897**

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**11**

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

VENDOR

\*405112416      304-586-3736  
**WISEMAN EXCAVATING INC**  
**RT 1 BOX 190**  
  
**LIBERTY WV 25124**

SHIP TO

**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
02/17/2010				

BID OPENING DATE: **04/14/2010**      BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>PROVISIONS, THE SPENDING OFFICER OF THE SPENDING UNIT DETERMINES THAT THERE EXISTS A BID FOR LIKE FOREIGN ALUMINUM, GLASS OR STEEL THAT IS REASONABLE AND LOWER THAN THE LOWEST BID FOR DOMESTIC PRODUCTS, THE SPENDING OFFICE MAY REQUEST, IN WRITING, A REEVALUATION AND REDUCTION IN THE LOWEST BID FOR SUCH DOMESTIC PRODUCTS ALL VENDORS MUST INDICATE IN THEIR BID IF THEY ARE SUPPLYING FOREIGN ALUMINUM, GLASS OR STEEL.</p> <p>REV. 3/88</p> <p>EXHIBIT 9</p> <p>NOTICE FOR ISSUANCE &amp; ACKNOWLEDGEMENT OF CONSTRUCTION PROJECT ADDENDA.</p> <p>THE ARCHITECT/ENGINEER AND/OR AGENCY SHALL BE REQUIRED TO ABIDE BY THE FOLLOWING SCHEDULE IN ISSUING CONSTRUCTION PROJECT ADDENDA FOR STATE AGENCIES:</p> <p>(1) THE ARCHITECT/ENGINEER SHALL PREPARE THE ADDENDUM AND A LIST OF ALL PARTIES THAT HAVE PROCURED DRAWINGS AND SPECIFICATIONS FOR THE PROJECT. THE ADDENDUM AND 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 AL</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Brad Wiseman</i>	TELEPHONE <i>(304) 586-3736</i>	DATE <i>4-14-10</i>
TITLE <i>President</i>	FEIN <i>550678046</i>	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**

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 DEP14897

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

VENDOR FOR

\*405112416      304-586-3736  
 WISEMAN EXCAVATING INC  
 RT 1 BOX 190  
  
 LIBERTY WV 25124

SHIP TO

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 CHARLESTON, WV  
 25304      304-926-0499

DATE PRINTED 02/17/2010	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: 04/14/2010      BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>BIDDERS AND SUBMITTED TO THE STATE PURCHASING DIVISION.            THE SAME RULES AND REGULATIONS THAT APPLY TO THE            ORIGINAL BIDDING DOCUMENT SHALL ALSO APPLY TO THE            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.: .DEP14897...</p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED            ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY            PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.</p> <p>ADDENDUM NO.'S:</p> <p>NO. 1 ..... <i>✓</i>      <i>rec'd 3/30/10 sw</i></p> <p>NO. 2 .....</p> <p>NO. 3 .....</p> <p>NO. 4 .....</p> <p>NO. 5 .....</p> <p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE            ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Brad Wiseman</i>	TELEPHONE <i>(304) 586-3736</i>	DATE <i>4-14-10</i>
TITLE <i>President</i>	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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State of West Virginia  
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 2019 Washington Street East  
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# Request for Quotation

RFQ NUMBER  
**DEP14897**

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ADDRESS CORRESPONDENCE TO ATTENTION OF  
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VENDOR

\*405112416      304-586-3736  
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DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
02/17/2010				

BID OPENING DATE: **04/14/2010**      BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p>.....<i>Brad Wiseman</i>.....SIGNATURE            ..<i>Wiseman Excavating, Inc.</i>...COMPANY            .....<i>April 14, 2010</i>.....DATE</p> <p>REV. 11/96</p> <p style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p style="text-align: center;">DEPARTMENT OF ADMINISTRATION            PURCHASING DIVISION            BUILDING 15            2019 WASHINGTON STREET, EAST            CHARLESTON, WV 25305-0130</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER:      CB-23</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Brad Wiseman</i>	TELEPHONE <i>(304) 586-3736</i>	DATE <i>4-14-10</i>
TITLE <i>President</i>	FEIN <i>550678046</i>	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  
 DEP14897

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

\*405112416 304-586-3736  
 WISEMAN EXCAVATING INC  
 RT 1 BOX 190  
 LIBERTY WV 25124

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	FOB	FREIGHT TERMS
02/17/2010				

BID OPENING DATE: 04/14/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
				RFQ. NO.:		DEP14897
				BID OPENING DATE:		04/14/2010
				BID OPENING TIME:		1:30 PM
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: (304) 586-3789						
VENDOR SHOULD SUBMIT WITH THEIR BID THE CURRENT REMIT-TO ADDRESS TO BE USED FOR PAYMENT PROCESSING: Wiseman Excavating, Inc. Route 1, Box 190 Liberty, WV 25124						
PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE: Brad...Wiseman... (304) 586-3736 (304) 552-2016						
***** THIS IS THE END OF RFQ DEP14897 ***** TOTAL: _____						

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'

### AML CONTRACTOR INFORMATION FORM

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

#### Part A: General Information

Business Name: Wiseman Excavating, Inc. Tax Payer ID No.: 550678046  
Address: Rt 1 Box 190  
City: Liberty State: WV Zip Code: 25124 Phone: (304) 586-3736  
Fax No.: (304) 586-3789 E-mail address: wisemanfarm@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, Brad Wiseman, have the express authority to certify that:  
(print name)

- Information on the **attached** Entity Organizational Family Tree (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.
- \_\_\_\_\_ Part of the information on the **attached** Entity OFT from AVS is missing or incorrect and must be updated. If you select this option, you **must** attach an Entity OFT from AVS to this form. Use Part D to provide the missing or corrected information. Sign and date below and complete Part D.
- \_\_\_\_\_ Our business 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.

4-14-2010  
Date

Brad Wiseman  
Signature

President  
Title

**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 from the AVS website at <https://avss.osmre.gov>.





AVS OFT Report - 4/13/2010 3:13:14 PM

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

Entity Selected (249011) Wiseman Excavating Inc

Parent Entity	Description	Related Entity	% Ownership	Begin Date	End Date
(249011) Wiseman Excavating Inc	President	(249012) Bradley I Wiseman		1/1/2009	
(249011) Wiseman Excavating Inc	Treasurer	(249012) Bradley I Wiseman		1/1/2009	
(249011) Wiseman Excavating Inc	Vice President	(249013) Joseph I Wiseman		1/1/2009	
(249011) Wiseman Excavating Inc	Shareholder	(249013) Joseph I Wiseman	20%	1/1/2009	
(249011) Wiseman Excavating Inc	Shareholder	(249014) Sharlene Wiseman	20%	1/1/2009	
(249011) Wiseman Excavating Inc	Secretary	(249014) Sharlene Wiseman		1/1/2009	
(249011) Wiseman Excavating Inc	Shareholder	(249012) Bradley I Wiseman	60%	1/1/2009	



State of West Virginia  
 Department of Administration  
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 2019 Washington Street East  
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# Request for Quotation

RFQ NUMBER  
**DEP14897**

PAGE  
**1**

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

VENDOR

\*405112416      304-586-3736  
**WISEMAN EXCAVATING INC**  
**RT 1 BOX 190**  
  
**LIBERTY WV 25124**

SHIP TO

**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
03/28/2010				

BID OPENING DATE: **04/14/2010**                      **BID OPENING TIME - 01:30PM**

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
***** ADDENDUM NO. 1 *****						
ADDENDUM ISSUED FOR THE CAMPBELLS CREEK DRAINAGE PROJECT TO DISTRIBUTE THE SIGN-IN SHEETS, THE Q/A, AND THE REVISED BID SCHEDULE RESULTING FROM THE MANDATORY PRE-BID MEETING ON 03/17/10.						
BID OPENING DATE AND TIME REMAIN UNCHANGED AS 04/14/10 AT 1:30 PM.						
***** NO OTHER CHANGES *****						
0001	1	JB		962-73		
RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES						
***** THIS IS THE END OF RFQ DEP14897 ***** TOTAL: _____						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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**Req # DEP 14897  
Campbell's Creek (Miller) Drainage  
Addendum #1**

**REVISIONS TO SPECIFICATIONS**

ARTICLE II – BIDDING INFORMATION: Add “The Contractor shall have 120 calendar days from the Notice to Proceed date to complete the construction.”

Specification 4.1 – Second paragraph – Delete first sentence “This work shall also include the complete demolition and removal of all abandoned mining structures and materials on the site within the construction limits and as indicated on the drawings.”

The following statement shall be an addition to the specifications: “The Contractor’s work shall be performed between the hours of 7 a.m. and 7 p.m. and no work shall be performed on Sundays or major holidays.”

The Contractor’s Bid sheet shall be replaced with the revised and attached bid sheet.

Specification 9.3.1 – Third sentence now reads: The concrete shall be protected from traffic until sufficiently cured prior to the placement of asphalt.”

Revised to read: The concrete shall be protected from traffic until sufficiently cured.”

**QUESTIONS AND ANSWERS**

Q: Where is our access?

A: Access is as shown on the drawings.

Q: Do they have city sewage here?

A: Yes. The Contractor is responsible for locating any utilities.

Q: Just bust through the side of the existing drop inlet?

A: The existing drop inlet is to be cut to allow placement of the discharge pipe and the pipe is to be fitted to the drop inlet and grout sealed in the same fashion as the proposed drop inlet.

Q: Is gas line on the plans?

A: The Contractor is responsible for locating all utilities including gas lines.

**Req # DEP 14897**  
**Campbell's Creek (Miller) Drainage**  
**Addendum #1**

Q: Will we have to have a traffic control plan for working on the existing drop inlet?

A: Yes. The Contractor will be responsible for getting an approved traffic control plan and submitting to the WVDEP as outlined in the specifications.

Q: Is there a main gas line that runs this way?

A: The Contractor is responsible for locating all utilities including gas lines.

Q: Will we move the gas line?

A: It may be necessary to relocate a gas line or it could be possible to shift alignments slightly when actual utility locations are known.

Campbell's Creek (Miller) Drainage  
 Requisition# DEP14897 Addendum#1  
 Contractor's Bid Schedule

Company Name: Wiseman Excavating, Inc  
 Address: Rt. 1, Box 190  
Liberty, WV 25124

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	Lump Sum	MOBILIZATION (LIMITED TO 10% OF TOTAL BID)	LS	\$ 3,800.00
2.0	Lump Sum	CONSTRUCTION LAYOUT (LIMITED TO 5% TOTAL BID)	LS	\$ 1,900.00
3.0	Lump Sum	QUALITY CONTROL (LIMITED TO 3% OF TOTAL BID)	LS	\$ 1,000.00
4.0	Lump Sum	SITE PREPARATION (LIMITED TO 10% OF TOTAL BID)	LS	\$ 3,800.00
5.0	150 L.F.	SEDIMENT CONTROL BARRIER	3.00	\$ 450.00
6.0	Lump Sum	REVEGETATION	LS	\$ 2,500.00
7.1	30 L.F.	Underdrain	120.00	\$ 3,600.00
7.2	130 L.F.	18" Diameter HDPE Pipe	100.00	\$ 13,000.00
7.3	3	Manholes	2,000.00	\$ 6,000.00
7.4	1	Drop Inlet	3,500.00	\$ 3,500.00
9.0	11 Tons	1 1/2" Crusher Run Stone	40.00	\$ 440.00
				\$
				\$
				\$
				\$
				\$
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				\$
				\$
				\$
				\$
				\$
				\$
<b>TOTAL</b>				<b>\$ 39,990.00</b>

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

PRINT LEGIBLY

RFQ # : DEP14897  
Project: Campbell Creek (Miller) Drainage

Bid Date: April 14 2010  
Pre-Bid Date: March 17 2010

Name : Randy Carpenter  
Company: Carpenter Reclamation  
Address: PO Box 13015  
Sissonville, WV  
25360  
Phone #: 304-984-1115  
Fax #: 984-2770  
Email : Rcarpand03@aol.com

Name : GARY Long  
Company: M<sup>c</sup>Court & Sea Coast  
Address: 2790 Centralia Rd  
Sutton WV 26601  
Phone#: 304 765-5288  
Fax #: 304 765-5293  
Email :

Name : Robert Baines  
Company: Baines Exc. Inc.  
Address: P.O. Box 13384  
Sissonville  
WV. 25360  
Phone #: 304-984-1925  
Fax #: 304-984-0074  
Email : Baines Exc. @AOL.com

Name : GEORGE FRESHOUR  
Company: EAGLE EXCAVATION INC.  
Address: P.O. BOX 219  
KENNA WV  
25248  
Phone#: (304) 372-4378  
Fax #: (304) 372-4378  
Email :

Name : DENNIS C. ELBAW  
Company: CONCRETE UP INC  
Address: PO Box 245  
SLIPSON WV  
26435  
Phone #: 304-739-4397  
Fax #: 304-739-4400  
Email : DCE@CONCRETEUP.EASTLINK.NET

Name : Brian Hoard  
Company: Breakaway Const  
Address: 1075 Old Turnpike Rd  
Sutton 26601  
Phone#: 304 765-5317  
Fax #: 304-765-5317  
Email :

Name : Bennie McCourt  
Company: Mountain Moves  
Address: 214 South Marine  
Weston 26452  
Phone #: 304-269-2444  
Fax #: 304-644-5603  
Email :

Name : Ronnie Bowens  
Company: EASTERN TANK UTILITIES  
Address: 145 KRIT LANE  
PRINCETON WV  
Phone#: 304-324-2692  
Fax #: 304-324-8692  
Email : EASTERN TANK@FROSTERNET.NET

# MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

## PRINT LEGIBLY

RFQ # : DEP14897  
 Project: Campbell Creek (Miller) Drainage

Bid Date: April 14 2010  
 Pre-Bid Date: March 17 2010

Name : BRAD WISE  
 Company: W. E. MAN EXCAVATING  
 Address: RT 1 BOX 190 LIBERTY WV 25124

Phone #: 304-586-3736  
 Fax #: 304-586-3789  
 Email : \_\_\_\_\_

Name : Matt Adams  
 Company: Kelli Corp  
 Address: 3075 Point Marion Rd MORVAN TOWN WV 26505

Phone #: 304 292 8102  
 Fax #: 304 292 8608  
 Email : adamsmka@comcast.net

Name : David H. Bowman  
 Company: PERC MOUNTAIN CO  
 Address: 511 50th STREET CRAS WV 25304

Phone #: 304 925 052  
 Fax #: 925 923  
 Email : Jody Maye AOL.com

Name : Ann Karowell  
 Company: FEASTERLY ARLOW  
 Address: PO Box 4108 CHARLESTON WV 25366

Phone #: 304-414-0255  
 Fax #: 0256  
 Email : \_\_\_\_\_

Name : Mick Jones  
 Company: Lowcost Const.  
 Address: PO box 10 PROCTOR WV 25164

Phone#: 304-548-7004  
 Fax #: 304-548-7133  
 Email : Lowcost const at ip, hoo, com

Name : Dale Thorton  
 Company: Thorton Const Co Inc  
 Address: PO Box 13227 Charleston WV 25312

Phone#: 304 584 2299  
 Fax #: 304 984 2334  
 Email : \_\_\_\_\_

Name : \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Address: \_\_\_\_\_

Phone#: \_\_\_\_\_  
 Fax #: \_\_\_\_\_  
 Email : \_\_\_\_\_

Name : \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Address: \_\_\_\_\_

Phone#: \_\_\_\_\_  
 Fax #: \_\_\_\_\_  
 Email : \_\_\_\_\_

**U. S. Department of the Interior**  
**Certification Regarding**  
**Debarment, Suspension, Ineligibility and**  
**Voluntary Exclusion**  
**Lower Tier Covered Transactions**

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**This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 43 CFR Part 12, Section 12.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). For assistance in obtaining a copy of the regulations, contact the U.S. Department of the Interior, Acquisition and Assistance Division, Office of Acquisition and Property Management, 18th and C Streets, N.W., Washington D.C. 20240.**

**(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.**

**(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.**

Wiseman Excavating, Inc. by Brad Wiseman (President)  
Name and Title of Authorized Representative

Brad Wiseman                      4-14-10  
Signature                                      Date



WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
CONSTRUCTION CONTRACTOR'S  
MINORITY, WOMEN'S AND SMALL BUSINESS  
AFFIRMATIVE ACTION CERTIFICATION

We, Wiseman Excavating, Inc., the undersigned, Construction Contractor on the Abandoned Mine Lands & Reclamation construction contract herein, intending to sub-contract a part of our contract work under Requisition No. DEP1489Z, hereby certify as follows:

- 1) We will include qualified small, minority and women's businesses on solicitation lists;
  - 2) We will assure that small, minority and women's businesses are solicited whenever they are potential sources;
  - 3) We will, when economically feasible, divide total requirements into smaller tasks or quantities so as to permit maximum small, minority and women's business participation.
  - 4) Where our requirements permit, we will establish delivery schedules which will encourage participation by small, minority and women's businesses.
  - 5) We will utilize the services and assistance of the Small Business Administration, the Office of Minority Business Enterprise of the Department of Commerce and the Community Services Administration as required.
- We understand that we may obtain the information required under the foregoing provisions from the Governor's Office of Community & Industrial Development's Small Business Development Center, 1115 Virginia Street, East, Charleston, West Virginia 25301, Phone 304/348-2960.
- 6) We will submit this certification to the Construction Supervisor when we submit proposed subcontractors for approval.
  - 7) We agree that all documentation relative to affirmative action taken by us to seek out and consider the use of minority, women's and small business enterprises as subcontractors shall be made available for inspection by representatives of the West Virginia Department of Environmental Protection and the U.S. Office of Surface Mining Reclamation and Enforcement;
  - 8) This certification is an integral part of our proposal for the construction contract.

Signed this 14<sup>th</sup> day of April, 2010.

Brad Wiseman  
Signature of Authorized Representative  
President  
Title

**U. S. Department of the Interior  
CERTIFICATION REGARDING LOBBYING**

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**This certification is required by Section 1352, title 31, U. S. Code, entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions."**

**(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)**

**Certification for Contracts, Grants, Loans, and Cooperative Agreements**

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**The undersigned certifies, to the best of his or her knowledge and belief, that:**

**(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.**

**(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. To obtain a Standard Form LLL, contact DEP or the U.S. Office of Surface Mining, 603 Morris Street, Charleston, WV 25301, phone number 347-7158.**

**(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.**

**This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.**

Signature Brad Wiseman Date 4-14-10

THE UNIVERSITY OF CHICAGO

Department of Chemistry  
5780 South University Avenue  
Chicago, Illinois 60637

Dear Sirs:

I am pleased to inform you that your application for admission to the Ph.D. program in Chemistry for the fall semester of 1968 has been accepted. You will be admitted to the program on a full-time basis. Your admission is contingent upon your successful completion of the required pre-admission examinations and the receipt of a letter of recommendation from your advisor, Dr. [Name].

You will be required to complete the following courses during the first semester of your study: CHEM 301, CHEM 302, CHEM 303, CHEM 304, CHEM 305, CHEM 306, CHEM 307, CHEM 308, CHEM 309, CHEM 310, CHEM 311, CHEM 312, CHEM 313, CHEM 314, CHEM 315, CHEM 316, CHEM 317, CHEM 318, CHEM 319, CHEM 320, CHEM 321, CHEM 322, CHEM 323, CHEM 324, CHEM 325, CHEM 326, CHEM 327, CHEM 328, CHEM 329, CHEM 330, CHEM 331, CHEM 332, CHEM 333, CHEM 334, CHEM 335, CHEM 336, CHEM 337, CHEM 338, CHEM 339, CHEM 340, CHEM 341, CHEM 342, CHEM 343, CHEM 344, CHEM 345, CHEM 346, CHEM 347, CHEM 348, CHEM 349, CHEM 350, CHEM 351, CHEM 352, CHEM 353, CHEM 354, CHEM 355, CHEM 356, CHEM 357, CHEM 358, CHEM 359, CHEM 360, CHEM 361, CHEM 362, CHEM 363, CHEM 364, CHEM 365, CHEM 366, CHEM 367, CHEM 368, CHEM 369, CHEM 370, CHEM 371, CHEM 372, CHEM 373, CHEM 374, CHEM 375, CHEM 376, CHEM 377, CHEM 378, CHEM 379, CHEM 380, CHEM 381, CHEM 382, CHEM 383, CHEM 384, CHEM 385, CHEM 386, CHEM 387, CHEM 388, CHEM 389, CHEM 390, CHEM 391, CHEM 392, CHEM 393, CHEM 394, CHEM 395, CHEM 396, CHEM 397, CHEM 398, CHEM 399, CHEM 400, CHEM 401, CHEM 402, CHEM 403, CHEM 404, CHEM 405, CHEM 406, CHEM 407, CHEM 408, CHEM 409, CHEM 410, CHEM 411, CHEM 412, CHEM 413, CHEM 414, CHEM 415, CHEM 416, CHEM 417, CHEM 418, CHEM 419, CHEM 420, CHEM 421, CHEM 422, CHEM 423, CHEM 424, CHEM 425, CHEM 426, CHEM 427, CHEM 428, CHEM 429, CHEM 430, CHEM 431, CHEM 432, CHEM 433, CHEM 434, CHEM 435, CHEM 436, CHEM 437, CHEM 438, CHEM 439, CHEM 440, CHEM 441, CHEM 442, CHEM 443, CHEM 444, CHEM 445, CHEM 446, CHEM 447, CHEM 448, CHEM 449, CHEM 450, CHEM 451, CHEM 452, CHEM 453, CHEM 454, CHEM 455, CHEM 456, CHEM 457, CHEM 458, CHEM 459, CHEM 460, CHEM 461, CHEM 462, CHEM 463, CHEM 464, CHEM 465, CHEM 466, CHEM 467, CHEM 468, CHEM 469, CHEM 470, CHEM 471, CHEM 472, CHEM 473, CHEM 474, CHEM 475, CHEM 476, CHEM 477, CHEM 478, CHEM 479, CHEM 480, CHEM 481, CHEM 482, CHEM 483, CHEM 484, CHEM 485, CHEM 486, CHEM 487, CHEM 488, CHEM 489, CHEM 490, CHEM 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591, CHEM 592, CHEM 593, CHEM 594, CHEM 595, CHEM 596, CHEM 597, CHEM 598, CHEM 599, CHEM 600, CHEM 601, CHEM 602, CHEM 603, CHEM 604, CHEM 605, CHEM 606, CHEM 607, CHEM 608, CHEM 609, CHEM 610, CHEM 611, CHEM 612, CHEM 613, CHEM 614, CHEM 615, CHEM 616, CHEM 617, CHEM 618, CHEM 619, CHEM 620, CHEM 621, CHEM 622, CHEM 623, CHEM 624, CHEM 625, CHEM 626, CHEM 627, CHEM 628, CHEM 629, CHEM 630, CHEM 631, CHEM 632, CHEM 633, CHEM 634, CHEM 635, CHEM 636, CHEM 637, CHEM 638, CHEM 639, CHEM 640, CHEM 641, CHEM 642, CHEM 643, CHEM 644, CHEM 645, CHEM 646, CHEM 647, CHEM 648, CHEM 649, CHEM 650, CHEM 651, CHEM 652, CHEM 653, CHEM 654, CHEM 655, CHEM 656, CHEM 657, CHEM 658, CHEM 659, CHEM 660, CHEM 661, CHEM 662, CHEM 663, CHEM 664, CHEM 665, CHEM 666, CHEM 667, CHEM 668, CHEM 669, CHEM 670, CHEM 671, CHEM 672, CHEM 673, CHEM 674, CHEM 675, CHEM 676, CHEM 677, CHEM 678, CHEM 679, CHEM 680, CHEM 681, CHEM 682, CHEM 683, CHEM 684, CHEM 685, CHEM 686, CHEM 687, CHEM 688, CHEM 689, CHEM 690, CHEM 691, CHEM 692, CHEM 693, CHEM 694, CHEM 695, CHEM 696, CHEM 697, CHEM 698, CHEM 699, CHEM 700, CHEM 701, CHEM 702, CHEM 703, CHEM 704, CHEM 705, CHEM 706, CHEM 707, CHEM 708, CHEM 709, CHEM 710, CHEM 711, CHEM 712, CHEM 713, CHEM 714, CHEM 715, CHEM 716, CHEM 717, CHEM 718, CHEM 719, CHEM 720, CHEM 721, CHEM 722, CHEM 723, CHEM 724, CHEM 725, CHEM 726, CHEM 727, CHEM 728, CHEM 729, CHEM 730, CHEM 731, CHEM 732, CHEM 733, CHEM 734, CHEM 735, CHEM 736, CHEM 737, CHEM 738, CHEM 739, CHEM 740, CHEM 741, CHEM 742, CHEM 743, CHEM 744, CHEM 745, CHEM 746, CHEM 747, CHEM 748, CHEM 749, CHEM 750, CHEM 751, CHEM 752, CHEM 753, CHEM 754, CHEM 755, CHEM 756, CHEM 757, CHEM 758, CHEM 759, CHEM 760, CHEM 761, CHEM 762, CHEM 763, CHEM 764, CHEM 765, CHEM 766, CHEM 767, CHEM 768, CHEM 769, CHEM 770, CHEM 771, CHEM 772, CHEM 773, CHEM 774, CHEM 775, CHEM 776, CHEM 777, CHEM 778, CHEM 779, CHEM 780, CHEM 781, CHEM 782, CHEM 783, CHEM 784, CHEM 785, CHEM 786, CHEM 787, CHEM 788, CHEM 789, CHEM 790, CHEM 791, CHEM 792, CHEM 793, CHEM 794, CHEM 795, CHEM 796, CHEM 797, CHEM 798, CHEM 799, CHEM 800, CHEM 801, CHEM 802, CHEM 803, CHEM 804, CHEM 805, CHEM 806, CHEM 807, CHEM 808, CHEM 809, CHEM 810, CHEM 811, CHEM 812, CHEM 813, CHEM 814, CHEM 815, CHEM 816, CHEM 817, CHEM 818, CHEM 819, CHEM 820, CHEM 821, CHEM 822, CHEM 823, CHEM 824, CHEM 825, CHEM 826, CHEM 827, CHEM 828, CHEM 829, CHEM 830, CHEM 831, CHEM 832, CHEM 833, CHEM 834, CHEM 835, CHEM 836, CHEM 837, CHEM 838, CHEM 839, CHEM 840, CHEM 841, CHEM 842, CHEM 843, CHEM 844, CHEM 845, CHEM 846, CHEM 847, CHEM 848, CHEM 849, CHEM 850, CHEM 851, CHEM 852, CHEM 853, CHEM 854, CHEM 855, CHEM 856, CHEM 857, CHEM 858, CHEM 859, CHEM 860, CHEM 861, CHEM 862, CHEM 863, CHEM 864, CHEM 865, CHEM 866, CHEM 867, CHEM 868, CHEM 869, CHEM 870, CHEM 871, CHEM 872, CHEM 873, CHEM 874, CHEM 875, CHEM 876, CHEM 877, CHEM 878, CHEM 879, CHEM 880, CHEM 881, CHEM 882, CHEM 883, CHEM 884, CHEM 885, CHEM 886, CHEM 887, CHEM 888, CHEM 889, CHEM 890, CHEM 891, CHEM 892, CHEM 893, CHEM 894, CHEM 895, CHEM 896, CHEM 897, CHEM 898, CHEM 899, CHEM 900, CHEM 901, CHEM 902, CHEM 903, CHEM 904, CHEM 905, CHEM 906, CHEM 907, CHEM 908, CHEM 909, CHEM 910, CHEM 911, CHEM 912, CHEM 913, CHEM 914, CHEM 915, CHEM 916, CHEM 917, CHEM 918, CHEM 919, CHEM 920, CHEM 921, CHEM 922, CHEM 923, CHEM 924, CHEM 925, CHEM 926, CHEM 927, CHEM 928, CHEM 929, CHEM 930, CHEM 931, CHEM 932, CHEM 933, CHEM 934, CHEM 935, CHEM 936, CHEM 937, CHEM 938, CHEM 939, CHEM 940, CHEM 941, CHEM 942, CHEM 943, CHEM 944, CHEM 945, CHEM 946, CHEM 947, CHEM 948, CHEM 949, CHEM 950, CHEM 951, CHEM 952, CHEM 953, CHEM 954, CHEM 955, CHEM 956, CHEM 957, CHEM 958, CHEM 959, CHEM 960, CHEM 961, CHEM 962, CHEM 963, CHEM 964, CHEM 965, CHEM 966, CHEM 967, CHEM 968, CHEM 969, CHEM 970, CHEM 971, CHEM 972, CHEM 973, CHEM 974, CHEM 975, CHEM 976, CHEM 977, CHEM 978, CHEM 979, CHEM 980, CHEM 981, CHEM 982, CHEM 983, CHEM 984, CHEM 985, CHEM 986, CHEM 987, CHEM 988, CHEM 989, CHEM 990, CHEM 991, CHEM 992, CHEM 993, CHEM 994, CHEM 995, CHEM 996, CHEM 997, CHEM 998, CHEM 999, CHEM 1000.

Yours sincerely,  
[Signature]

Enclosed are your admission letter and a copy of the University Catalog.

**ASSURANCE REQUIREMENT REGARDING EQUAL EMPLOYMENT OPPORTUNITY  
FOR VENDORS, SUPPLIERS AND CONTRACTORS ENGAGED IN  
COMMERCIAL TRANSACTIONS WITH  
THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

We, Wiseman Excavating, Inc., the undersigned, desiring to avail ourselves of the benefits of engaging in commercial transactions with the West Virginia Department of Environmental Protection, hereby agree that:

- 1) All employment and personnel practices under this contract, Requisition No. DEP 14897, will be conducted without regard to race, sex, religion or national origin;
- 2) We will include in all recruitment advertisements the following wording:  
"An Equal Opportunity Employer"; and
- 3) We will provide the Director of the Abandoned Mine Lands and Reclamation Division or his/her authorized representative, upon request, documentation that will enable him/her to judge the extent of our compliance with the requirements of Governor's Executive Order No. 4-65, of December 15, 1965.

Signed this 14<sup>th</sup> day of April, 20 10.

Brad Wiseman

Signature of Authorized Representative

President

Title

**BID BOND**

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Wiseman Excavating, Inc.  
of Liberty, West Virginia, as Principal, and Erie Insurance Property &  
Cas Co of Erie, Pennsylvania, a corporation organized and existing under the laws of the State of PA  
WV with its principal office in the City of Erie, as Surety, are held and firmly bound unto the State  
of West Virginia, as Obligee, in the penal sum of five percent (\$ 5%) for the payment of which,  
well and truly to be made, we jointly and severally bind ourselves, our heirs, administrators, executors, successors and assigns.

The Condition of the above obligation is such that whereas the Principal has submitted to the Purchasing Section of the  
Department of Administration a certain bid or proposal, attached hereto and made a part hereof, to enter into a contract in writing for  
reclamation of 1 acre abandoned mine project known as the "Campbell's  
Creek (Miller) Drainage" project in Campbell's Creek, WV (Kanawha Co).

**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  
14th day of April, 20 10

Principal Corporate Seal

Wiseman Excavating, Inc.  
(Name of Principal)  
By BRAO WISEMAN  
(Must be President or  
Vice President)  
President  
(Title)

Surety Corporate Seal

Erie Insurance Property & Casualty Company  
(Name of Surety)  
Barbara L. Chandler  
Attorney-in-Fact  
WV licensed resident agent

**IMPORTANT - Surety executing bonds must be licensed in West Virginia to transact surety insurance. Raised corporate seals  
must be affixed, a power of attorney must be attached.**



Erie  
Insurance®

ERIE INSURANCE  
PROPERTY & CASUALTY COMPANY  
ERIE, PA 16530  
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That ERIE INSURANCE PROPERTY & CASUALTY COMPANY, a corporation duly organized under the laws of the Commonwealth of Pennsylvania, does hereby make, constitute and appoint

James C. Lett, Craig Krenzel, Neely R. Arthur, Jr., Timothy J. White, David Jennings, Dawnna L. Chandler and Mary Ann Cline individually, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed: any and all bonds and undertakings of suretyship,

----- each in a penalty not to exceed the sum of one million dollars (\$1,000,000.00). -----

And to bind ERIE INSURANCE PROPERTY & CASUALTY COMPANY thereby as fully and to the same extent as if such bonds and undertakings and other writings obligatory in the nature thereof were signed by the appropriate officer of ERIE INSURANCE PROPERTY & CASUALTY COMPANY and sealed and attested by one other of such officers, and hereby ratifies and confirms all that its said Attorney(s)-in-Fact may do in pursuance hereof.

The Power of Attorney is granted under and by authority of the following Resolution adopted by the Board of Directors of ERIE INSURANCE PROPERTY & CASUALTY COMPANY on the 11th day of March, 2008, and said Resolution has not been amended or repealed:

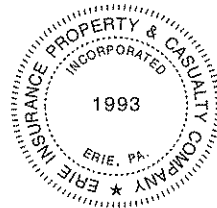
“RESOLVED, that the President, or any Senior Vice President or Vice President shall have power and authority to: (a) Appoint Attorney(s)-in-Fact and to authorize them to execute on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and, (b) Remove any such Attorney-in-Fact at any time and revoke the power and authority given to him; and

RESOLVED, that Attorney(s)-in-Fact shall have power and authority, subject to the terms and limitations of the Power of Attorney issued to them, to execute and deliver on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof. The corporate seal is not necessary for the validity of any bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.”

This Power of Attorney is signed and sealed by facsimiles under and by virtue of the following Resolution adopted by the Board of Directors of ERIE INSURANCE PROPERTY & CASUALTY COMPANY on the 18th day of September, 2008, at which a quorum was present and said Resolution has not been amended or repealed:

“RESOLVED, that the signature of Terrence W. Cavanaugh, as President and Chief Executive Officer of the Company, and the Seal of the Company may be affixed by the following facsimiles on any Limited Power of Attorney for the execution of bonds, undertakings, recognizances, contracts and other writings in the nature thereof, and the signature of James J. Tanous, as Secretary of the Company, the Seal of the Company, the signature of Sheila M. Hirsch, as Notary Public, and her Notarial Seal, may also be affixed by the following facsimiles to any certificate or acknowledgment of any such Limited Power of Attorney, and only under such circumstances shall said facsimiles be valid and binding on the Company.”

IN WITNESS WHEREOF, ERIE INSURANCE PROPERTY & CASUALTY COMPANY has caused these presents to be signed by its President and Chief Executive Officer, and its corporate seal to be hereto affixed this 18th day of September, 2008.



*Terrence W. Cavanaugh*  
Terrence W. Cavanaugh  
President and Chief Executive Officer

STATE OF PENNSYLVANIA } ss.  
COUNTY OF ERIE

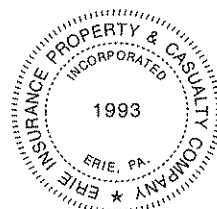
On this 18th day of September, 2008, before me personally came Terrence W. Cavanaugh, to me known, who being by me duly sworn, did depose and say: that he is President and Chief Executive Officer of ERIE INSURANCE PROPERTY & CASUALTY COMPANY, the corporation described in and which executed the above instrument; that he knows the Seal of said corporation; that the Seal affixed to the said instrument is such corporate Seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.



*Sheila M. Hirsch*  
My commission expires June 27, 2012  
Notary Public

CERTIFICATE

I, James J. Tanous, Secretary of ERIE INSURANCE PROPERTY & CASUALTY COMPANY, do hereby certify that the original POWER OF ATTORNEY, of which the foregoing is a full, true and correct copy, is still in full force and effect as of the date below.



*James J. Tanous*  
James J. Tanous Secretary

In witness whereof, I have hereunto subscribed my name and affixed corporate Seal of the Company by facsimiles pursuant to the action of the Board of Directors of the Company,

this 14th day of April 2010.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
04/13/2010

<b>PRODUCER</b> Arthur Krenzel Lett Insurance Group P O Box 627 Winfield, WV 25213	<b>THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.</b>	
	<b>INSURERS AFFORDING COVERAGE</b>	<b>NAIC #</b>
<b>INSURED</b> Wiseman Excavating Inc. Route 1, Box 190 Liberty, WV 25124	INSURER A: Erie Insurance Property & Casualty Co	
	INSURER B: BrickStreet Mutual Ins. Co.	
	INSURER C:	
	INSURER D:	
	INSURER E:	

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A		<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR _____ _____ GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	Q40 7350055	4/23/09	4/23/10	EACH OCCURRENCE	\$ 1,000,000
						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000
						MED EXP (Any one person)	\$ 5,000
						PERSONAL & ADV INJURY	\$ 1,000,000
						GENERAL AGGREGATE	\$ 2,000,000
						PRODUCTS - COMP/OP AGG	\$ 2,000,000
A		<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS _____ _____	Q12 7730007	04/25/09	04/25/10	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
		<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO _____ _____				AUTO ONLY - EA ACCIDENT	\$
						OTHER THAN EA ACC	\$
						AUTO ONLY: AGG	\$
A		<b>EXCESS/UMBRELLA LIABILITY</b> <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE _____ _____ DEDUCTIBLE RETENTION \$	Q28 7570018	04/25/09	04/25/10	EACH OCCURRENCE	\$ 2,000,000
						AGGREGATE	\$ 2,000,000
							\$
							\$
							\$
B		<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	WC10204907	4/10/10	4/10/11	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER	
						E.L. EACH ACCIDENT	\$ 1,000,000
						E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
						E.L. DISEASE - POLICY LIMIT	\$ 1,000,000
		OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

**CERTIFICATE HOLDER**
 WV DEP  
 OFFICE OF AML&R  
 601 57TH STREET SE  
 CHARLESTON WV 25304
**CANCELLATION**
 SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



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

STATE OF West Virginia

COUNTY OF Putnam, TO-WIT:

I, Brad Wiseman, after being first duly sworn, depose and state as follows:

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

Wiseman Excavating, Inc.  
(Company Name)

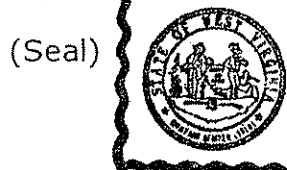
By: Brad Wiseman

Title: President

Date: April 14, 2010

Taken, subscribed and sworn to before me this 14 day of April 2010

By Commission expires April 5, 2012



OFFICIAL SEAL  
NOTARY PUBLIC  
STATE OF WEST VIRGINIA  
COLLEEN HUSTON  
5411 MORNING DOVE LANE  
CROSS LANES, WV 25313  
My commission expires April 5, 2012

Colleen Huston  
(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**

West Virginia Code §5A-3-10a states: 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.

**DEFINITIONS:**

"Debt" means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions. "Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities. "Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceed five percent of the total contract amount.

**EXCEPTION:** The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

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.

**WITNESS THE FOLLOWING SIGNATURE**

Vendor's Name: Wiseman Excavating, Inc.

Authorized Signature: Brad Wiseman Date: 4-14-10

State of West Virginia

County of Putnam, to-wit:

Taken, subscribed, and sworn to before me this 14 day of April, 2010.

My Commission expires April 5, 2012.

AFFIX SEAL HERE

NOTARY PUBLIC Colleen Huston

