

2400 Ritter Drive  
Daniels, WV 25832  
PH: 304-763-4573  
Fax: 304-763-4591  
www.aspen-golf.com

**Aspen Corporation**

# Fax

**To:** Chuck Bowman  
Department of Administration  
Purchasing Division, Building #15  
2019 Washington Street, East  
Charleston, WV 25305-0130

**From:** Linda C. Freeman

RECEIVED  
200 NOV 18 A 9:05  
PURCHASING DIVISION  
STATE OF WV

**Fax:** 304-558-3970

**Pages:** 21

**Phone:** 304-558-2157

11-18-2010

**Re:** T&J Coal, Inc.

**CC:** File

- Urgent
- For Review
- Please Comment
- Please Reply
- Please Recycle

● **Comments:**

Buyer: CB-23

RFQ. NO. DEP15167

Bid Opening Date: November 18, 2010

Bid Opening Time: 1:30 PM

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State of West Virginia  
 Department of Administration  
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**request for  
 Quotation**

RFQ NUMBER  
 DEP15167

PAGE  
 1

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

VENDOR  
 709052150 304-763-4573  
 ASPEN CORPORATION  
 2400 RITTER DR  
 DANIELS WV 25832

ENVIRONMENTAL PROTECTION  
 DEPT. OF  
 OFFICE OF SPECIAL RECLAMATION  
 1105 S. RAILROAD STREET  
 PHILIPPI, WV  
 26416-9998 304-457-3219

DATE PRINTED	TERMS OF SALE	SHIP VIA	P.O.B.	FREIGHT TERMS
11/05/2010				

BID OPENING DATE: 11/18/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
***** ADDENDUM NO. 1 *****						
ADDENDUM ISSUED FOR THE T&J COAL INC. PROJECT TO DIS- TRIBUTE THE PRE-BID SIGN-IN SHEETS, THE REVISED BID SCHEDULE, AND THE Q/A RESULTING FROM THE MANDATORY PRE-BID MEETING ON 10/21/2010.						
BID OPENING DATE AND TIME REMAIN UNCHANGED AS 11/18/10 AT 1:30 PM.						
***** NO OTHER CHANGES *****						
0001	1	JB	962-73			
RECLAMATION: RESTORATION OF WATER						
***** THIS IS THE END OF RFQ DEP15167 ***** TOTAL:						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE *Dannia Adkins* TELEPHONE 304-763-4573 DATE 11-18-2010  
 TITLE *President* FEIN 55-0627766-001 ADDRESS CHANGES TO BE NOTED ABOVE

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



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

VENDOR

**ASPEN CORPORATION  
2400 RITTER DRIVE  
DANIELS, WV 25832**

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	FOB	FREIGHT TERMS

LINE	QUANTITY	UOP	QAT NO	ITEM NUMBER	BID OPENING TIME	UNIT PRICE	AMOUNT
					01:30PM		

0001	1	JB		962-73			
<p><b>RECLAMATION: RESTORATION OF WATER</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 FOR A CONTRACT TO PROVIDE ALL REQUIRED LABOR AND MATERIALS TO PERFORM RECLAMATION ON THE MINING OPERATION OF T &amp; J COAL, INC., NOW UNDER REVOKED PERMIT NUMBER(S) P-177-85. THIS SITE CONSISTS OF APPROXIMATELY 8.0 ACRES AND IS LOCATED NEAR TUNNELTON, 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 10/21/2010 @ 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 I</p>							

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *Dennis Adkins* TELEPHONE: **304-763-4593** DATE: **11-18-2010**

TITLE: **President** FEIN: **55-0627766-001** ADDRESS CHANGES TO BE NOTED ABOVE

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

S U P P L I E R

**ASPEN CORPORATION  
 2400 RITTER DRIVE  
 DANIELS, WV 25832**

A G E N T

ENVIRONMENTAL PROTECTION  
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DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
08/30/2010				

BID OPENING DATE:	BID OPENING TIME:
08/30/2010	01:30 PM

LINE	QUANTITY	U/P	QTY NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>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 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: FROM TUNNELTON ON STATE ROUTE 26, TURN UNDER THE RAILROAD CROSSING TO THE POST OFFICE. BEHIND THE POST OFFICE, TURN LEFT ON COUNTY ROUTE 70/5 AND GO ABOUT 1.5 MILES AND TURN RIGHT ONTO GRAVEL ROAD TO THE SITE.</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 21-1D-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.</p>						

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ADDRESS CORRESPONDENCE TO ATTENTION OF  
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 304-558-2157

PROPERTY

**ASPEN CORPORATION  
 2400 RITTER DRIVE  
 DANIELS, WV 25832**

PROPERTY

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DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
09/30/2010				

BID OPENING DATE: 11/18/2010 BID OPENING TIME: 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>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> <p>(XX) INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF</p>						

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**ASPEN CORPORATION**  
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<p>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 TH 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 LICENSING BOARD IS EMPOWERED TO ISSUE THE CONTRACTORS</p>						

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ADDRESS CORRESPONDENCE TO (IF DIFFERENT FROM ABOVE)  
CHUCK BOWMAN  
304-558-2157

RFQ NO.

**ASPEN CORPORATION**  
2400 RITTER DRIVE  
DANIELS, WV 25832

SHIP TO

ENVIRONMENTAL PROTECTION  
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09/30/2010				

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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.

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: .....

*Aspen Corporation*  
*WV 000653*

CONTRACTORS LICENSE NO.: .....

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 AND 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 OR ALTERS THE INFORMATION PROVIDED FROM THE SOURCES AS DESCRIBED IN THE ABOVE PARAGRAPH IS VOID AND OF NO EFFECT.

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.

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE \_\_\_\_\_ TELEPHONE \_\_\_\_\_ DATE \_\_\_\_\_

TITLE \_\_\_\_\_ FEIN \_\_\_\_\_ ADDRESS CHANGES TO BE NOTED ABOVE

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ADDRESS FOR CORRESPONDENCE OR ATTENTION OF  
 CHUCK BOWMAN  
 304-558-2157

VENDOR SPACE

**ASPEN CORPORATION  
 2400 RITTER DRIVE  
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BUYER SPACE

ENVIRONMENTAL PROTECTION  
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DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
09/20/2010				

BID OPENING DATE:

11/18/2010

BID OPENING TIME: 02:30 PM

LINE	QUANTITY	UOP	QTY NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<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, ALTERATIO OF OR OTHER IMPROVEMENT TO ANY BUILDING OR STRUCTURE, INCLUDING, BUT NOT LIMITED TO, ROADS OR HIGHWAYS, OR THE INSTALLATION OF ANY HEATING OR COOLING OR VENTILATING PLANTS OR OTHER EQUIPMENT, OR THE SUPPLY OF AND MATERIALS FOR SUCH PROJECTS, PURSUANT TO A CONTRACT WITH THE STATE OF WEST VIRGINIA FOR WHICH BIDS WERE SOLICITED ON OR AFTER JUNE 6, 2001.</p> <p>B. "STEEL PRODUCTS" MEANS PRODUCTS ROLLED, FORMED, SHAPED, DRAWN, EXTRUDED, FORGED, CAST, FABRICATED OR OTHERWISE SIMILARLY PROCESSED, O 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 DIVISION MAY, IN WRITING, AUTHORIZE THE USE OF FOREIGN STEEL.</p>						

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PROPERTY

**ASPEN CORPORATION  
 2400 RITTER DRIVE  
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PROPERTY

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<p>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 OF THIS SECTION MAY BE SUBJECT TO CIVIL PENALTIES PURSUANT TO WV 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</p>						

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**ASPEN CORPORATION**  
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					01 30PM		

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.

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.

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.

REV. 3/88

EXHIBIT 9

NOTICE FOR ISSUANCE & ACKNOWLEDGEMENT OF CONSTRUCTION PROJECT ADDENDA

THE ARCHITECT/ENGINEER AND/OR AGENCY SHALL BE REQUIRED TO ABIDE BY THE FOLLOWING SCHEDULE IN ISSUING

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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S U B G O I E

**ASPEN CORPORATION  
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S U B G O I E

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**CONSTRUCTION PROJECT ADDENDA FOR STATE AGENCIES:**

(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.

(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.

(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.

REV. 11/96

EXHIBIT 10

ADDENDUM ACKNOWLEDGEMENT

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
TITLE	FEN	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  
DEP15167

PAGE  
10

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

ASPEN CORPORATION  
2400 RITTER DRIVE  
DANIELS, WV 25832

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
08/30/2010				

BID OPENING DATE:	QUANTITY	UOP	QTY NO	ITEM NUMBER	BID OPENING TIME	UNIT PRICE	AMOUNT
11/18/2010					01:30 PM		

ADDENDUM NOS.:

- NO. 1 ✓ *Received*
- NO. 2
- NO. 3
- NO. 4
- NO. 5

I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF THE BIDS.

VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.

*Donnie Adkins* ..... SIGNATURE

*Aspen Corporation* COMPANY

*11-18-2010* ..... DATE

REV. 11/96

#### NOTICE

A SIGNED BID MUST BE SUBMITTED TO:

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
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TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
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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

REQ NUMBER:  
DEP15167

PAGE:  
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ADDRESS CORRESPONDENCE TO (BY MAIL) OR  
CHUCK BOWMAN  
304-558-2157

TELEPHONE

**ASPEN CORPORATION**  
2400 RITTER DRIVE  
DANIELS, WV 25832

TELEPHONE

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
09/30/2010				

BID OPENING DATE: 11/18/2010 BID OPENING TIME: 01:30 PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER: CB-23</p> <p>REQ. NO.: DEP15167</p> <p>BID OPENING DATE: 11/18/2010</p> <p>BID OPENING TIME: 1:30 P.M.</p> <p>PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: 304-763-4591</p> <p>PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE: Joe Kubin</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'

ASPEN CORPORATION  
2400 RITTER DRIVE  
DANIELS, WV 25832

BUYER CB - 23	PAGE 1 OF 4	REQ. OR PO NO. DEP 15167
SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/SPECIAL RECLAMATION		

WV-36a  
REV. 9/13/07  
VENDOR:

STATE OF WEST VIRGINIA  
PURCHASING CONTINUATION SHEET

ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
<b>BID SCHEDULE</b>				
<b>PERMIT NAME: T &amp; J COAL INC.</b>				
<b>PERMIT NUMBER(S): P-177-85</b>				
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	<b>MOBILIZATION/DEMobilIZATION/PROJECT SIGN</b> (5% Total Bid Maximum for this permit)	LUMP SUM	\$ 12,520.00
2.0	LUMP SUM	<b>SPIll CONTAINMENT AREA (S.C.A.)</b> (\$1,000.00 Maximum Bid for this permit)	LUMP SUM	\$ 630.00
3.0	LUMP SUM	<b>CONSTRUCTION STAKEOUT</b> (Limited to 5% Total Bid)	LUMP SUM	\$ 6,400.00
<b>ROAD CONSTRUCTION</b>				
4.0	LUMP SUM	<b>MAINTAIN HAULROAD/ACCESS ROAD</b>	LUMP SUM	\$ 7,200.00
4.1	200 TON	<b>INCIDENTAL STONE</b>	\$ 25.00 PER TON	\$ 5,000.00
4.2	5200 LF	<b>CONSTRUCT NEW HAULROAD/ACCESS ROAD</b>	\$ 15.00 PER LF	\$ 78,000.00
4.3	LUMP SUM	<b>CLEAR AND GRUB</b>	LUMP SUM	\$ 11,000.00
<b>REVEGETATION</b>				
5.0	8 AC	<b>AGRICULTURAL LIME</b>	\$ 450.00 PER ACRE	\$ 3,600.00
5.1	8 AC	<b>FERTILIZER</b>	\$ 400.00 PER ACRE	\$ 3,200.00
5.2	8 AC	<b>MULCH</b>	\$ 1,100.00 PER ACRE	\$ 8,800.00

ASPEN CORPORATION  
2400 RITTER DRIVE  
DANIELS, WV 25832

BUYER CB - 23	PAGE 2 OF 4	REQ. OR PO NO. DEP 15167
SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/SPECIAL RECLAMATION		

WV-36a  
REV. 9/13/07  
VENDOR:

STATE OF WEST VIRGINIA  
PURCHASING CONTINUATION SHEET

5.3	8 AC	<u>VEGETATIVE SPECIES</u>	\$ 400.00 PER ACRE	\$ 3,200.00
<b><u>STORMWATER MANAGEMENT</u></b>				
6.0	1200 LF	<u>STORMWATER MANAGEMENT - SILT FENCE AND HAYBALE DIKE</u> (Max. Bid \$5.00 Per LF)	\$ 4.40 PER LF	\$ 5,280.00
6.1	2 EA	<u>CONSTRUCTED SEDIMENT CONTROL STRUCTURE</u>	\$ 250.00 PER EA	\$ 500.00
<b><u>WATER QUALITY ABATEMENT</u></b>				
7.0	360 LF	<u>15 INCH CULVERT</u>	\$ 25.00 PER LF	\$ 9,000.00
7.1	60 LF	<u>24 INCH CULVERT</u>	\$ 53.00 PER LF	\$ 3,180.00
7.2	200 LF	<u>36 INCH CULVERT</u>	\$ 76.00 PER LF	\$ 15,200.00
7.3	300 LF	<u>GROUTED V- DITCH</u>	\$ 41.00 PER LF	\$ 12,300.00
7.4	800 LF	<u>RIPRAP V- DITCH</u>	\$ 23.00 PER LF	\$ 18,400.00
7.5	800 LF	<u>RIPRAP TRAPEZOIDAL DITCH</u>	\$ 32.00 PER LF	\$ 25,600.00
7.6	40 LF	<u>SEEP COLLECTOR UNDERDRAIN</u>	\$ 64.00 PER LF	\$ 2,560.00

ASPEN CORPORATION  
 2400 RITTER DRIVE  
 DANIELS, WV 25832

BUYER CB - 23	PAGE 3 OF 4	REQ. OR PO NO. DEP 15167
SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/SPECIAL RECLAMATION		

WV-36a  
 REV. 9/13/07  
 VENDOR:

STATE OF WEST VIRGINIA  
 PURCHASING CONTINUATION SHEET

<b><u>SETTLING POND STRUCTURES</u></b>					
8.0	1	EA	<b><u>SETTLING POND #1 WITH 60 MIL LINER</u></b>	\$ 12,000.00 PER EA	\$ 12,000.00
8.1	1	EA	<b><u>SETTLING POND #2 WITH 60 MIL LINER</u></b>	\$ 16,000.00 PER LF	\$ 16,000.00
8.2	4	EA	<b><u>CONCRETE SPREADER</u></b>	\$ 1,825.00 PER EA	\$ 7,300.00
8.3	150	LF	<b><u>BAFFLE CURTAIN</u></b>	\$ 28.00 PER LF	\$ 4,200.00
<b><u>TREATMENT STRUCTURES</u></b>					
9.0	10	LF	<b><u>SUB-FOUNDATION PREPARATION</u></b>	\$ 300.00 PER LF	\$ 3,000.00
9.1		LUMP SUM	<b><u>FOUNDATION</u></b>	LUMP SUM	\$ 9,150.00
9.2		LUMP SUM	<b><u>3000 GALLON CAUSTIC TANK, PIPE AND FITTINGS</u></b>	LUMP SUM	\$ 6,500.00
9.3		LUMP SUM	<b><u>STEEL SECURITY STRUCTURE</u></b>	LUMP SUM	\$ 40,500.00
<b><u>SLUDGE COLLECTION</u></b>					
10.0	2	EA	<b><u>SLUDGE DISPOSAL CELL</u></b>	\$ 9,000.00 PER EA	\$ 18,000.00
10.1	1200	LF	<b><u>6 INCH HDPE SLUDGE PIPE</u></b>	\$ 25.50 PER LF	\$ 30,600.00
10.2	2	EA	<b><u>PUMP ADAPTOR CONNECTION</u></b>	\$ 900.00 PER EA	\$ 1,800.00
10.3	2	EA	<b><u>6 INCH HDPE WYE</u></b>	\$ 600.00 PER EA	\$ 1,200.00



ASPEN CORPORATION  
 2400 RITTER DRIVE  
 DANIELS, WV 25832

ORDER CB - 23	LINE 4 OF 4	REQ. OR FUND. DEP 15167
SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/SPECIAL RECLAMATION		

WV-36a  
 REV. 9/13/07  
 VENDOR:

STATE OF WEST VIRGINIA  
 PURCHASING CONTINUATION SHEET

10.4	1 EA	<u>6 INCH HDPE TEE</u>	\$ 800.00 PER EA	\$ 800.00
10.5	1 EA	<u>PUMP ADAPTOR CONNECTION WITH 2 INCH DRAIN</u>	\$ 1,000.00 PER EA	\$ 1,000.00
<u>SECURITY STRUCTURES</u>				
11.0	1500 LF	<u>FENCE</u>	\$ 15.00 PER LF	\$ 22,500.00
11.1	2 EA	<u>10 FOOT GATE</u>	\$ 1,600.00 PER EA	\$ 3,200.00
11.2	3 EA	<u>4 FOOT GATE</u>	\$ 1,000.00 PER EA	\$ 3,000.00
<b>TOTAL PERMIT P-177-85</b>				<u>\$ 412,320.00</u>

Agency DEP# 15167  
REQ.P.O# P18

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Aspen Corporation  
of 2400 Ritter Dr. Daniels, WV 25832, as Principal, and Cincinnati Insurance  
of 6200 S Gilmore Rd, Fairfield, OH a corporation organized and existing under the laws of the State of Ohio  
with its principal office in the City of Fairfield, as Surety, are held and firmly bound unto the State  
of West Virginia, as Obligee, in the penal sum of 5% of bid (\$ 5% of bid ) for the payment of which,  
wall 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  
DEP# 15167 Labor and Materials to perform reclamation on the  
mining operation of T&J Coal, Inc., now under revoked permit  
number P-177-85. Site consist of approximately 8 acres and is  
located near Tunnelton, WV in Preston County.

NOW THEREFORE,

- (a) If said bid shall be rejected, or
- (b) If said bid shall be accepted and the Principal shall enter into a contract in accordance with the bid or proposal attached hereto and shall furnish any other bonds and insurance required by the bid or proposal, and shall in all other respects perform the agreement created by the acceptance of said bid, then this obligation shall be null and void, otherwise this obligation shall remain in full force and effect. It is expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for the value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Obligee may accept such bid, and said Surety does hereby waive notice of any such extension.

IN WITNESS WHEREOF, Principal and Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be affixed hereunto and these presents to be signed by their proper officers, this 18th day of November, 2010.

Principal Corporate Seal

Aspen Corporation  
(Name of Principal)  
By [Signature]  
(Must be President or Vice President)  
Vice-President  
(Title)

Surety Corporate Seal

Cincinnati Insurance Company  
(Name of Surety)  
[Signature]  
Attorney-in-Fact

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

THE CINCINNATI INSURANCE COMPANY

Fairfield, Ohio

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY, a corporation organized under the laws of the State of Ohio, and having its principal office in the City of Fairfield, Ohio, does hereby constitute and appoint

Jim Songer, II; William Steven Cochran and/or Brenda Snuffer

of Beckley, West Virginia

its true and lawful Attorney(s)-in-Fact to sign, execute, seal and deliver on its behalf as Surety, and as its act and deed, any and all bonds, policies, undertakings, or other like instruments, as follows:

Any such obligations in the United States, up to Five Million and No/100 Dollars (\$5,000,000.00).

This appointment is made under and by authority of the following resolution passed by the Board of Directors of said Company at a meeting held in the principal office of the Company, a quorum being present and voting, on the 6th day of December, 1958, which resolution is still in effect:

"RESOLVED, that the President or any Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 7th day of December, 1973.

"RESOLVED, that the signature of the President or a Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary or Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate-bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

IN WITNESS WHEREOF, THE CINCINNATI INSURANCE COMPANY has caused these presents to be sealed with its corporate seal, duly attested by its Vice President this 10th day of October, 2008.



STATE OF OHIO ) ss:
COUNTY OF BUTLER )

THE CINCINNATI INSURANCE COMPANY

Thomas H. Kelly
Vice President

On this 10th day of October, 2008, before me came the above-named Vice President of THE CINCINNATI INSURANCE COMPANY, to me personally known to be the officer described herein, and acknowledged that the seal affixed to the preceding instrument is the corporate seal of said Company and the corporate seal and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporation.



Mark J. Huller
MARK J. HULLER, Attorney at Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date. Section 147.03 O.R.C.

I, the undersigned Secretary or Assistant Secretary of THE CINCINNATI INSURANCE COMPANY, hereby certify that the above is a true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in full force and effect.

GIVEN under my hand and seal of said Company at Fairfield, Ohio.
this 18th day of November, 2010



Bryan J. Schlemmer
Secretary



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

STATE OF West Virginia

COUNTY OF Raleigh, TO-WIT:

I, Donnie Adkins, after being first duly sworn, depose and state as follows:

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

Aspen Corporation  
(Company Name)

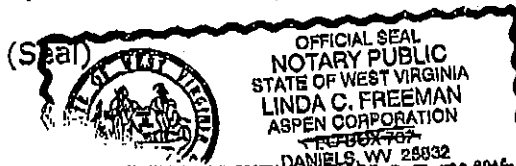
By: Donnae Adkins

Title: President

Date: 11-18-2010

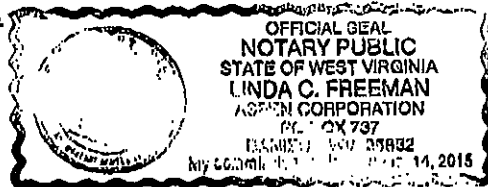
Taken, subscribed and sworn to before me this 18 day of NOV 2010

By Commission expires 8-14-2015



Linda C. Freeman  
(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.**



RFQ No. DEP 15167 92

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 exceeds 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: Aspen Corporation

Authorized Signature: Donnie Adkins Date: \_\_\_\_\_

State of WV

County of Raleigh, to-wit:

Taken, subscribed, and sworn to before me this 18 day of November, 2010.

My Commission expires 8-14, 2015.

AFFIX SEAL HERE

NOTARY PUBLIC Linda C. Freeman

