



Anderson Excavating LLC

www.andersonexcavatingllc.com 343 Williams Road, Morgantown, WV 26501

office: (304)983-2296

fax: (304)983-4755

FAX

Fax Transmittal Form

To: Chuck Bowman

From: Rodney Anderson

Company: WV Purchasing Div

Company: Anderson Excavating, LLC

Phone #: 304-558-2157

Phone #: 304-983-2296

Fax#: 304-558-3970

Fax#: 304-983-4755

Date Sent: 3-17-11

Number of pages: _____ including coversheet

Urgent

Please review

Please Reply

Comment

Message:

SEALED Bid

Buyer: CB-23

RFQ NO: DEP15308

Bid Opening Date: 03/17/2011

Bid Opening Time: 1:30 p.m.



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

Request for Quotation

BID NUMBER
DEP15308

PAGE
1

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

RFQ COPY
 TYPE NAME/ADDRESS HERE

Anderson Excavating, LLC
 343 Williams Road
 Morgantown, WV 26501

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
01/27/2011				

BID OPENING DATE: 03/17/2011 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		
<p>RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE 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 12-ACRE ABANDONED MINE PROJECT KNOWN AS THE "KINGWOOD ROUTE 7 HIGHWALL" PROJECT LOCATED IN KINGWOOD, WEST VIRGINIA, (PRESTON CO.).</p> <p>A MANDATORY ON SITE PREBID CONFERENCE SHALL BE HELD ON 02/15/11 @ 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>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE 304.983.2296	DATE 3-17-11
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TITLE Member	FEIN 55-0785115	ADDRESS CHANGES TO BE NOTED ABOVE
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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 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).



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
DEP15308

PAGE
2

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

RFQ COPY
 TYPE NAME/ADDRESS HERE

Anderson Excavating, LLC
 343 Williams Road
 Morgantown, WV 26501

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
01/27/2011				
BID OPENING DATE: 03/17/2011		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<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 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 PREBID:</p> <p>FROM KINGWOOD, PROCEED WEST ON ST. RT. 7. AFTER PASSING THE ENTRANCE TO WALMART ON THE RIGHT, TURN RIGHT ONTO A LOGGING ACCESS ROAD. THE SITE CONSISTS OF THE HIGHWALL BELOW THE WALMART SHOPPING PLAZA.</p> <p>SITE 2: FROM SITE 1, TRAVEL EAST TOWARD KINGWOOD FOR APPROXIMATELY 1.5 MILES. TURN LEFT ONTO A GRAVEL DRIVEWAY AT THE SEVENTH DAY ADVENTIST CHURCH SIGN. PROCEED STRAIGHT AHEAD UNTIL THE ROAD BEARS LEFT. PROCEED TO A METAL GATE. THE SITE IS LOCATED OVER THE HILL TO THE RIGHT A SHORT DISTANCE PAST THE GATE.</p> <p>PLANS AND SPECIFICATIONS MAY BE OBTAINED FROM WVDEP, OFFICE AML&R, 601 57TH ST., SE, CHARLESTON, WV 25304, PH. 304-926-0485 UPON PAYMENT OF \$15.00 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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
<i>[Signature]</i>	304.983.2296	3-17-11
TITLE	FEN	ADDRESS CHANGES TO BE NOTED ABOVE
member	50-0785115	

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 DEP15308	PAGE 3
ADDRESS CORRESPONDENCE TO ATTENTION OF CHUCK BOWMAN 304-558-2157	

RFQ COPY
 TYPE NAME/ADDRESS HERE

VENDOR

Anderson Excavating, LLC
343 Williams Road
Morgantown, WV 26501

BUYER

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

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<p>REQUIRES EACH VENDOR THAT SUBMITS A BID FOR THE WORK TO SUBMIT AT THE SAME TIME AN AFFIDAVIT OF COMPLAINE WITH THE BID. THE ENCLOSED DRUG-FREE WORKPLACE 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 DRUG-FREE WORKPLACE AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF SUCH BID.</p> <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 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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>[Signature]</i>	TELEPHONE 304.983.2296	DATE 3-17-11
TITLE Member	FEIN 55-0785115	ADDRESS CHANGES TO BE NOTED ABOVE

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CHUCK BOWMAN 304-558-2157	

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Anderson Excavating, LLC
343 Williams Road
Morgantown, WV 26501

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
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LINE	QUANTITY	UOM	UNIT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL. ALL OF THE ITEMS CHECKED BELOW WILL BE A REQUIREMENT OF THIS CONTRACT: (XX) INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF COMMERCIAL GENERAL LIABILITY INSURANCE PRIOR TO ISSUANCE OF CONTRACT. UNLESS OTHERWISE SPECIFIED IN THE BID DOCUMENTS, THE MINIMUM AMOUNT OF INSURANCE COVERAGE REQUIRED IS \$250,000. () 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 AND 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 *****						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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<i>[Signature]</i>	304.983.2296	3-17-11
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
Member	55-0785115	

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State of West Virginia
 Department of Administration
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 Post Office Box 50130
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Request for Quotation

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

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**Anderson Excavating, LLC
 343 Williams Road
 Morgantown, WV 26501**

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

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LINE	QUANTITY	UOM	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
AML CONTRACTOR INFORMATION FORM OMB #1029-0119 (EXPIRATION DATE: 01/31/2013) 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 ***** 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 B MADE BY CONTACTING THE WEST VIRGINIA DIVISION OF LABOR, CAPITOL COMPLEX, BUILDING 3, ROOM 319, 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: ... Anderson Excavating, LLC ... CONTRACTORS LICENSE #: ... WV033687 ... THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT. APPLICABLE LAW						

SIGNATURE <i>[Signature]</i>				SEE REVERSE SIDE FOR TERMS AND CONDITIONS		TELEPHONE 304.983.2296	DATE 3-17-11
TITLE member		FEIN 55-0785115		ADDRESS CHANGES TO BE NOTED ABOVE			

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

**Request for
 Quotation**

RFQ NUMBER
DEP15308

PAGE
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ADDRESS CONTACT PERSON TELEPHONE
**CHUCK BOWMAN
 304-558-2157**

RFQ COPY
 TYPE NAME/ADDRESS HERE

**Anderson Excavating, LLC
 343 Williams Road
 Morgantown, WV 26501**

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

DATE PRINTED 01/27/2011	TERMS OF SALE	SHIP VIA	FOB	PRINT TERMS
BID OPENING DATE: 03/17/2011		BID OPENING TIME: 01:30PM		

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

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]* TELEPHONE: **304.983.2296** DATE: **3-17-11**

TITLE: **Member** FEIN: **55-0785115** 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 25306-0130

Request for Quotation

REC NUMBER
DEP15308

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8

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

RFQ COPY
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**Anderson Excavating, LLC
 343 Williams Road
 Morgantown, WV 26501**

**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.	CARLOAD TERMS
01/27/2011				

BID OPENING DATE: **03/17/2011** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	QTY NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>PLANS & 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 17 DRAWINGS AS PREPARED BY TERRADON CORPORATION.</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 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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>[Signature]</i>	TELEPHONE 304.983.2296	DATE 3-17-11
TITLE member	FEIN 55-0785115	ADDRESS CHANGES TO BE NOTED ABOVE

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State of West Virginia
Department of Administration
Purchasing Division
2018 Washington Street East
Post Office Box 50150
Charleston, WV 25305-0150

Request for
Citation

DEP15308

9

CHUCK BOWMAN
304-558-2157

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

RFQ COPY
TYPE NAME/ADDRESS HERE
Anderson Excavating, LLC
343 Williams Road
Martinsburg, WV 26501

BID OPENING DATE: 01/27/2011 03/17/2011 BID OPENING TIME: 01:30PM

THIS CONTRACT,	
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, ROAD 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.	
B. "STEEL PRODUCTS" MEANS PRODUCTS ROLLED, FORGED, 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.	
C. "UNITED STATES" MEANS THE UNITED STATES OF AMERICA AND INCLUDES ALL TERRITORY, CONTINENTAL OR INSULAR, SUBJECT TO THE JURISDICTION OF THE UNITED STATES.	
2. THE DIRECTOR OF THE PURCHASING DEPARTMENT MAY, IN WRITING, AUTHORIZE THE USE OF FOREIGN STEEL PRODUCTS IF:	
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	

DATE: 03-17-11
FAX: 304-983-7296
ADDRESS CHANGED TO BE NOTED ABOVE
55-6785115
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**

DEP1538

19

CHUCK BOWMAN
 844-558-2157

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

RFQ COPY
 TYPE NAME/ADDRESS HERE
Anderson Excavating, LLC
343 Williams Road
Morgantown, WV 26501

03/27/2011	03/17/2011	BID OPENING TIME	01:30PM
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DELIVERED TO THE PROJECT OR,

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.

3. A CONTRACTOR WHO USES STEEL PRODUCTS IN VIOLATION OF THIS SECTION MAY BE SUBJECT TO CIVIL PENALTIES PURSUANT TO WV CODE SECTION 5A-3-55.

REV. 10/28/01

EXHIBIT 7

DOMESTIC ALUMINUM, GLASS & STEEL IN PUBLIC WORKS PROJECTS

IN ACCORDANCE WITH WEST VIRGINIA CODE §-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.

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

TITLE: M&H-242 FILE: 55-6785-118 TELEPHONE: 304.973.2296 DATE: 3-7-11

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED TENDOR ADDRESS CHANGES TO BE NOTED ABOVE



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

**Request for
 Quotation**

DEPL534 B	11
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RFQ COPY
 TYPE NAME/ADDRESS HERE

Anderson Excavating, LLC
 343 Williams Road
 Morgantown, WV 26501

ENVIRONMENTAL PROTECTION
 DEPARTMENT OF
 OFFICE OF AMBER
 501 57th STREET SE
 CHARLESTON, WV
 25304 304-926-0499

CHUCK BOHRAN
 304-558-2157

BID OPENING DATE	01/27/2011	BID OPENING TIME	01:30PM
BID OPENING PLACE	03/17/2011		

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 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.

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 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

MEMBER	55-0785116	ADDRESS CHANGED TO BE NOTED ABOVE
PHONE	304-983-2246	DATE
		3-17-11

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



State of West Virginia
 Department of Administration
 Purchasing Division
 2010 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

**Request for
 Quotation**

DEP15398

12

CHUCK BOHMAN
 804-584-2157

ENVIRONMENTAL PROTECTION

DEPARTMENT OF
 OFFICE OF ANLR
 601 5TH STREET, SE
 CHARLESTON, WV
 25304 304-926-0499

RFQ COPY
 TYPE NAME/ADDRESS HERE

Anderson Excavating, LLC
 343 Williams Road
 Morgantown, WV 26505

01/27/2011

03/17/2011

BID OPENING TIME 01:30PM

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

REQUISITION NO.: DEP15308...

ADDENDUM ACKNOWLEDGEMENT

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

ADDENDUM NO. 1'S:

NO. 1 2/12/11

NO. 2

NO. 3

DATE: 03-17-11
 TIME: 11:47 AM
 FROM: Anderson Excavating
 TO: State of West Virginia
 SUBJECT: Request for Quotation
 REFERENCE: DEP15398
 ADDRESS CHANGES TO BE NOTED ABOVE



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 501130
 Charleston, WV 25305-0130

**Request for
 Quotation**

DEPT5304
 13

RFQ COPY
 TYPE NAME/ADDRESS HERE

Anderson Excavating, LLC
 343 Williams Road
 Morgantown, WV 26501

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

BID OPENING TIME 01:30PM
 BID DEPENDENCY 03/17/2011

NO. 4			
NO. 5			
I UNDERSTAND THAT FAILURE TO COMPLETE THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS. VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.			
	_____ Signature	_____ COMPANY	_____ DATE
	_____ NOTICE		
	A SIGNED BID MUST BE SUBMITTED TO: DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130		

REV. 11/96
 TITLE Member
 FSN 55-0785115
 ADDRESS CHANGES TO BE NOTED ABOVE
 TELEPHONE 304-983-2296
 FAX 3-17-11
 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 50750
Charleston, WV 25305-0750

Request for
Quotation

DEPT 15308

14

CHUCK BOWMAN
E04-558-2157

ENVIRONMENTAL PROTECTION

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

304-926-6499

RFQ COPY
TYPE NAME/ADDRESS HERE

Anderson Excavating, LLC
343 Williams Road
Morgantown, WV 26501

01/27/2011

03/17/2011

BID OPENING TIME

01:30PM

THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED;

SEALED BID

BUYER:

CB-23

REQ. NO.:

DEP15308

BID OPENING DATE:

03/17/2011

BID OPENING TIME:

1:30 PM

PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:

304-983-4755

VENDOR SHOULD SUBMIT WITH THEIR BID THE CURRENT REMIT-TO ADDRESS TO BE USED FOR PAYMENT PROCESSING:

343 Williams Road

Morgantown WV 26501

PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE:

Rodney Anderson

MEMBER: 55-0785715
PHONE: 304-983-7296
DATE: 3-17-11
ADDRESS CHANGES TO BE NOTED ABOVE

KINGWOOD RT. 7 HIGHWALL
DEP15308
 Contractor's Bid Sheet

Company Name: Anderson Excavating, LLC
 Address: 343 Williams Road
Morgantown, WV 26504

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

ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.0	1.8	Material and Demolition (Limited to 10% of Total Bid)	1.8	\$ 3,240.00
2.0	1.8	Construction Labor (Limited to 5% of Total Bid)	1.8	\$ 3,240.00
3.0	1.8	Quality Control (Limited to 3% of Total Bid)	1.8	\$ 3,240.00
4.1	1.8	Site Preparation (Limited to 10% of Total Bid)	1.8	\$ 3,240.00
4.2	2.8A	Temporary Construction Barriers	3,000.00	\$ 8,400.00
4.3	1,800 LF	Access Road Rehabilitation	3.00	\$ 5,400.00
5.1	2,680 LF	Shore Wall/Retain	3.00	\$ 8,040.00
5.2	1,785 LF	Super-Silt Fence	10.00	\$ 17,850.00
5.3	5.8A	Trenching Silt Dikes	10.00	\$ 58.00
5.4	1.7A	Soil/Run Basin	6,000.00	\$ 6,000.00
5.5	8.7A	Rock Check Dams	12.00	\$ 209.00
5.6	135 SY	Permeated Riprap Control Matting	11.00	\$ 1,485.00
5.7	1,490 LF	Diversion Bank	1.00	\$ 1,490.00
6.0	12.0 AC	Revegetation	13,000.00	\$ 1,560,000.00
7.1	254 LF	Type 1 Channel	2.70	\$ 685.80
7.2	190 LF	Type 2 Channel	46.00	\$ 8,716.00
7.3	246 LF	Type 3 Channel	32.00	\$ 7,872.00
7.4	262 LF	Type 4 Channel	81.00	\$ 21,282.00
7.5	36 LF	Type 5 Channel	87.00	\$ 3,132.00
7.6	946 LF	Type 6 Channel	101.00	\$ 95,546.00
7.7	198 LF	Type 7 Channel	108.00	\$ 21,384.00
7.8	48 LF	Riprap Grade	57.00	\$ 2,736.00
7.9	77 CY	Riprap Above	50.00	\$ 3,850.00
7.10	1.13	Drive Through	2,000.00	\$ 2,260.00
8.0	45,610 CF	Unclassified Excavation	4.05	\$ 1,847,105.50
9.1	2 EA	Ball Gate Hinge Seal	3,000.00	\$ 6,000.00
9.2	1 EA	Dry Valve Seal	2,000.00	\$ 2,000.00
11.0	30 LF	Urethane	20.00	\$ 600.00
12.0	1 AC	9-Inches Soil Cover	5,000.00	\$ 5,000.00
TOTAL Estimated Final Site Removal Fee based on unit price				\$ 5,735,295.50

Unit Price does not include 5% P&G

OMB #1029-0119
Expiration Date: 12/31/13

AML CONTRACTOR INFORMATION FORM

You must complete this form for your AML contracting officer to request an eligibility evaluation from the Office of Service 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 OSMS's regulations at 30 CFR 574.16.

Part A: General Information

Business Name: Anderson Excavating LLC Pay ID No.: 55-0785115
Address: 343 Williams Road
City: Mossburn State: WV Zip Code: 26021 Phone: 304-983-2296
Fax No.: 304-983-4755 E-mail address: randerson@andersonexcav.com

Part B: Legal Structure

- Corporation
- Sole Proprietorship
- Partnership
- LLC
- Other (please specify) _____

Part C: Certifying and updating information in the Application/Validator System (AVS). Select only one of the following options, follow the instructions for that option, and sign below:

1. Rodney Anderson have the express authority to certify that:
(organization)

1. Information on the attached Entity Organizational Facility/Trac (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.

2. 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.

3. Our business currently has no information in AVS. If you select this option, you must provide all information required per Part D. Sign and date below and complete Part D.

3-17-11 _____
Date Signature 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 <http://avs.amsure.gov>.

Part D

Contractor's Business Name Anderson Excavating, LLC

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

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

Name Rodney Anderson Position/Title Sole Member
 Address 341 Williams Rd. Telephone # 304-983-2161
Morgantown, WV 26501 % of Ownership 100
 Begin Date: _____ Ending Date: _____

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

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

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

FAVORABLE REPUTATION STATEMENT

The Payment Performance Act of 1995 (PA 1995-103) requires a contractor to submit a reputation statement to the relevant agency and not contain any untrue, and a person is not required to sign it, a violation of which is a misdemeanor. This statement is necessary for all successful bidders to obtain the contract award, and is required to obtain the contract.

Public reporting burden for this form is estimated to average 15 minutes per response, including the reviewing instructions, gathering and maintaining the data needed, reviewing existing data, and reviewing and reporting the information. Send comments regarding this burden estimate or any other aspect of this form, including suggestions for reducing the burden, to Washington Headquarters Office of Statistical Policy, Room 3024B, Executive Plaza North, Washington, DC 20541.

Instructions for Completing AML Contractor Form OMB #1029-0119¹

Part A: General Information. Part A should be completed by the AML Contractor.

Part B: Legal Structure. Part B should be completed by the AML Contractor.

Part C: Certifying and updating information in the Applicant/Tracker System (AVS). Part C should be completed by the AML Contractor, selecting the statement that best describes their situation.

If information is accurate, complete and up-to-date, then check the first statement and sign and date. Attach the Ready OPI printout to the OMB #1029-0119 form and submit the form and attachment to the AML Contracting Officer your business is working with.¹

Upon reviewing an Ready OPI printout, if you discover the information contained in AVS is not accurate, complete and up-to-date, then check the second statement and complete Part B to provide missing or corrected information that needs reflected in AVS. Attach the Ready OPI printout to the OMB #1029-0119 form and submit the form and attachment to the AML Contracting Officer your business is working with.

If your business does not appear to have any information in AVS, then check the third statement and complete Part D. Select the OMB #1029-0119 form to the AML Contracting Officer your business is working with.

Part D:

If current Ready OPI information for your business is inaccurate, incorrect, or if you believe there is no information currently in the AVS for your business, you must complete Part D. Submit the OMB #1029-0119 form to the AML Contracting Officer your business is working with.

¹ If you need any assistance completing OMB #1029-0119, please contact the AVS Office at 800/583-9748. You may obtain your business' Ready OPI for certification purposes two ways. One way is to contact the AVS Office at 800/583-9748 and request the information. The second way is to access the AVS from your personal computer by visiting <http://avs.fars.dhs.gov>. Click "Access AVS", and then Login as Guest. Place your cursor on the "Ready" Module and "Check". Type your business name in search box and press enter key. If more than one entity record appears, select your company and then "Check" on the "Relationship" tab to display your Ready OPI information. Print the Ready OPI from AVS.

Agency AMLR
REQ# DBP13303

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, Anderson Excavating, LLC,
of Morgantown, West Virginia, as Principal and Ohio Farmers Ins-
of Westfield, Georgia, Oh a corporation organized and existing under the laws of the State of Oh
with its principal office in the City of Westfield, Ohio, as Surety, see bid and bond and bond and bid of the State
of West Virginia, as Original, in the penal sum of 5% of Bid (\$ 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, in order to a contract in writing for
Kingwood Route 7 Highway 11 Project in Kingwood, WV

NOTWITHSTANDING

(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 rejected
herein and shall furnish any other bonds and insurances required by the bid or proposal, said shall in all other respects perform the
engagement created by the acceptance of said bid, then the obligation that he and his heirs, administrators, executors, successors and assigns, shall in no
wise be affected. It is expressly understood and agreed that the liability of the Surety for any and all debts hereunder shall in no wise
exceed the penal amount of the obligation as herein stated.

The Surety, for the value received, hereby certifies and agrees that the obligation of said Surety and its bond shall be in no
wise impaired or affected by any extension of the time within which the Obligor 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 each of them as are corporations
have caused their corporate seals to be affixed hereto and these presents to be signed by their proper officers, this
17th day of March, 2011.

Anderson Excavating, LLC
James J. Anderson
By: [Signature]
(Name of Principal or
Its President)

Ohio Farmers Insurance Co.
(Name of Surety)
[Signature]
Attorney-in-Fact

Surety Corporate Seal

DISCLAIMER - Surety executing bonds and/or insurances licensed in West Virginia to transfer surety insurances. Validated corporate seals
must be affixed, a power of attorney must be attached.

BID BOND PREPARATION INSTRUCTIONS

AGENCY (A)
 RFOREF# (B)

READ CAREFULLY

- (A) **WV State Agency**
 (Specify on Page 1 "Specifying Unit")
 Request for Question Number (copy right corner of page #)
- (B) **Your Company Name**
- (C) **City, Location of your Company**
- (D) **State, Location of your Company**
- (E) **Surety Company Name**
- (F) **City, Location of Surety**
- (G) **State, Location of Surety**
- (H) **State of Surety Incorporation**
- (I) **City of Surety Incorporation**
- (J) **Minimum amount of acceptable bid bond is 5% of total bid. You may state "5% of bid" or a specific amount on this line in words.**
- (K) **Amount of bond in figures**
- (L) **Brief Description of scope of work**
- (M) **Day of the month**
- (N) **Month**
- (O) **Year**
- (P) **Name of Corporation**
- (Q) **Printed Corporate Seal of Principal**
- (R) **Signature of President or Vice President**
- (S) **Title of person signing**
- (T) **Printed Corporate Seal of Surety**
- (U) **Corporate Name of Surety**
- (V) **Signature of Attorney in Fact of the Surety**
- (W) **Dated, Power of Attorney with Printed Surety Seal must accompany this bid bond.**

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, **BA Bogal** as Principal, and _____ of _____ a corporation organized and existing under the laws of the State of _____ with its principal office in the City of _____ as Surety, are held and firmly bonded unto the State of West Virginia, as Obligor, in the penal sum of _____ for the payment of which, well and truly to be made, we jointly and severally, our executors, 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 _____

NOTWITHSTANDING

(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 entered 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 values received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no way impaired or affected by any rescission of lines within which the Obligor may accept such bid; and said Surety does hereby waive notice of any such rescission.

IN WITNESS WHEREOF, Principal and Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be affixed hereto and these presents to be signed by their proper officers, this _____ day of _____ 20__.

Principal Corporate Seal _____

(Name of Principal)
 By _____
 (Agent for President or Vice President)
 Title _____

(Name of Surety)
 Surety Corporate Seal _____

Attorney-in-Fact _____

IMPORTANT—Surety retaining bonds must be licensed in West Virginia to furnish fidelity insurance. Retired Corporate Seals must be affixed and a Power of Attorney must be attached.



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

STATE OF West Virginia
COUNTY OF Monongalia TO-WIT:

I, Rodney Anderson, after being first duly sworn, depose and state as follows:

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

maintains a valid written drug free workplace policy and that such policy is in compliance with West Virginia Code §21-1D-5.

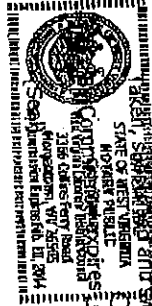
The above statements are sworn to under the penalty of perjury.

Anderson Excavating, LLC
(Company Name)

By: [Signature]
Title: Member

Date: March 17, 2011

I, William J. [Signature], do hereby swear to before me this 17 day of March, 2011.



William J. [Signature]
(Notary Public)

THIS AFFIDAVIT MUST BE SUBMITTED WITH THE BID IN ORDER TO COMPLY WITH WV CODE PROVISIONS. FAILURE TO INCLUDE THE AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF THE BID.

RFQ No. DEP 15308

STATE OF WEST VIRGINIA
Purchasing Division
PURCHASING AFFIDAVIT

West Virginia Code §5A-3-11a 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, fee, 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, delinquent 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 instrumentally established by a county or municipality; any separate corporation or instrumentally established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a governmental 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 of business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or control through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by direct receipt 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.

EXCEPTIONS: The prohibition of this section does not apply where a vendor has complied with any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the vendor 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: Anderson Excavating, LLC Date: 3-17-11

Authorized Signature: [Signature]

State of West Virginia

County of Monongalia to-wit: _____

Taken, subscribed, and sworn to before me this 17 day of March 2011.

My Commission expires February 10 2014.



NOTARY PUBLIC Colby H. Staley