



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

DEP15705

PAGE

1

ADDRESS CORRESPONDENCE TO ATTENTION OF:

GUY NISBET  
304-558-8802

\*004103656 304 984-1725

BARNES EXC INC  
PO BOX 13384

SISSONVILLE WV 25360

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ENVIRONMENTAL PROTECTION  
DEPT. OF  
OFFICE OF SPECIAL RECLAMATION  
601 57TH STREET SE  
CHARLESTON, WV  
25304 304-926-0499

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DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
03/11/2012				

BID OPENING DATE:

05/15/2012

BID OPENING TIME

01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		
RECLAMATION: RESTORATION OF LAND						
REQUEST FOR QUOTATION						
THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S OFFICE OF SPECIAL RECLAMATION, IS SOLICITING BIDS FROM QUALIFIED VENDORS TO PROVIDE ALL LABOR AND MATERIALS TO PERFORM RECLAMATION ON THE MINING OPERATION OF LO-MING COAL CORP. UNDER REVOKED PERMIT NUMBERS 0-5035-88, 0-5092-87 U-5018-98, U-5023-97, U-5036-88, U-5085-88 ON A SITE OF APPROXIMATELY 31.0 ACRES LOCATED NEAR SARAH ANN, WV (LOGAN COUNTY).						
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.						
A MANDATORY ON-SITE PREBID CONFERENCE SHALL BE HELD ON 04/18/12 @ 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.						
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 AN						

RECEIVED

2012 MAY 22 PM 12:26

WV PURCHASING  
DIVISION

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
<i>Cathleen Barn</i>	304-984-1725	5/22/12
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
<i>President</i>	550736745	

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.html](http://www.state.wv.us/admin/purchase/vrc/hipaa.html) 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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<p>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 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 CHARLESTON, WV, TRAVEL SOUTH ON RT 119 TOWARD LOGAN, WV. EXIT RT 119 AT EXIT 73 AND TRAVEL THROUGH 3 TRAFFIC LIGHTS. AT 4TH LIGHT, THE INTERSECTION OF SR 44 AND SR 10, TRAVEL STRAIGHT AHEAD ONTO RT 44. TRAVEL 13.2 MILES THROUGH SARAH ANN AND TURN LEFT ONTO MINE SITE.</p> <p>CONTACT &amp; PHONE #: STEPHEN NESTOR 304-926-0499, EXT. 1400</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>PLANS &amp; SPECS MAY BE OBTAINED BY THE FOLLOWING METHODS: 1) BY REQUEST, ON CD FROM THE WV DEPT OF ENVIRONMENTAL PROTECTION, OFFICE OF SPECIAL RECLAMATION, WITH NO CHARGE TO THE CONTRACTOR FOR THE CD OR MAILING. CALL DEE LIEGEY, PH 304-926-0499, EXT 1458 OR</p>						

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BID OPENING DATE: 05/15/2012		BID OPENING TIME 01:30PM				
LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
	<p>304-926-0485 TO ORDER CD. 2) PLANS AND SPECIFICATIONS WILL BE MADE AVAILABLE, ON CD, TO PRINT COMPANIES IN CHARLESTON, CLARKSBURG, AND OTHER AREAS UPON REQUEST. *****THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL PRINTING COSTS.*****</p> <p>EXHIBIT 5</p> <p>WEST VIRGINIA CODE 21-1D-5 PROVIDES THAT: ANY SOLICITA- TION 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 DRUG FREE WORK PLACE AFFIDAVIT MUST BE SIGNED &amp; SUBMITTED WITH THE BID AS EVIDENCE OF THE VENDOR'S COMPLIANCE WITH THE PROVISIONS OF ARTICLE 1D, CHAPTER 21 OF THE WV 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 WAG</p>					
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<p>RATES AS ESTABLISHED FOR LOGAN 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 COVERAGE REQUIRED IS \$250,000.</p> <p>( ) BUILDERS RISK INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF BUILDERS RISK - ALL RISK INSURANCE IN AN AMOUNT EQUAL TO 100% OF THE AMOUNT OF THE CONTRACT.</p> <p>(XX) BONDS: FIVE PERCENT (5%) OF THE TOTAL AMOUNT OF THE BID PAYABLE TO THE STATE OF WEST VIRGINIA, SHALL BE SUBMITTED WITH EACH BID AS A BID BOND. THE SUCCESSFUL BIDDER SHALL ALSO FURNISH A PERFORMANCE BOND AND LABOR/ MATERIAL BOND FOR 100% OF THE AMOUNT OF THE CONTRACT. BONDS MAY BE PROVIDED IN THE FORM OF A CERTIFIED CHECK, IRREVOCABLE LETTER OF CREDIT, OR BOND FURNISHED BY A SOLVENT SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE OF WEST VIRGINIA. A LETTER OF CREDIT SUBMITTED</p>						
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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
	<p>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 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. TELEPHONE: (304) 558-7890.</p> <p>WEST VIRGINIA STATE CODE 21-11-11 REQUIRES ANY PROSPECTIVE BIDDER TO INCLUDE THE CONTRACTORS LICENSE NUMBER ON THEIR BID.</p> <p>BIDDER TO COMPLETE: CONTRACTORS NAME: ..... <i>Barnes Exc. Inc.</i> .....</p> <p>CONTRACTORS LICENSE NO.: <i>WV023257</i> .....</p> <p>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT.</p> <p>APPLICABLE LAW</p>					
SEE REVERSE SIDE FOR TERMS AND CONDITIONS						
SIGNATURE <i>Cathy Barnes</i>		TELEPHONE <i>304-984-1725</i>		DATE <i>5/22/12</i>		
TITLE <i>President</i>		FEIN <i>550736745</i>		ADDRESS CHANGES TO BE NOTED ABOVE		

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<p>THE WEST VIRGINIA STATE CODE, PURCHASING DIVISION RULES AND REGULATIONS, AND THE INFORMATION PROVIDED IN THE "REQUEST FOR QUOTATION" ISSUED BY THE PURCHASING DIVISION IS THE SOLE AUTHORITY GOVERNING THIS PROCUREMENT.</p> <p>ANY INFORMATION PROVIDED IN SPECIFICATION MANUALS, OR ANY OTHER SOURCE, VERBAL OR WRITTEN, WHICH CONTRADICTS OR ALTERS THE INFORMATION PROVIDED FROM THE SOURCES AS DESCRIBED IN THE ABOVE PARAGRAPH IS VOID AND OF NO EFFECT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THE STATE MAY DEEM THIS CONTRACT NULL AND VOID AND TERMINATE SUCH CONTRACT WITHOUT FURTHER ORDER.</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 SUCH PROJECTS, PURSUANT TO A CONTRACT WITH THE STATE OF WEST VIRGINIA FOR WHICH BIDS WERE</p>						
SEE REVERSE SIDE FOR TERMS AND CONDITIONS						
SIGNATURE <i>Cathy Barnes</i>		TELEPHONE 304-984-1725		DATE 5/22/12		
TITLE <i>Director</i>		FEIN 550736745		ADDRESS CHANGES TO BE NOTED ABOVE		

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				SOLICITED ON OR AFTER JUNE 6, 2001.		
				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.		
				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 DIVISION 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 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		

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SECTION 5A-3-56.						
REV. 10/01/01						
EXHIBIT 7						
DOMESTIC ALUMINUM, GLASS & STEEL IN PUBLIC WORKS PROJECTS						
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.						
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						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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



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

## Request for Quotation

RFQ NUMBER

DEP15705

PAGE

9

ADDRESS CORRESPONDENCE TO ATTENTION OF:

GUY NISBET  
304-558-8802

\*004103656 304 984-1725

BARNES EXC INC  
PO BOX 13384

SISSONVILLE WV 25360

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ENVIRONMENTAL PROTECTION  
DEPT. OF  
OFFICE OF SPECIAL RECLAMATION  
601 57TH STREET SE  
CHARLESTON, WV  
25304 304-926-0499

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DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
03/11/2012				

BID OPENING DATE:

05/15/2012

BID OPENING TIME

01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
	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 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					

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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



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

# Request for Quotation

RFQ NUMBER

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PAGE

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ADDRESS CORRESPONDENCE TO ATTENTION OF:

GUY NISBET  
304-558-8802

\*004103656 304 984-1725

BARNES EXC INC  
PO BOX 13384

SISSONVILLE WV 25360

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ENVIRONMENTAL PROTECTION  
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DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
03/11/2012				

BID OPENING DATE: 05/15/2012 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
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.						
ADDENDUM NOS.:						
NO. 1 ..... ✓						
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						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Cathy Barnes</i>	TELEPHONE 304-984-1725	DATE 5/22/12
TITLE <i>President</i>	FEIN 550736745	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

DEP15705

PAGE

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ADDRESS CORRESPONDENCE TO ATTENTION OF:

GUY NISBET  
304-558-8802

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\*004103656 304 984-1725  
BARNES EXC INC  
PO BOX 13384  
SISSONVILLE WV 25360

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ENVIRONMENTAL PROTECTION  
DEPT. OF  
OFFICE OF SPECIAL RECLAMATION  
601 57TH STREET SE  
CHARLESTON, WV  
25304 304-926-0499

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
03/11/2012				

BID OPENING DATE:

05/15/2012

BID OPENING TIME

01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.						
..... <i>Cathie Paul</i> .....SIGNATURE						
..... <i>BARNES EXC. INC.</i> .....COMPANY						
..... <i>5/22/12</i> .....DATE						
REV. 11/96						
NOTICE						
A SIGNED BID MUST BE SUBMITTED TO:						
DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130						
THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:						
SEALED BID						
BUYER: GN-23						
REQ. NO.: DEP15705						
BID OPENING DATE: 05/15/2012						
BID OPENING TIME: 1:30 P.M.						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Cathie Paul</i>	TELEPHONE <i>304-984-1725</i>	DATE <i>5/22/12</i>
TITLE <i>President</i>	FEIN <i>550736745</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

DEP15705

PAGE

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304-558-8802

\*004103656 304 984-1725

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PO BOX 13384

SISSONVILLE WV 25360

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DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
03/11/2012				

BID OPENING DATE:

05/15/2012

BID OPENING TIME

01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- 304 984 0074 -----						
PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE: ----- Robert L. Barnes -----						
ANY INDIVIDUAL SIGNING THIS BID IS CERTIFYING THAT: (1) HE OR SHE IS AUTHORIZED BY THE BIDDER TO EXECUTE THE BID OR ANY DOCUMENTS RELATED THERE TO ON BEHALF OF THE BIDDER, (2) THAT HE OR SHE IS AUTHORIZED TO BIND THE BIDDER IN A CONTRACTUAL RELATIONSHIP, AND (3) THAT THE BIDDER HAS PROPERLY REGISTERED WITH ANY STATE AGENCIES THAT MAY REQUIRE REGISTRATION.						
***** THIS IS THE END OF RFQ DEP15705 ***** TOTAL: \$ 1,407,000. RB						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Cathy Barnes</i>	TELEPHONE 304-984-1725	DATE 5/22/12
TITLE <i>President</i>	FEIN 550736745	ADDRESS CHANGES TO BE NOTED ABOVE

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

OMB #1029-0119  
Expiration Date: 1/31/13

### AML CONTRACTOR INFORMATION FORM

You must complete this form for your AML contracting officer to request an eligibility evaluation from the Office of 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: BARNES EXC. INC. Tax Payer ID No.: 550736745  
Address: P.O. BOX 13384  
City: SISSONVILLE State: WV Zip Code: 25360 Phone: 304-984-1725  
Fax No.: 304-984-0074 E-mail address: BARNES EXC @ 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, ROBERT BARNES, have the express authority to certify that:  
(print name)

1. \_\_\_\_\_ 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.
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 in Part D. Sign and date below and complete Part D.

5/22/12  
Date

Robert Barnes  
Signature

VP.  
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>.**

## Part D.

Contractor's Business Name: BARNES EXC INC.

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

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

Name	<u>Catherine D. Barnes</u>	Position/Title	<u>President</u>
Address	<u>P.O. Box 13557</u>	Telephone #	<u>304-984-1725</u>
	<u>Sissonville WV 25360</u>	% of Ownership	<u>100%</u>
Begin Date:	<u>9-9-94</u>	Ending Date:	<u>none</u>
Name	<u>Robert L. Barnes</u>	Position/Title	<u>VP</u>
Address	<u>P.O. Box 13557</u>	Telephone #	<u>304-984-1725</u>
	<u>Sissonville WV 25360</u>	% of Ownership	<u>0</u>
Begin Date:	<u>4/14/11</u>	Ending Date:	<u>none</u>
Name	<u>Janice Peterson</u>	Position/Title	<u>Secretary</u>
Address	<u>HG 80, Box 239</u>	Telephone #	<u>304-372-6828</u>
	<u>Ripley, WV 25271</u>	% of Ownership	<u>0</u>
Begin Date:	<u>4/14/11</u>	Ending Date:	<u>none</u>
Name	<u>Jason L. Barnes</u>	Position/Title	<u>Treasurer</u>
Address	<u>1904 Presson Dr.</u>	Telephone #	<u>304-552-4287</u>
	<u>Sissonville WV 25360</u>	% of Ownership	<u>0</u>
Begin Date:	<u>4/14/11</u>	Ending Date:	<u>none</u>

## PAPERWORK REDUCTION STATEMENT

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501) requires us to inform you that: Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. This information is necessary for all successful bidders prior to the distribution of AML funds, and is required to obtain a benefit.

Public reporting burden for this form is estimated to range from 15 minutes to 1 hour, with an average of 22 minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of this form to the Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, Room 202 SIB, Constitution Ave., NW, Washington, D.C. 20240.

**Instructions for Completing AML Contractor Form OMB #1029-0119<sup>1</sup>**

**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/Violator 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 Entity OFT printout to the OMB #1029-0119 form and submit the form and attachment to the AML Contracting Officer your business is working with.<sup>2</sup>

Upon reviewing an Entity OFT 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 D to provide missing or corrected information that needs reflected in AVS. Attach the Entity OFT 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. Submit the OMB #1029-0119 form to the AML Contracting Officer your business is working with.

**Part D:**

If current Entity OFT information for your business is incomplete, 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.

<sup>1</sup> If you need any assistance completing OMB #1029-0119, please contact the AVS Office at 800.643.9748.

<sup>2</sup> You may obtain your business' Entity OFT for certification purposes two ways. One way is to contact the AVS Office at 800.643.9748 and request the information. The second way is to access the AVS from your personal computer by visiting <https://avss.osmre.gov>. Click "Access AVS", and then Login as Guest. Place your cursor on the "Entity" Module and "Click". Type your business name in search box and press enter key. If more than one entity record appears, select your company and then "Click" on the "relationship" tab to display your Entity OFT information. Print the Entity OFT from AVS.



# BID BOND PREPARATION INSTRUCTIONS

AGENCY \_\_\_\_\_ (A)  
RFQ/RFP# \_\_\_\_\_ (B)

## Bid Bond

- (A) WV State Agency  
(Stated on Page 1 "Spending Unit")  
Request for Quotation Number (upper  
right corner of page #1)
- (C) Your Company Name
- (D) City, Location of your Company
- (E) State, Location of your Company
- (F) Surety Corporate Name
- (G) City, Location of Surety
- (H) State, Location of Surety
- (I) State of Surety Incorporation
- (J) City of Surety Incorporation
- (K) 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.
- (L) Amount of bond in figures
- (M) Brief Description of scope of work
- (N) Day of the month
- (O) Month
- (P) Year
- (Q) Name of Corporation
- (R) Raised Corporate Seal of Principal
- (S) Signature of President or Vice  
President
- (T) Title of person signing
- (U) Raised Corporate Seal of Surety
- (V) Corporate Name of Surety
- (W) Signature of Attorney in Fact of the  
Surety
- NOTE: Dated, Power of Attorney with Raised  
Surety Seal must accompany this bid  
bond.

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned,  
\_\_\_\_\_(C)\_\_\_\_\_ of \_\_\_\_\_(D)\_\_\_\_\_, \_\_\_\_\_(E)\_\_\_\_\_,  
as Principal, and \_\_\_\_\_(F)\_\_\_\_\_ of \_\_\_\_\_(G)\_\_\_\_\_,  
\_\_\_\_\_(H)\_\_\_\_\_, a corporation organized and existing under the laws  
of the State of \_\_\_\_\_(I)\_\_\_\_\_ with its principal office in the City of  
\_\_\_\_\_(J)\_\_\_\_\_, as Surety, are held and firmly bound unto The State  
of West Virginia, as Oblige, in the penal sum of \_\_\_\_\_(K)\_\_\_\_\_  
(\$ \_\_\_\_\_(L)\_\_\_\_\_) 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 \_\_\_\_\_(M)\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 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 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 time within which the Oblige 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 hereto and these presents to be signed by their proper officers,  
this \_\_\_\_\_(N)\_\_\_\_\_ day of \_\_\_\_\_(O)\_\_\_\_\_, 20 \_\_\_\_\_(P)\_\_\_\_\_.

Principal Corporate Seal

(R)

\_\_\_\_\_(Q)\_\_\_\_\_  
(Name of Principal)  
By \_\_\_\_\_(S)\_\_\_\_\_  
(Must be President or  
Vice President)  
\_\_\_\_\_(T)\_\_\_\_\_  
Title

(U)  
Surety Corporate Seal

\_\_\_\_\_(V)\_\_\_\_\_  
(Name of Surety)

\_\_\_\_\_(W)\_\_\_\_\_  
Attorney-in-Fact

IMPORTANT – Surety executing bonds must be licensed in West Virginia to  
transact surety insurance. Raised Corporate Seals must be affixed and a Power of  
Attorney must be attached.

Agency \_\_\_\_\_  
 REQ.P.O# \_\_\_\_\_

### BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, \_\_\_\_\_  
 of \_\_\_\_\_, \_\_\_\_\_, 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 bound unto the State  
 of West Virginia, as Oblige, in the penal sum of \_\_\_\_\_ (\$ \_\_\_\_\_) 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  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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 Oblige 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  
 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Principal Corporate Seal

\_\_\_\_\_  
 (Name of Principal)

By \_\_\_\_\_  
 (Must be President or  
 Vice President)

\_\_\_\_\_  
 (Title)

Surety Corporate Seal

\_\_\_\_\_  
 (Name of Surety)

\_\_\_\_\_  
 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.**



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

STATE OF West Virginia

COUNTY OF Kanawha, TO-WIT:

I, Robert L. Barnes, after being first duly sworn, depose and state as follows:

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

Barnes EXC. INC.  
 (Company Name)

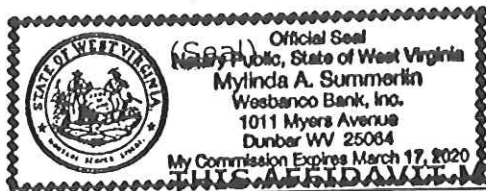
By: [Signature]

Title: V.P.

Date: 4/21/12

Taken, subscribed and sworn to before me this 21 day of April 2012

By Commission expires MARCH 17, 2020



[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 15705STATE 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 owned 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.

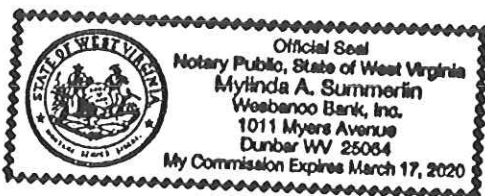
**EXCEPTION:** The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into 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: Baines EXC. IncAuthorized Signature: [Signature]Date: 4/21/12State of WVCounty of Kanawha, to-wit:Taken, subscribed, and sworn to before me this 21 day of April, 2012.My Commission expires March 17, 2020.

AFFIX SEAL HERE

NOTARY PUBLIC

[Signature]



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

BUYER GN-23	PAGE	REQ. OR PO NO. DEP15705
SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/SPECIAL RECLAMATION		

ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
<b>REVISED BID SCHEDULE</b> <b>PERMIT NAME: LO-MING COAL CORPORATION</b> <b>PERMIT NUMBER(S): O-5092-87, U-5023-97, U-5018-98,</b> <b>U-5085-88, U-5036-88, O-5035-88</b>				
The DEP reserves the right to request additional information and supporting documentation regarding unit prices when the unit price appears to be unreasonable.				
PERMIT NUMBER: <u>O-5092-87</u>				
1.0	LUMP SUM	<u>MOBILIZATION/DEMOBILIZATION/PROJECT SIGN</u> (Limited to 5% Total Bid for this project)	LUMP SUM	\$ <u>67,000</u>
2.0	LUMP SUM	<u>SPILL CONTAINMENT AREA (S.C.A.)</u> (\$1,000.00 Maximum Bid for this project)	LUMP SUM	\$ <u>900.</u>
3.0	LUMP SUM	<u>ACCESS ROADS / MAINTAINENCE</u> (Limited to 5% Total Bid for this project)	LUMP SUM	\$ <u>35,000.</u>
4.0	LUMP SUM	<u>CONSTRUCTION STAKEOUT</u> (Limited to 5% of total bid for this project)	LUMP SUM	\$ <u>20,000</u>
5.0	LUMP SUM	<u>STRUCTURE AND/OR DEBRIS REMOVAL</u>	LUMP SUM	\$ <u>32,000.</u>
6.0	<u>2,000</u> LF	<u>STORMWATER MANAGEMENT</u> (Max. bid of \$5.00/LF of silt fence / hay bale material used on site)	\$ <u>1.00</u> PER LF	\$ <u>2,000.</u>
7.0	<u>2,000</u> TN	<u>INCIDENTAL STONE</u>	\$ <u>16.00</u> PER TON	\$ <u>32,000.</u>
8.0	NO BID ITEM	<u>UTILITIES</u>	NO BID ITEM	
9.0	<u>1</u> EA	<u>CLEANOUT POND #4A, SPILLWAY REPAIR</u>	\$ <u>50,000.</u> PER EA	\$ <u>50,000</u>
10.0	<u>2</u> EA	<u>ELIMINATE PONDS #4B AND #4C</u>	\$ <u>20,000</u> PER EA	\$ <u>40,000.</u>
11.0	<u>2</u> EA	<u>ELIMINATE PONDS #5 AND #6</u>	\$ <u>5,000.</u> PER EA	\$ <u>10,000.</u>
12.0	<u>250</u> LF	<u>CONSTRUCT GROUTED RIP-RAP CHANNEL 'B'</u>	\$ <u>42.00</u> PER LF	\$ <u>10,500.</u>
13.0	<u>200</u> LF	<u>CONSTRUCT GROUTED RIP-RAP CHANNEL 'B-1'</u>	\$ <u>42.00</u> PER LF	\$ <u>8,400.</u>
14.0	<u>250</u> LF	<u>ELIMINATE SEDIMENT DITCH</u>	\$ <u>7.00</u> PER LF	\$ <u>1,750.</u>

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ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
15.0	<u>250</u> LF	<u>AUGER HOLE RECLAMATION</u>	\$ <u>22.00</u> PER LF	\$ <u>5,500.</u>
16.0	<u>120</u> LF	<u>CONSTRUCT GROUTED RIP-RAP CHANNEL 'C'</u>	\$ <u>51.00</u> PER LF	\$ <u>6,120.</u>
17.0	<u>80</u> LF	<u>INSTALL CHANNEL 'C' DISCHARGE CULVERTS</u>	\$ <u>85.00</u> PER LF	\$ <u>6,800.</u>
18.0	<u>1</u> EA	<u>ELIMINATE POND #7</u>	\$ <u>10,000.</u> PER EA	\$ <u>10,000.</u>
19.0	<u>360</u> LF	<u>RE-LOCATE AND FABRIFORM CHANNEL 'D'</u>	\$ <u>65.00</u> PER LF	\$ <u>23,400.</u>
20.0		<u>WET MINE SEALS (O-5092-87)</u>		
20.1	<u>1</u> EA	<u>UPPER WET MINE SEAL, W/COLLECTOR PIPING</u>	\$ <u>25,000.</u> PER EA	\$ <u>25,000.</u>
20.2	<u>4</u> EA	<u>LOWER WET MINE SEALS, W/COLLECTOR PIPING</u>	\$ <u>25,000.</u> PER EA	\$ <u>100,000.</u>
21.0	<u>1</u> EA	<u>ROCK BUTTRESS</u>	\$ <u>164,030.</u> PER EA	\$ <u>164,030.</u>
22.0	<u>450</u> LF	<u>HIGHWALL ELIMINATION (O-5092-87)</u>	\$ <u>170.00</u> PER LF	\$ <u>76,500.</u>
23.0	<u>100</u> LF	<u>CONSTRUCT RIP-RAP CHANNEL 'E'</u>	\$ <u>20.00</u> PER LF	\$ <u>2,000.</u>
24.0	<u>6.0</u> AC	<u>REGRAIDING AND TOPSOILING</u>	\$ <u>590.00</u> PER AC	\$ <u>3,540.</u>
25.0		<u>REVEGETATION</u>		
25.1	<u>6.0</u> AC	<u>AGRICULTURAL LIME</u>	\$ <u>625.00</u> PER AC	\$ <u>3,750.</u>
25.2	<u>6.0</u> AC	<u>FERTILIZER</u>	\$ <u>625.00</u> PER AC	\$ <u>3,750.</u>
25.3	<u>6.0</u> AC	<u>MULCH</u>	\$ <u>625.00</u> PER AC	\$ <u>3,750.</u>
25.4	<u>6.0</u> AC	<u>VEGETATIVE SPECIES</u>	\$ <u>625.00</u> PER AC	\$ <u>3,750.</u>
			SUB-TOTAL	\$ <u>747,440.</u>

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 VENDOR:

BUYER GN-23	PAGE	REQ. OR PO NO. DEP15705
SPENDING UNIT WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION/SPECIAL RECLAMATION		

ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
		PERMIT NUMBER: <u>U-5023-97</u>		
26.0	<u>4</u> EA	<u>WET MINE SEALS, W/COLLECTOR PIPING (U-5023-97)</u>	\$ <u>25,000.</u> PER EA	\$ <u>100,000.</u>
27.0	<u>350</u> LF	<u>HIGHWALL ELIMINATION (U-5023-97)</u>	\$ <u>130.<sup>00</sup></u> PER LF	\$ <u>45,500.</u>
28.0	<u>650</u> LF	<u>CONSTRUCT RIP-RAP CHANNEL 'A'</u>	\$ <u>11.<sup>00</sup></u> PER LF	\$ <u>7,150.</u>
29.0	NO BID ITEM	<u>UTILITIES</u>	NO BID ITEM	
30.0	<u>3.0</u> AC	<u>REGRADING AND TOPSOILING</u>	\$ <u>790.<sup>00</sup></u> PER AC	\$ <u>2,370.</u>
31.0		<u>REVEGETATION</u>		
31.1	<u>3.0</u> AC	<u>AGRICULTURAL LIME</u>	\$ <u>625.</u> PER AC	\$ <u>1,875.</u>
31.2	<u>3.0</u> AC	<u>FERTILIZER</u>	\$ <u>625.</u> PER AC	\$ <u>1,875.</u>
31.3	<u>3.0</u> AC	<u>MULCH</u>	\$ <u>625.</u> PER AC	\$ <u>1,875.</u>
31.4	<u>3.0</u> AC	<u>VEGETATIVE SPECIES</u>	\$ <u>625.</u> PER AC	\$ <u>1,875.</u>
			<b>SUB-TOTAL</b>	\$ <u>162,520</u>
		PERMIT NUMBER: <u>U-5018-98</u>		
32.0	<u>800</u> LF	<u>STORMWATER MANAGEMENT</u> (Max. bid of \$5.00/LF of silt fence / hay bale material used on site)	\$ <u>1.00</u> PER LF	\$ <u>800.</u>
33.0	<u>500</u> TN	<u>INCIDENTAL STONE</u>	\$ <u>16.<sup>00</sup></u> PER TON	\$ <u>8,000.</u>
34.0	NO BID ITEM	<u>UTILITIES</u>	NO BID ITEM	
35.0	NO BID ITEM	<u>QUARRYING</u>	NO BID ITEM	
36.0	<u>3</u> EA	<u>WET MINE SEALS, W/COLLECTOR PIPING (U-5018-98)</u>	\$ <u>34,000.</u> PER EA	\$ <u>102,000.</u>
37.0	<u>80</u> LF	<u>CONSTRUCT GROUTED RIP-RAP CHANNEL 'F'</u>	\$ <u>57.<sup>00</sup></u> PER LF	\$ <u>4,560.</u>

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ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
38.0	<u>200</u> LF	<u>CONSTRUCT RIP-RAP CHANNEL 'G'</u>	\$ <u>11.00</u> PER LF	\$ <u>2,200.</u>
39.0	<u>150</u> LF	<u>CONSTRUCT GROUTED RIP-RAP CHANNEL 'H'</u>	\$ <u>35.00</u> PER LF	\$ <u>5,250.</u>
40.0	<u>1</u> EA	<u>ELIMINATE POND #9</u>	\$ <u>10,000.</u> PER EA	\$ <u>10,000.</u>
41.0	<u>1</u> EA	<u>CLEANOUT POND #8</u>	\$ <u>10,000.</u> PER EA	\$ <u>10,000.</u>
42.0	<u>500</u> LF	<u>HIGHWALL ELIMINATION (U-5018-98)</u>	\$ <u>60.00</u> PER LF	\$ <u>30,000.</u>
43.0	<u>350</u> LF	<u>CONSTRUCT RIP-RAP CHANNEL 'I'</u>	\$ <u>12.00</u> PER LF	\$ <u>4,200.</u>
44.0	<u>5.0</u> AC	<u>REGRADE AND TOPSOILING</u>	\$ <u>1,770.</u> PER AC	\$ <u>8,850.</u>
45.0		<u>REVEGETATION</u>		
45.1	<u>5.0</u> AC	<u>AGRICULTURAL LIME</u>	\$ <u>625.</u> PER AC	\$ <u>3,125.</u>
45.2	<u>5.0</u> AC	<u>FERTILIZER</u>	\$ <u>625.</u> PER AC	\$ <u>3,125.</u>
45.3	<u>5.0</u> AC	<u>MULCH</u>	\$ <u>625.</u> PER AC	\$ <u>3,125.</u>
45.4	<u>5.0</u> AC	<u>VEGETATIVE SPECIES</u>	\$ <u>625.</u> PER AC	\$ <u>3,125.</u>
			<b>SUB-TOTAL</b>	\$ <u>198,360</u>
		<b>PERMIT NUMBER: U-5085-88</b>		
46.0	<u>200</u> LF	<u>STORMWATER MANAGEMENT</u> (Max. bid of \$5.00/LF of silt fence / hay bale material used on site)	\$ <u>1.00</u> PER LF	\$ <u>200.00</u>
47.0	<u>500</u> TN	<u>INCIDENTAL STONE</u>	\$ <u>16.00</u> PER TON	\$ <u>8,000.</u>
48.0	NO BID ITEM	<u>UTILITIES</u>	NO BID ITEM	
49.0	<u>1</u> EA	<u>ELIMINATE POND #11</u>	\$ <u>16,000.</u> PER EA	\$ <u>16,000.</u>
50.0	<u>300</u> LF	<u>CONSTRUCT GRASSED CHANNEL 'J'</u>	\$ <u>4.00</u> PER LF	\$ <u>1,200.</u>



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ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
51.0	<u>1.0</u> AC	<u>REGRADE AND TOPSOILING</u>	\$ <u>1,180</u> PER AC	\$ <u>1,180.</u>
52.0		<u>REVEGETATION</u>		
52.1	<u>1.0</u> AC	<u>AGRICULTURAL LIME</u>	\$ <u>625.</u> PER AC	\$ <u>625.</u>
52.2	<u>1.0</u> AC	<u>FERTILIZER</u>	\$ <u>625.</u> PER AC	\$ <u>625.</u>
52.3	<u>1.0</u> AC	<u>MULCH</u>	\$ <u>625.</u> PER AC	\$ <u>625.</u>
52.4	<u>1.0</u> AC	<u>VEGETATIVE SPECIES</u>	\$ <u>625.</u> PER AC	\$ <u>625.</u>
			SUB-TOTAL	\$ <u>29,080</u>
		PERMIT NUMBER: <u>U-5036-88</u>		
53.0	NO BID ITEM	<u>UTILITIES</u>	NO BID ITEM	
54.0	NO BID ITEM	<u>QUARRYING</u>	NO BID ITEM	
55.0	<u>300</u> LF	<u>MINE SEAL PVC COLLECTOR PIPE (U-5036-88)</u>	\$ <u>30.00</u> PER LF	\$ <u>9,000.</u>
56.0	<u>300</u> LF	<u>HIGHWALL ELIMINATION (U-5036-88)</u>	\$ <u>200.00</u> PER LF	\$ <u>60,000.</u>
			SUB-TOTAL	\$ <u>69,000.</u>
		PERMIT NUMBER: <u>O-5035-88</u>		
57.0	NO BID ITEM	<u>UTILITIES</u>	NO BID ITEM	
58.0	NO BID ITEM	<u>QUARRYING</u>	NO BID ITEM	
59.0	<u>1</u> EA	<u>CLEANOUT POND #10</u>	\$ <u>20,000.</u> PER EA	\$ <u>20,000.</u>
60.0	LUMP SUM	<u>REFUSE REGRADE AND SOIL COVER</u>	LUMP SUM	\$ <u>25,000.</u>
61.0	<u>200</u> LF	<u>CONSTRUCT GROUTED RIP-RAP GROIN DITCH 'M'</u>	\$ <u>50.00</u> PER LF	\$ <u>10,000.</u>

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ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
62.0	2200 LF	CONSTRUCT GROUTED RIP-RAP DIVERSION DITCHES 'K' & 'L'	\$ 48. <sup>00</sup> PER LF	\$ 105,600.
63.0		<u>REVEGETATION</u>		
63.1	16.0 AC	<u>AGRICULTURAL LIME</u>	\$ 625. PER AC	\$ 10,000.
63.2	16.0 AC	<u>FERTILIZER</u>	\$ 625. PER AC	\$ 10,000.
63.3	16.0 AC	<u>MULCH</u>	\$ 625. PER AC	\$ 10,000.
63.4	16.0 AC	<u>VEGETATIVE SPECIES</u>	\$ 625. PER AC	\$ 10,000.
			SUB-TOTAL	\$ 200,600.
		PERMIT O-5092-87 SUB-TOTAL		\$ 747,440.
		PERMIT U-5023-97 SUB-TOTAL		\$ 162,520.
		PERMIT U-5018-98 SUB-TOTAL		\$ 198,360.
		PERMIT U-5085-88 SUB-TOTAL		\$ 29,080.
		PERMIT U-5036-88 SUB-TOTAL		\$ 69,000.
		PERMIT O-5035-88 SUB-TOTAL		\$ 200,600.
		TOTAL BID FOR ALL PERMITS		\$ 1,407,000.

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Barnes Exc., Inc.  
of Sissonville, WV, as Principal, and United States Surety Company  
of Timonium, MD, a corporation organized and existing under the laws of the State of  
MD, with its principal office in the City of Timonium, as Surety, are held and firmly bound unto the State  
of West Virginia, as Obligee, in the penal sum of Five Percent of Amount 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, to enter into a contract in writing for  
DEP15705 - Lo-Ming Coal Corp - According to Plans & Specifications

NOW THEREFORE,

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

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

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

15th day of May, 2012.

Principal Corporate Seal

Barnes Exc., Inc.

(Name of Principal)

By Catherine D. Barnes

(Must be President or  
Vice President)

Catherine D. Barnes President

(Title)

Surety Corporate Seal

United States Surety Company

(Name of Surety)

By: Patricia A. Moye

Patricia A. Moye, WV Resident Agent Attorney-in-Fact

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

POWER OF ATTORNEY

AMERICAN CONTRACTORS INDEMNITY COMPANY UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

Gregory T. Gordon, Larry D. Kerr, Allan L. McVey, Patricia A. Moyer, Kimberly J. Wilkinson

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed \*\*\*\*\*Unlimited\*\*\*\*\* Dollars (\$ \*\*\*unlimited\*\*\*).

This Power of Attorney shall expire without further action on March 18, 2015. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

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

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

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 31<sup>st</sup> day of March, 2011.

AMERICAN CONTRACTORS INDEMNITY COMPANY UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

Corporate Seals



By:

  
Daniel P. Aguilar, Vice President

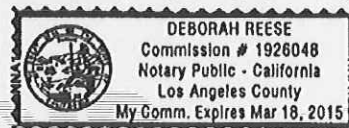
State of California

County of Los Angeles SS:

On this 31<sup>st</sup> day of March, 2011, before me, Deborah Reese, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature  (Seal)




I, Jeannie J. Kim, Assistant Secretary of American Contractors Indemnity Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 15<sup>th</sup> day of May, 2012.

Corporate Seals



Bond No.   
Agency No. 12116

  
Jeannie J. Kim, Assistant Secretary