



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
 MMB12012

PAGE
 1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
 ROBERTA WAGNER
 304-558-0067

RFQ COPY

VENDOR

Mike Babcock
 Babcock Fence Company
 1261 Laurel Ridge Road
 Lowell, OH 45744

SHIP TO

HEALTH AND HUMAN RESOURCES
 MILDRED MITCHELL-BATEMAN
 HOSPITAL
 1530 NORWAY AVENUE
 HUNTINGTON, WV
 25705 304-525-7801

DATE PRINTED 07/13/2011	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: 07/28/2011 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 1						
1. QUESTIONS AND ANSWERS ARE ATTACHED.						
2. ADDENDUM ACKNOWLEDGEMENT IS ATTACHED. THIS DOCUMENT SHOULD BE SIGNED AND RETURNED WITH YOUR BID. FAILURE TO SIGN AND RETURN MAY RESULT IN DISQUALIFICATION OF YOUR BID.						
EXHIBIT 10						
REQUISITION NO.: MMB12012						
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. S:						
NO. 1 .MSB received 7/14/2011						
NO. 2						
NO. 3						
NO. 4						
NO. 5						
I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF						



SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>[Signature]</i>	TELEPHONE 7408962211	DATE 7/19/2011
TITLE owner	FEIN 31-1246960	ADDRESS CHANGES TO BE NOTED ABOVE

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



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VENDOR

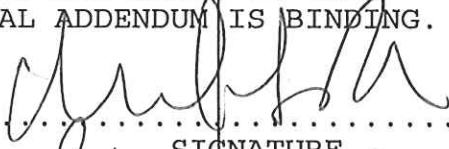
|||||
 Mike Babcock
 Babcock Fence Company
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07/13/2011				

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LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</p> <p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p style="text-align: center;">  SIGNATURE Babcock Fence Company COMPANY 7/19/2011 DATE </p> <p>NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.</p> <p>REV. 09/21/2009</p> <p style="text-align: right;">END OF ADDENDUM NO. 1</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE 	TELEPHONE 7408962211	DATE 7/19/2011
TITLE Owner	FEIN 31-1246960	ADDRESS CHANGES TO BE NOTED ABOVE

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QUESTION/CHANGE #1

Item #1.... What is the height of the Chain Link Mesh to be installed?

ANSWER/CHANGE #1

Item #1.....Original specification provided to DOA stated 5 ft, however RFQ on bulletin doesn't state height. Chain Link Mesh must be 5 ft in Height. Please see page 15 of the RFQ.

QUESTION/CHANGE #2

Item #2.... What is the height of the Chain Link Mesh to be installed?

ANSWER/CHANGE #2

Item #2..... Chain Link Mesh must be 5 ft in Height. Please see page 15 of the RFQ.

QUESTION/CHANGE #3

Item #3 & Item #5.... Are these two Items separate pieces, or one continuous piece? How much of the post is allowed for in ground installation? Clarification of Height and Inward Curve.

ANSWER/CHANGE #3

The vertical post with the inward curve must be one continuous piece construction. The total length of vertical post is changed to 17 ft, which allows for 3 ft to be buried for installation in concrete. The design of the fence is 12 ft straight height with a 2 ft inward curve that must extend 2 ft back from the fence. With this change please include line#5 into this item.

QUESTION/CHANGE #4

Item #9.... What are the sizes of the Gates?

ANSWER/CHANGE #4

See Item #10 for size of gates.

QUESTION/CHANGE #5

Item # 10... Diagram shows three (3) gates that are three (3) ft wide; however specifications list only 1.

ANSWER/CHANGE #5

There are three (3) gates that are 3ft wide.

QUESTION/CHANGE #6

Item #10... Length incorrect after changes made with Question/Answer/Change #3.

ANSWER/CHANGE #6

Should be; Three (3') foot wide and ten (10') foot high with two (2') foot transom.

QUESTION/CHANGE #7

Item #11... Diagram does not represent any eight (8) foot gates?

ANSWER/CHANGE #7

There is no eight (8) foot gate.

QUESTION/CHANGE #8

Item #12...Length incorrect after changes made with Question/Answer/Change #3.

ANSWER/CHANGE #8

Should be; Twelve (12') foot wide and ten (10') foot high with two (2') foot transom.

QUESTION/CHANGE #9

Item #13...Length incorrect after changes made with Question/Answer/Change #3.

ANSWER/CHANGE #9

Should be; Two (2) – ten (10') foot wide and ten (10') foot high with removable two (2') foot transom.

QUESTION/CHANGE #10

Is the material subject to sales tax?

ANSWER/CHANGE #10

No – Tax Exempt State Agency

QUESTION/CHANGE #11

Is it subject to B&O tax?

ANSWER/CHANGE #11

Yes – All State & Federal Agencies, for more Information concerning tax, contact:
Becky Bartlett, City Of Huntington @ (304) 696-5969.

QUESTION/CHANGE #12

On most of the gates, I am not concerned with the size of the posts. But the 20' wide gate should have a couple of 4" posts for good support. The 12' gate is also needing a larger post, but maybe not as important as the 20'.

ANSWER/CHANGE #12

During pre-bid walk thru, it was determined that the Twenty (20') foot gate was to be constructed of two (2) – ten (10') foot wide gates. Therefore no changes to gate post.

COST SHEET - ADDENDUM #1

Line Item Number	Quantity	Description	Unit Price	Amount
#1	988 Linear Ft	2" x 5' 9- Gauge Galvanized Chain Link Mesh Knuckle - Knuckle - Top & Bottom Sections	9.11	9,000.68
#2	494 Linear Ft	½" x 5' 9- Gauge Galvanized Chain Link Mesh Knuckle - Knuckle - Middle Section	27.20	13,436.80
#3	60 EACH	2-1/2" in Diameter, and 17'ft Long Vertical Posts One Piece Construction with 2ft inward curve, protruding 2 ft from Fence. 40 WT Gauge Galvanized Steel (Ind. SCHED 40)	240.00	14,400.00
#4	1976 Linear Ft	1-5/8" in Diameter, 10ft Long Horizontal Posts 40 WT Gauge Galvanized Steel (Ind. SCHED 40)	4.55	8,990.80
#5	60 EACH	2-1/2" in Diameter, and 2 ft long - inwardly curved post must have a two (2') ft curve and must be 40 WT gauge galvanized steel (Ind. SCHED 40) ***Include In Line Item #3	DELETE - INCLUDED IN ITEM 3.	DELETE - INCLUDED IN ITEM 3.
#6	60 EACH	Post Caps - Formed Steel, sized to post diameter with set screw retainer.	3.75	225.00
#7	60 EACH	Tension Bars shall be 3/16" x ¾" hot dipped galvanized steel.	35.33	2,119.80
#8	990 EACH	Mesh Ties (Fabric Ties) shall be a minimum of 9 gauge steel wire.	2.47	2,445.30
#9	2 EACH	Gate frames must be 1-5/8 inch, galvanized high carbon welded steel tubing that must be welded at all joints to provide rigid water-tight construction. Gates must be installed with pivot type style hinges allowing for all gate ease of movement in both directions.	DELETE QUANTITY. FOR SPECIFICATION USE ONLY.	DELETE QUANTITY. FOR SPECIFICATION USE ONLY.
#10	3 EACH	Three (3) ft wide and ten (10) ft high with a two (2) foot transom to be covered in 9 gauge galvanized steel, must have a Corbin Russwinn D3 cylinder lock or equal with keyed access on both sides.	800.00	2,400.00
#11	1 EACH	Eight (8') ft wide and ten (10) ft high with a two (2) foot transom to be covered in 9 gauge galvanized steel, must have a Corbin Russwinn D3 cylinder lock or equal with keyed access on both sides.	DELETE	DELETE
#12	1 EACH	Twelve (12) ft wide and ten (10) ft high with a two (2) foot transom to be covered in 9 gauge galvanized steel, must have a Corbin Russwinn D3 cylinder lock or equal with keyed access on both sides.	1,815.00	1,815.00
#13	2 EACH	Ten (10) ft wide and ten (10) ft high with a removable two (2) foot transom to be covered in 9 gauge galvanized steel, must have a Corbin Russwinn D3 cylinder lock or equal with keyed access on both sides.	1,537.50	3,075.00
#14		Shipping Charges If Applicable	105.00	105.00
		Grand Total of Bid		\$58,013.38

ALL MEASUREMENTS AND COUNTS ARE APPROXIMATE AND FOR BIDDING PURPOSES ONLY.
SUCCESSFUL VENDOR IS RESPONSIBLE FOR VERIFYING EXACT MEASUREMENTS AND COUNTS FOR THIS
PROJECT.

BABCOCK FENCE CO.

Request for Proposal No. MMB12012

PLEASE PRINT

Date: July 11, 2011

* PLEASE BE SURE TO PRINT LEGIBLY - IF POSSIBLE, LEAVE A BUSINESS CARD

FIRM & REPRESENTATIVE NAME	MAILING ADDRESS	TELEPHONE & FAX NUMBERS
Company: <u>Youngs Fencing</u>		PHONE 740-446-9317
Rep: <u>Robert A. Young</u>		TOLL FREE
Email Address: <u>RobKatYoung@bushes.net</u>		FAX 740-446-7397
Company: <u>All Quality</u>	<u>PO Box 7169</u>	PHONE 304-776-9473
Rep: <u>J. Davis</u>	<u>Cross Lanes Wv 25356</u>	TOLL FREE
Email Address: <u>allquality11e@aol.com</u>		FAX 304-776-9474
Company: <u>Babcock Fence Company</u>	<u>1261 Laurel Ridge Rd</u>	PHONE 740-896-2211
Rep: <u>Mike Babcock</u>	<u>Lowell, OH 45744</u>	TOLL FREE
Email Address: <u>mikebabcock@frontier.com</u>		FAX 740-896-2277
Company: <u>Greg Whittington</u>	<u>2710 Sissonville RO</u>	PHONE 304) 342-1505
Rep: <u>J. H. Tomblin Fence Co</u>	<u>Charleston Wv 25312</u>	TOLL FREE 1800 52 FENCE
Email Address: <u>greg.whittington@35e.phoe.com</u>		FAX 304) 344-5276
Company: <u>McNiel Fence Co. Htgn Inc</u>	<u>P.O. Box 2607</u>	PHONE 304 429 6704
Rep: <u>ROGER A ACKINS</u>	<u>Huntington Wv 25726</u>	TOLL FREE
Email Address: _____		FAX 304 429 3176

Request for Proposal No. MMB12012

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TELEPHONE & FAX NUMBERS

FIRM & REPRESENTATIVE NAME MAILING ADDRESS

Company: <u>Stolz Electric Supply</u>	<u>2010 2nd Ave.</u>	PHONE <u>384-417-3735</u>
Rep: <u>Jeremy Hatfield</u>	<u>Montgomery W 25703</u>	TOLL FREE
Email Address: <u>Jeremy.hatfield@stolzelectronic.com</u>		FAX
Company:		PHONE
Rep:		TOLL FREE
Email Address:		FAX
Company:		PHONE
Rep:		TOLL FREE
Email Address:		FAX
Company:		PHONE
Rep:		TOLL FREE
Email Address:		FAX

Jeremy Hatfield

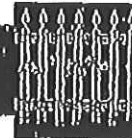
Tech Support/Outside Sales

2010 2nd Avenue
Huntington, WV 25703
Phone 304.523.7491
Cell 304.417.3735
Nat Wats 1.800.624.3417

405 12th Street
Dunbar, WV 25064
Phone 304.768.3601
Fax 304.768.3691
Nat Wats 1.800.344.5201
Jeremy.hatfield@stateelectric.com

Rob Young

Phone: 740-446-9317 & 740-589-5111
Fax: 740-446-7397 Cell: 740-339-0111



YOUNG'S FENCING

998 Evergreen Road Bidwell OH 45614

Wood - Vinyl - Chain Link

Residential & Commercial

GREG WHITTINGTON
SALES TEAM MANAGER
gwhittington@jhtomblinfence.com

2710 SISSONVILLE
CHARLESTON, WV 25301
OFFICE (304) 342-4444
FAX (304) 344-4444
CELL (304) 410-4444



SPECIALIZING IN ALL TYPES OF FENCES
WWW.JHTOMBLINFENCE.COM

BABCOCK FENCE CO.

Agricultural • Commercial • Industrial

(740) 896-2211 ✉ Fax: (740) 896-2277

Mike Babcock, Owner ✉ mikebabcock@babcockfence.com



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SHIP TO

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DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
06/27/2011				

BID OPENING DATE: 07/28/2011 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p><i>[Signature]</i>SIGNATURE <i>Babcock Fence Company</i>COMPANY 7/25/2011DATE</p> <p>REV. 11/96</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>Babcock Fence Company</i></p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS		
SIGNATURE <i>[Signature]</i>	TELEPHONE 740 896 2211	DATE 7/25/2011
TITLE Owner	FEIN 31-1246960	ADDRESS CHANGES TO BE NOTED ABOVE

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BID OPENING DATE: 07/28/2011		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
				WV 031115		
<p>CONTRACTORS LICENSE NO. :</p> <p>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT</p> <p>APPLICABLE LAW</p> <p>THE WEST VIRGINIA STATE CODE, PURCHASING DIVISION RULES AND REGULATIONS, AND THE INFORMATION PROVIDED IN THE "REQUEST FOR QUOTATION" ISSUED BY THE PURCHASING DIVISION IS THE SOLE AUTHORITY GOVERNING THIS PROCUREMENT.</p> <p>ANY INFORMATION PROVIDED IN SPECIFICATION MANUALS, OR ANY OTHER SOURCE, VERBAL OR WRITTEN, WHICH CONTRADICTS OR ALTERS THE INFORMATION PROVIDED FROM THE SOURCES AS DESCRIBED IN THE ABOVE PARAGRAPH IS VOID AND OF NO EFFECT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THE STATE MAY DEEM THE CONTRACT NULL AND VOID, AND TERMINATE SUCH CONTRACT WITHOUT FURTHER ORDER.</p> <p>REV. 5/2009</p> <p>NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p>DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE *[Signature]* TELEPHONE 7408962211 DATE 7/25/2011

TITLE *owner* FEIN 31-1246960 ADDRESS CHANGES TO BE NOTED ABOVE

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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: -----RW/FILE 22-----						
REQ. NO.: -----MMB12012-----						
BID OPENING DATE: -----7/28/2011-----						
BID OPENING TIME: -----1:30 PM-----						
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:						
-----740 896 2277-----						
PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE:						
-----Mike Babcock-----						
PLEASE NOTE: A CONVENIENCE COPY WOULD BE APPRECIATED.						
***** THIS IS THE END OF RFQ MMB12012 ***** TOTAL: _____						

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TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Michael S. Babcock dba Babcock Fence Company of 1261 Laurel Ridge Road Lowell, OH 45744, as Principal, and Western Surety Company of Chicago, Illinois, a corporation organized and existing under the laws of the State of South Dakota with its principal office in the City of Chicago, IL, as Surety, are held and firmly bound unto the State of West Virginia, as Oblgee, in the penal sum of Fifty Eight Thousand thirteen and thirty eight Cents (\$ 58,013.38) 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 Fence at Mildred Mitchell-Bateman Hospital
1530 Norway Ave., Huntington, WV 25705

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 Oblgee 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 28th day of July, 2011.

Principal Corporate Seal



Michael S. Babcock dba Babcock Fence Company

By [Signature]
(Name of Principal)
(Must be President or Vice President)

Owner

(Title)

Surety Corporate Seal

Western Surety Company
(Name of Surety)

[Signature]
Attorney-in-Fact

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

Western Surety Company

POWER OF ATTORNEY - CERTIFIED COPY

Bond No. 71143657

Know All Men By These Presents, that WESTERN SURETY COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office in Sioux Falls, South Dakota (the "Company"), does by these presents make, constitute and appoint Tonya E. Tullius

its true and lawful attorney(s)-in-fact, with full power and authority hereby conferred, to execute, acknowledge and deliver for and on its behalf as Surety, bonds for:

Principal: Michael S. Babcock dba Babcock Fence Company

Obligee: State of West Virginia, Dept. of Administration, Purchasing Div.

Amount: \$500,000.00

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the Senior Vice President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said attorney(s)-in-fact may do within the above stated limitations. Said appointment is made under and by authority of the following bylaw of Western Surety Company which remains in full force and effect.

"Section 7. All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

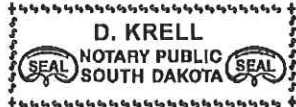
All authority hereby conferred shall expire and terminate, without notice, unless used before midnight of October 28, 2011, but until such time shall be irrevocable and in full force and effect.

In Witness Whereof, Western Surety Company has caused these presents to be signed by its Senior Vice President, Paul T. Bruflat, and its corporate seal to be affixed this 28th day of July, 2011.



WESTERN SURETY COMPANY
Paul T. Bruflat
Paul T. Bruflat, Senior Vice President

On this 28th day of July, in the year 2011, before me, a notary public, personally appeared Paul T. Bruflat, who being to me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of WESTERN SURETY COMPANY and acknowledged said instrument to be the voluntary act and deed of said corporation.



D. Krell
Notary Public - South Dakota

My Commission Expires November 30, 2012

I the undersigned officer of Western Surety Company, a stock corporation of the State of South Dakota, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable, and furthermore, that Section 7 of the bylaws of the Company as set forth in the Power of Attorney is now in force.

In testimony whereof, I have hereunto set my hand and seal of Western Surety Company this 28th day of July, 2011.

WESTERN SURETY COMPANY
Paul T. Bruflat
Paul T. Bruflat, Senior Vice President

ACKNOWLEDGMENT OF SURETY
(Attorney-in-Fact)

STATE OF Ohio
COUNTY OF Washington } ss

Bond No. 71143657

On this 28th day of July, 2011, before me, a notary public in and for said County, personally appeared Tonya E. Tullius to me personally known and being by me duly sworn, did say, that he is the Attorney-in-Fact of WESTERN SURETY COMPANY, a corporation of Sioux Falls, South Dakota, created, organized and existing under and by virtue of the laws of the State of South Dakota, that the said instrument was executed on behalf of the said corporation by authority of its Board of Directors and that the said Tonya E. Tullius

acknowledges said instrument to be the free act and deed of said corporation and that he has authority to sign said instrument without affixing the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Marietta, Ohio, the day and year last above written.

My commission expires November 13, 2012

Angela Worstell
Notary Public

RFQ No. MMB12012

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

West Virginia Code §5A-3-10a states: No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owed is an amount greater than one thousand dollars in the aggregate.

DEFINITIONS:

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

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

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

Under penalty of law for false swearing (*West Virginia Code* §61-5-3), it is hereby certified that the vendor affirms and acknowledges the information in this affidavit and is in compliance with the requirements as stated.

WITNESS THE FOLLOWING SIGNATURE

Vendor's Name: Babcock Fence Company

Authorized Signature: [Signature] Date: 7/25/2011

State of Ohio

County of Washington, to-wit:

Taken, subscribed, and sworn to before me this 25th day of July, 2011.

My Commission expires November 13, 2012

AFFIX SEAL HERE

NOTARY PUBLIC Angela Worsteel



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

STATE OF Ohio

COUNTY OF Washington, TO-WIT:

I, Michael S. Babcock, after being first duly sworn, depose and state as follows:

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

Babcock Fence Company
(Company Name)

By: [Signature]

Title: owner

Date: 7/25/2011

Taken, subscribed and sworn to before me this 25th day of July.

By Commission expires November 13, 2012

(Seal)

[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.