

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

Aspen Corporation

Fax

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

From: Linda C. Freeman

Fax: 304-558-3970 **Pages:** 17

Phone: 304-558-8802 **Date:** 1-10-2013

Re: Tub Run Highwall & Refuse PII **CC:** File

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

• **Comments:**

Buyer: GN-23
RFQ. NO. DEP16067
Bid Opening Date: January 10, 2013
Bid Opening Time: 1:30 PM

01/10/13 09:59:59 AM
West Virginia Purchasing Division

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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

Solicitation

NUMBER:
DEP16067

PAGE:
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
**GUY NISBET
 304-558-8802**

ASPEN CORPORATION
 2400 RITTER DRIVE
 DANIELS, WV 25832

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


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

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

DATE PRINTED:
11/08/2012

BID OPENING DATE: **01/03/2013** 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>REQUEST FOR SOLICITATION</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, ON BEHALF OF 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 118-ACRE ABANDONED MINE PROJECT KNOWN AS THE "TUB RUN HIGHWALL & REFUSE - PHASE II" PROJECT. THE SITE IS LOCATED AT THOMAS, WEST VIRGINIA, (TUCKER CO.).</p> <p>PREBID WILL INVOLVE EXTENSIVE FOOT TRAVEL OVER DIFFICULT TERRAIN AND/OR DURING INCLEMENT WEATHER. THE PRE-BID MEETING DESCRIBED IN THIS SOLICITATION WILL INCLUDE A SITE VISIT OF RESTRICTED ACCESS AREAS. DUE TO THE ACCESS LIMITATIONS, ALL VENDORS MUST BE PRESENT AT THE PRE-BID MEETING AT THE TIME THE SITE VISIT OF THE RESTRICTED ACCESS AREA COMMENCES. ANY VENDOR NOT PRESENT AT THE PRE-BID MEETING WHEN THE SITE VISIT OF THE RESTRICTED ACCESS AREA BEGINS WILL BE DEEMED TO HAVE MISSED THE PRE-BID MEETING.</p> <p>DIRECTIONS TO PREBID: FROM THE INTERSTATE OF RT. 72 AND RT. 219 IN PARSONS, TRAVEL NORTH ON RT. 219 FOR 10.5 MILES AND TURN RIGHT ONTO A GRAVEL ROAD, OR FROM THE INTERSECTION OF RT. 32 AND RT. 219 IN THOMAS, TRAVEL SOUTH ON RT. 219 FOR 4 MILES AND TURN LEFT ONTO A GRAVEL ROAD. PROCEED FOR 1.8 MILES, THROUGH GATE #21 TO THE SITE.</p>						

SIGNATURE:  TELEPHONE: **304-763-4573** DATE: **1-10-2013**

TITLE: **V-President** FEIN: **55-062-7766-001** ADDRESS CHANGES TO BE NOTED ABOVE

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



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Solicitation

NUMBER
DEP16067

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ADDRESS CORRESPONDENCE TO ATTENTION OF
GUY NISBET 304-558-8802

VENDOR

1 ASPEN CORPORATION
 2400 RITTER DRIVE
 DANIELS, WV 25832

SHIP TO

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

DATE PRINTED
11/08/2012

BID OPENING DATE: 01/03/2013 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
CONTACT & PHONE #: GREGG SMITH, 304-457-5278 PLANS & SPECS MAY BE OBTAINED BY THE FOLLOWING METHODS: 1) BY REQUEST, ON CD FROM THE WV DEPT. OF ENVIRONMENTAL PROTECTION, OFFICE OF AML & R, WITH NO CHARGE TO THE CONTRACTOR FOR THE CD OR MAILING. CALL LAWRENCE BURGESS, PH. 304-926-0499, EXT. 1668 OR 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. ***** ***** 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 ***** (1) 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						

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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ADDRESS CORRESPONDENCE TO ATTENTION OF:
 GUY NISBET
 304-558-8802

VENDOR

1 ASPEN CORPORATION
 2400 RITTER DRIVE
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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>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> <p>(B) DURING THE ONE-YEAR GUARANTEE PERIOD, THE CONTRACTOR WILL MAINTAIN THE PROJECT TO THE CONDITIONS EXISTING AT THE DATE OF THE ACCEPTANCE OF THE WORK. ANY FAILURES DUE TO THE NEGLIGENCE OR WORKMANSHIP OF CONTRACTOR IN ANY OF THE WORK THAT DEVELOPS DURING THE GUARANTEE PERIOD SHALL BE CORRECTED BY THE CONTRACTOR AT ITS EXPENSE.</p> <p>(C) THE ONE-YEAR GUARANTEE PERIOD SHALL NOT BE CONSTRUED AS BEING AN EXTENSION OF THE PERFORMANCE TIME ALLOTTED FOR WORK UNDER THE CONTRACT.</p> <p>(D) GUARANTEES CONCERNING REVEGETATION MAY BE FURTHER DEFINED IN THE TECHNICAL SPECIFICATIONS CONTAINED HEREIN.</p> <p>(2) IT SHALL BE THE RESPONSIBILITY OF THE SUCCESSFUL VENDOR TO:</p> <p>(A) OBTAIN ALL NECESSARY DIVISION OF HIGHWAYS PERMITS FOR ALL TRANSPORTATION OF EQUIPMENT AND MATERIALS TO AND FROM THE JOB SITE.</p> <p>(B) OBTAIN ANY AND ALL REQUIRED CONSTRUCTION PERMITS OR RELATED JOB PERMITS.</p> <p>(3) TECHNICAL SPECIFICATIONS: ALL WORK UNDER THIS CONTRACT SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS PREPARED FOR THE RECLAMATION OF THE "TUB RUN HIGHWALL & REFUSE PHASE II" PROJECT. SAID PLANS & SPECS ARE INCORPORATED HERE IN BY REFERENCE AND ALL PROVISIONS, CLAUSES AND CONDITIONS THEREIN ARE</p>						

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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Solicitation

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ADDRESS CORRESPONDENCE TO ATTENTION OF:
GUY NISBET 304-558-8802

VENDOR

ASPEN CORPORATION
 2400 RITTER DRIVE
 DANIELS, WV 25832

SHIP TO

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 601 57TH STREET SE
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 25304 304-926-0499

DATE PRINTED
11/08/2012

BID OPENING DATE: 01/03/2013 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
MADE PROPERLY A PART OF THIS CONTRACT, AND CONSISTS OF 89 DRAWINGS AS PREPARED BY STANTEC CONSULTING SERVICES, INC. (4) 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. (5) 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.						
***** THIS IS THE END OF RFQ DEP16067 ***** TOTAL:						2,985,146 ⁷⁵

SIGNATURE	TELEPHONE 304-763-4573	DATE 1-10-2013
TITLE Vice Pres.	FIRN 55-062,7766-001	ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO SOLICITATION, 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

SOLICITATION

DEP16067

PAGE 1

ADDRESS CORRESPONDENCE TO ATTENTION OF
FRANK WHITTAKER
304-558-2316

VENDOR

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

SHIP TO

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

DATE PRINTED:
12/13/2012

BID OPENING DATE: 01/10/2013 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 1						
THIS ADDENDUM IS ISSUED TO EXTEND THE BID OPENING DATE & TIME, AND PROVIDE THE ATTACHED DOCUMENTATION.						
0001	1	JB		962-73		
RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES						
***** THIS IS THE END OF RFQ DEP16067 ***** TOTAL:						

SIGNATURE *[Signature]* TELEPHONE 304-763-4573 DATE 1-10-2013
TITLE Vice President FEIN 55-0627766-001 ADDRESS CHANGES TO BE NOTED ABOVE

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

TUB RUN HIGHWALL AND REFUSE -PHASE II
REVISED Contractor's Bid Sheet
DEP 16067

Company Name: ASPEN CORPORATION
Address: 2400 Ritter Drive
Daniels, WV 25832

The DEP reserves the right to request additional information and supporting documentation regarding Unit Prices, when the Unit Price appears to be unreasonable.

ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.0	Lump Sum	Mobilization & Demobilization (Cannot be more than 5% of TOTAL AMOUNT BID)	\$ 147,500.00	\$ 147,500.00
2.0	Lump Sum	Construction Layout Stakes (Cannot be more than 6% of TOTAL AMOUNT BID)	\$ 57,000.00	\$ 57,000.00
3.0	Lump Sum	Quality Control (Cannot be more than 2% of TOTAL AMOUNT BID)	\$ 45,500.00	\$ 45,500.00
4.1	Lump Sum	Site Preparation (Cannot be more than 10% of TOTAL AMOUNT BID)	\$ 250,000.00	\$ 250,000.00
4.2	9,459 L. Ft.	Access Road	\$ 35.00	\$ 331,065.00
5.1	10,500 L. Ft.	Silt Fence	\$ 3.50	\$ 36,750.00
5.2	11,300 L.Ft.	Super Silt Fence	\$ 7.25	\$ 81,925.00
5.3	10,000 L. Ft.	Sediment Control Device	\$ 9.00	\$ 90,000.00
5.4	33,000 L.Ft.	Straw Wattles	\$ 3.50	\$ 115,500.00
5.5	1 Ea.	Stone Construction Entrance	\$ 4,000.00	\$ 4,000.00
6.1	89.0 Acs.	Revegetation	\$ 2,000.00	\$ 178,000.00
6.2	29.0 Acs.	Forest Service Revegetation	\$ 2,000.00	\$ 58,000.00
7.1	5,849 L.Ft.	2.0 Ft. Deep "Vee" Shaped Riprap Ditch	\$ 27.25	\$ 159,385.25
7.2	66 L.Ft.	2.5 Ft. Deep "Vee" Shaped Riprap Ditch	\$ 34.00	\$ 2,244.00
7.3	2,694 L. Ft.	2.0 Ft. Deep "Vee" Shaped Grouted Riprap Ditch	\$ 52.50	\$ 141,435.00
7.4	793 L.Ft.	2.5 Ft. Deep "Vee" Shaped Grouted Riprap Ditch	\$ 67.00	\$ 53,131.00
7.5	300 L.Ft.	2.0 Ft. Deep by 4.0 Ft. Wide "Flat Bottom" Shaped Riprap Ditch	\$ 43.50	\$ 13,050.00
7.6	56 L.Ft.	2.5 Ft. Deep by 10.0 Ft. Wide "Flat Bottom" Shaped Riprap Ditch	\$ 71.25	\$ 3,990.00
7.7	1,098 L.Ft.	3.0 Ft. Deep by 10.0 Ft. Wide "Flat Bottom" Shaped Riprap Ditch	\$ 80.00	\$ 87,840.00
7.8	94 L. Ft.	2.5 Ft. Deep by 10.0 Ft. Wide "Flat Bottom" Shaped Grouted Riprap Ditch	\$ 148.00	\$ 13,912.00
7.9	119 L.Ft.	3.0 Ft. Deep by 10.0 Ft. Wide "Flat Bottom" Shaped Grouted Riprap Ditch	\$ 165.50	\$ 19,694.50
7.10	Lump Sum	Ditch Number 9 "A"	\$ 33,500.00	\$ 33,500.00
8.1	309,000 C.Y.	Unclassified Excavation	\$ 2.25	\$ 695,250.00
8.2	100 Tn.	Forest Service Refuse Neutralization	\$ 80.00	\$ 8,000.00
9.1	4 Ea.	Type I or Type II Mine Seals	\$ 10,500.00	\$ 42,000.00
9.2	400 L.Ft.	Mine Seal Conveyance Pipes	\$ 22.25	\$ 8,900.00
9.3	500 Bags	Soda Ash Briquette	\$ 35.25	\$ 17,625.00
10.1	2,500 L.Ft.	Subsurface Drain	\$ 64.50	\$ 161,250.00
10.2	4 Ea.	12" Inline Cleanouts	\$ 925.00	\$ 3,700.00
11.1	10.0 Acs.	Undercutting Exposed Refuse (bid is per "Plan View Acre")	\$ 6,250.00	\$ 62,500.00
11.2	10.0 Acs.	Soil Cover (bid is per "Plan View Acre")	\$ 6,250.00	\$ 62,500.00
		TOTAL:	\$	2,985,146.75

ADDITIONAL TERMS AND CONDITIONS (Construction Contracts Only)

1. **CONTRACTOR'S LICENSE:** West Virginia Code § 21-11-2 requires that all persons desiring to perform contracting work in this state be licensed. The West Virginia Contractors Licensing Board is empowered to issue the contractor's license. Applications for a contractor's license may be made by contacting the West Virginia Division of Labor.

West Virginia Code § 21-11-11 requires any prospective Vendor to include the contractor's license number on its bid. Failure to include a contractor's license number on the bid shall result in Vendor's bid being disqualified. Vendors should include a contractor's license number in the space provided below.

Contractor's Name:

Contractor's License No.

The apparent successful Vendor must furnish a copy of its contractor's license prior to the issuance of a purchase order/contract.

2. **DRUG-FREE WORKPLACE:** W. Va. Code § 21-1D-5 provides that any solicitation for a public improvement contract requires each Vendor that submits a bid for the work to submit at the same time an affidavit that the Vendor has a written plan for a drug-free workplace policy. To comply with this law, Vendor must either complete the enclosed drug-free workplace affidavit and submit the same with its bid or complete a similar affidavit that fulfills all of the requirements of the applicable code. Failure to submit the signed and notarized drug-free workplace affidavit, or a similar affidavit that fully complies with the requirements of the applicable code, with the bid shall result in disqualification of Vendor's bid.
3. **AIA DOCUMENTS:** All construction contracts that will be completed in conjunction with architectural services procured under Chapter 5G of the West Virginia Code will be governed by the AIA A101-2007 and A201-2007 or the A107-2007 documents, as amended by the Supplementary Conditions for the State of West Virginia, in addition to the terms and conditions contained herein.
4. **SUBCONTRACTOR LIST SUBMISSION:** In accordance with W. Va. Code § 5-22-1, The apparent low bidder on a contract for the construction, alteration, decoration, painting or improvement of a new or existing building or structure valued at more than \$500,000.00 shall submit a list of all subcontractors who will perform more than \$25,000.00 of work on the project including labor and materials. This provision shall not apply to any other construction projects, such as highway, mine reclamation, water or sewer projects.

- c. **Required Information.** The subcontractor list shall contain the following information:

- i. Bidder's name
 - ii. Name of each subcontractor
 - iii. License numbers as required by W. Va. Code § 21-11-1 et. seq.
 - iv. Notation that no subcontractors will be used if the bidder will perform the work
- d. **Submission.** The completed subcontractor list shall be provided to the Purchasing Division within one business day of the opening of bids for review. Failure to submit the subcontractor list within one business day after the deadline for submitting bids shall result in disqualification of the bid.
- e. **Substitution of Subcontractor.** Written approval must be obtained from the Purchasing Division before any subcontractor substitution is permitted. Substitutions are not permitted unless:
- i. The subcontractor listed in the original bid has filed for bankruptcy;
 - ii. The subcontractor in the original bid has been debarred or suspended; or
 - iii. The contractor certifies in writing that the subcontractor listed in the original bill fails, is unable, or refuses to perform his subcontract.
5. **GREEN BUILDINGS MINIMUM ENERGY STANDARDS:** In accordance with § 22-29-4, all new building construction projects of public agencies that have not entered the schematic design phase prior to July 1, 2012, or any building construction project receiving state grant funds and appropriations, including public schools, that have not entered the schematic design phase prior to July 1, 2012, shall be designed and constructed complying with the ICC International Energy Conservation Code, adopted by the State Fire Commission, and the ANSI/ASHRAE/IESNA Standard 90.1-2007: *Provided*, That if any construction project has a commitment of federal funds to pay for a portion of such project, this provision shall only apply to the extent such standards are consistent with the federal standards.

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: Aspen Corporation Tax Payer ID No.: 55-062-7766-001
Address: 2400 Ritter Drive
City: Daniels State: WV Zip Code: 25830 Phone: 304-763-4573
Fax No.: 304-763-4591 E-mail address: radkins@aspen-golf.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, Ronnie Adkins, 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.

1-10-2013 [Signature] Vice-President
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 <https://avss.osmre.gov>.



U.S. Department of the Interior Office of Surface Mining
Applicant/Violator System

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OFT for Entity: 248573 Aspen Corporation
248573 Aspen Corporation

OFT for Entity: 248573 Aspen Corporation

248573 Aspen Corporation

248573 Aspen Corporation Officers(6)

248574 Donnie L Adkins - (SH) Shareholder

248574 Donnie L Adkins - (PRS) President

248575 Ronnie L Adkins - (SH) Shareholder

248575 Romie L Adkins - (VP) Vice President

248575 Ronnie L Adkins - (SEC) Secretary

248575 Romie L Adkins - (TRS) Treasurer



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

STATE OF West Virginia
COUNTY OF Raleigh, TO-WIT:

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

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

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

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

Aspen Corporation
(Company Name)

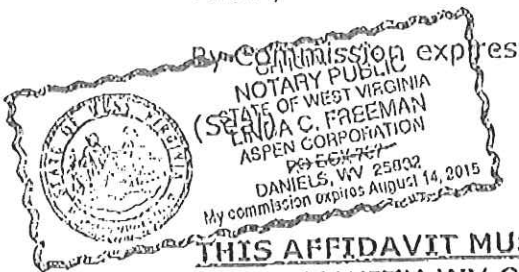
By: [Signature]

Title: Vice President

Date: 1-10-2013

Taken, subscribed and sworn to before me this 13th day of Jan 2013.

By commission expires 8-14-2015



[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.

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Aspen Corporation
of 2400 Ritter Drive, Daniels, WV 25832, as Principal, and Lexon Insurance Company
of 10002 Shelbyville Road, Louisville, KY 40223, a corporation organized and existing under the laws of the State of Texas
with its principal office in the City of Louisville, KY, as Surety, are held and firmly bound unto the State
of West Virginia, as Oblige, in the penal sum of Five Percent of Amount Bid (\$ 5% of Bid) 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
Tub Run Highwall & Refuse - Phase II, DEP 16067; Located near Thomas, Fairfax District, Tucker County, WV

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
10th day of January, 20 13.

Principal Corporate Seal

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

Surety Corporate Seal

Lexon Insurance Company
(Name of Surety)
[Signature]
Bonnie J. Wortham, Attorney-in-Fact

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

POWER OF ATTORNEY

LX - 064592

Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that LEXON INSURANCE COMPANY, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: Brook T. Smith, Mark A. Guldry, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Sandra L. Fusinetti, ***

Myrtle F. Henry, Deborah Noichter, Jill Komp, Jackie C. Koostol, Shoryon Quinn, Dawson West, Bonnie J. Wortham, Amy Meredith, Lynnette Long, Barbara Duncan

Its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of LEXON INSURANCE COMPANY on the 1st day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$ 4,000,000.00 Four million dollars

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company.

IN WITNESS THEREOF, LEXON INSURANCE COMPANY has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 21st day of September, 2009.



LEXON INSURANCE COMPANY

BY [Signature] David E. Campbell President

ACKNOWLEDGEMENT

On this 21st day of September, 2009, before me, personally came David E. Campbell to me known, who being duly sworn, did depose and say that he is the President of LEXON INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

OFFICIAL SEAL MAUREEN K. AYE Notary Public, State of Illinois My Commission Expires 09/21/13

[Signature] Maureen K. Aye Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of LEXON INSURANCE COMPANY, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Woodridge, Illinois this 10th Day of January, 2013.



[Signature] Philip G. Lauer Assistant Secretary

WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

CERTIFICATION AND SIGNATURE PAGE

By signing below, I certify that I have reviewed this Solicitation in its entirety; understand the requirements, terms and conditions, and other information contained herein; that I am submitting this bid or proposal for review and consideration; that I am authorized by the bidder to execute this bid or any documents related thereto on bidder's behalf; that I am authorized to bind the bidder in a contractual relationship; and that to the best of my knowledge, the bidder has properly registered with any State agency that may require registration.

Aspen Corporation
(Company)

[Signature]
(Authorized Signature)

Ronnie Adkins Vice Pres -
(Representative Name, Title)

304-763-4573 304-763-4591
(Phone Number) (Fax Number)

1-10-2013
(Date)

ADDENDUM ACKNOWLEDGEMENT FORM

SOLICITATION NO.: DEP16067

Instructions: Please acknowledge receipt of all addenda issued with this solicitation by completing this addendum acknowledgment form. Check the box next to each addendum received and sign below. Failure to acknowledge addenda may result in bid disqualification.

Acknowledgment: I hereby acknowledge receipt of the following addenda and have made the necessary revisions to my proposal, plans and/or specification, etc.

Addendum Numbers Received:

(Check the box next to each addendum received)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Addendum No. 1 | <input type="checkbox"/> Addendum No. 6 |
| <input type="checkbox"/> Addendum No. 2 | <input type="checkbox"/> Addendum No. 7 |
| <input type="checkbox"/> Addendum No. 3 | <input type="checkbox"/> Addendum No. 8 |
| <input type="checkbox"/> Addendum No. 4 | <input type="checkbox"/> Addendum No. 9 |
| <input type="checkbox"/> Addendum No. 5 | <input type="checkbox"/> Addendum No. 10 |

I understand that failure to confirm the receipt of addenda may be cause for rejection of this bid. I further 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.

Aspen Corporation
Company


Authorized Signature

1-10-2013
Date

NOTE: This addendum acknowledgement should be submitted with the bid to expedite document processing.

RFO No. DEPI6067 34

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

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

DEFINITIONS:

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

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

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

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

WITNESS THE FOLLOWING SIGNATURE

Vendor's Name: Aspen Corporation

Authorized Signature: [Signature] Date: 1-10-2013

State of WV

County of Raleigh, to-wit:

Taken, subscribed, and sworn to before me this 10th day of January, 2013.

My Commission expires 8-14, 2015

AFFIX SEAL HERE

NOTARY PUBLIC Linda C. Freeman

