

Wheatley Branch (Luthy) Portals

Requisition # DEP16187

Contractor's Bid Sheet
(Revised for Addendum)

Company Name: Smith Brothers Excavating

Address: 729 Hwy 149
Manchester, Ky 40962

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	1	"Mobilization and Demobilization," per lump sum. Cannot be more than 10% of the Total Amount Bid for the project.	l.s.	\$ 38,000
2.0	1	"Construction Layout," per lump sum. Cannot be more than 3% of the Total Amount Bid for the project.	l.s.	\$ 11,000
3.0	1	"Quality Control," per lump sum. Cannot be more than 3% of the Total Amount Bid for the project.	l.s.	\$ 11,000
4.1	1	"Site Preparation," per lump sum. Cannot be more than 10% of the Total Amount Bid for the project.	l.s.	\$ 30,000
4.2	450	"Class 1 Aggregate," per ton	\$30.00	\$ 13,500
4.3	1	"Temporary Access Road," per lump sum	l.s.	\$ 40,000
4.4	1	"Temporary 42-inch Diameter Culvert," per lump sum	l.s.	\$ 5,000
4.5	40	"Road Crossing 42-inch Diameter Culvert," per linear foot	\$80.00	\$ 3,200
5.1	7,500	"Silt Fence," per linear foot	\$ 2.00	\$ 15,000
5.2	1	"Stabilized Construction Entrance," per each	\$3000.00	\$ 3,000
5.3	3	"Rock Check Dams," per each	\$1500.00	\$ 4,500
6.0	6	"Revegetation," per plan view acre	\$2,000.00	\$ 12,000
7.1	650	"1-Foot Deep Riprap Vee Channel," per linear foot	\$ 100.00	\$ 65,000
7.2	100	"1-Foot Deep Grouted Riprap Vee Channel," per linear foot	\$ 100.00	\$ 10,000
7.3	1	"Low Water Crossing," per each	\$5000.00	\$ 5,000
7.4	25	"18-inch Diameter Culvert," per linear foot	\$ 50.00	\$ 1,250
9.1	17	"Wet/Modified Wet Seal," per each	\$8000.00	\$ 136,000
9.2	10	"Bat Gate," per each	\$7000.00	\$ 70,000
9.3	100	"Soda Ash Briquettes," per 50 pound bag	\$ 15.00	\$ 1,500
<i>Stanley Smith</i>				
05/21/13 09:48:21 AM				
West Virginia Purchasing Division				
TOTAL				\$ 474,950

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Smith Brothers Excavating
of Manchester, Kentucky, as Principal, and Merchants Bonding Company
of Des Moines, Iowa, a corporation organized and existing under the laws of the State of Iowa
with its principal office in the City of Des Moines, as Surety, are held and firmly bound unto the State
of West Virginia, as Obligee, in the penal sum of Twenty Percent of Amount Bid (\$ 20% 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
Wheatley Branch Portals, Logan County West Virginia

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
22nd day of May, 2013

Principal Corporate Seal

Smith Brothers Excavating
(Name of Principal)

By Stanley Smith
(Must be President or
Vice President)

Partner
(Title)

Surety Corporate Seal

Merchants Bonding Company
(Name of Surety)

Mackenzie Huston
Mackenzie Huston 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.**

MERCHANTS
BONDING COMPANY™
POWER OF ATTORNEY

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations duly organized under the laws of the State of Iowa (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint, individually,

Christopher P. Barnett, Sandy Q. Black, William F. Cowgill, Jr., Mackenzie Huston, Teresa Robinson

of Lexington and State of Kentucky their true and lawful Attorney-in-Fact, with full power and authority hereby conferred in their name, place and stead, to sign, execute, acknowledge and deliver in their behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

FOUR MILLION (\$4,000,000.00) DOLLARS

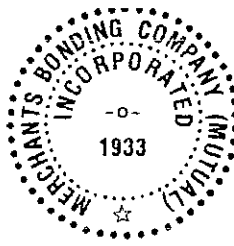
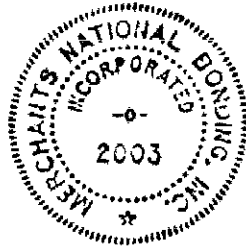
and to bind the Companies thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the Companies, and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following By-Laws adopted by the Board of Directors of the Merchants Bonding Company (Mutual) on April 23, 2011 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 24, 2011.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 29th day of August, 2012.



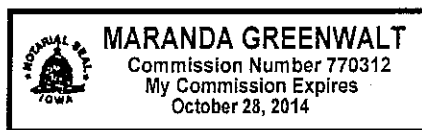
MERCHANTS BONDING COMPANY (MUTUAL)
MERCHANTS NATIONAL BONDING, INC.

By *Larry Taylor*
President

STATE OF IOWA
COUNTY OF POLK ss.

On this 29th day of August, 2012, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument is the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.



Maranda Greenwalt
Notary Public, Polk County, Iowa

STATE OF IOWA
COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 22nd day of May, 2013.



William Warner Jr.
Secretary



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

Solicitation

NUMBER
DEP16187

PAGE
1

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

RFQ COPY TYPE NAME/ADDRESS HERE Smith Brothers Excavating 729 Hwy 149 Manchester, KY 40962

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

DATE PRINTED
04/02/2013

BID OPENING DATE: 05/07/2013 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
				ADDENDUM NO. 1		
				THIS ADDENDUM IS ISSUED TO CORRECT THE DIRECTIONS TO THE MANDATORY PRE-BID MEETING.		
				THE PROJECT AREA CAN BE ACCESSED FROM CHARLESTON, I64, EXIT 58A, BY TRAVELING SOUTH ON US-119 (CORRIDOR G) 42 MILES AND TAKING WHEATLEY BRANCH ROAD ON YOUR LEFT AT CORRIDOR G MILE MARKER 38.0. CONTINUE UP WHEATLEY BRANCH 1.0 MILE TO THE FORK IN THE ROAD.		
0001	1	JB		962-73		
				RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES		
				***** THIS IS THE END OF RFQ DEP16187 *****	TOTAL:	474,950. ⁰⁰

SIGNATURE <i>Stanley Smith</i>	TELEPHONE 606-598-4173	DATE 5-20-12
TITLE <i>Partner</i>	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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

SOLICITATION NUMBER: DEP16187

Addendum Number: 01

The purpose of this addendum is to modify the solicitation identified as ("Solicitation") to reflect the change(s) identified and described below.

Applicable Addendum Category:

- Modify bid opening date and time
- Modify specifications of product or service being sought
- Attachment of vendor questions and responses
- Attachment of pre-bid sign-in sheet
- Correction of error
- Other

Description of Modification to Solicitation:

To correct the directions to the mandatory pre-bid meeting.

Date and Time for the mandatory pre-bid meeting have not changed.

Additional Documentation: Documentation related to this Addendum (if any) has been included herewith as Attachment A and is specifically incorporated herein by reference.

Terms and Conditions:

1. All provisions of the Solicitation and other addenda not modified herein shall remain in full force and effect.
2. Vendor should acknowledge receipt of all addenda issued for this Solicitation by completing an Addendum Acknowledgment, a copy of which is included herewith. Failure to acknowledge addenda may result in bid disqualification. The addendum acknowledgement should be submitted with the bid to expedite document processing.



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

Solicitation

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

VENDOR

Smith Brothers Exc.
 729 Highway 149
 Manchester, KY 40962

SHIP TO

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

DATE PRINTED
05/06/2013

BID OPENING DATE: 05/22/2013 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 2						
1.						
ADDENDUM IS ISSUED TO MOVE THE BID OPENING DATE						
FROM: MAY 07, 2013						
TO: MAY 22, 2013						
THE BID OPENING TIME OF 1:30 P.M. REMAINS UNCHANGED.						
2.						
TO PROVIDE ANSWER TO QUESTIONS SUBMITTED REGARDING THE ORIGINAL SOLICITATION.						
3.						
TO PROVIDE REVISED DRAWINGS TO SUPERSEDE ORIGINAL DETAILS AS DEFINED IN THE ATTACHED PROFILE VIEWS.						
4.						
TO PROVIDE VENDORS A COPY OF THE MANDATORY PRE-BID SIGN-IN SHEET. PLEASE REFER TO ATTACHMENT A FOR ALL OF THE ABOVE DOCUMENTATIONS.						
5.						
TO INCLUDE REVISED CONTRACTOR'S BID SHEET. PLEASE REFER TO ATTACHMENT B FOR THE REVISED BID SHEET.						
6.						
TO PROVIDE ADDENDUM ACKNOWLEDGEMENT. THIS DOCUMENT SHOULD BE SIGNED AND RETURNED WITH YOUR BID. FAILURE TO SIGN AND RETURN MAY RESULT IN THE DISQUALIFICATION OF YOUR BID.						
END OF ADDENDUM NO. 2						

SIGNATURE <i>Stanley Smith</i>	TELEPHONE 606-598-4173	DATE 5-20-13
TITLE Partner	FEIN 61-0951132	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

NUMBER
DEP16187

PAGE
2

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

RFQ COPY
 TYPE NAME/ADDRESS HERE

VENDOR

SHIP TO

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

DATE PRINTED
05/06/2013

BID OPENING DATE: 05/22/2013 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		
RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES						
***** THIS IS THE END OF RFQ DEP16187 ***** TOTAL:						<u>474,950.⁰⁰</u>

SIGNATURE <i>Stanley Smith</i>	TELEPHONE 606-598-4173	DATE 5-20-13
TITLE Partner	FEIN 61-0951132	ADDRESS CHANGES TO BE NOTED ABOVE

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

SOLICITATION NUMBER: DEP16187

Addendum Number: 2

The purpose of this addendum is to modify the solicitation identified as ("Solicitation") to reflect the change(s) identified and described below.

Applicable Addendum Category:

- Modify bid opening date and time
- Modify specifications of product or service being sought
- Attachment of vendor questions and responses
- Attachment of pre-bid sign-in sheet
- Correction of error
- Other

Description of Modification to Solicitation:

1. Addendum issued to move bid opening date from May 07, 2013 to May 22, 2013 at 1:30 P.M.
2. To provide Questions and Answers regarding the original RFQ.
3. To provide revised drawings.
4. To provide mandatory pre-bid sign-in sheet.
5. To provide revised Contractor's Bid Sheet
6. To provide Addendum Acknowledgement.

Additional Documentation: Documentation related to this Addendum (if any) has been included herewith as Attachment A and is specifically incorporated herein by reference.

Terms and Conditions:

1. All provisions of the Solicitation and other addenda not modified herein shall remain in full force and effect.
2. Vendor should acknowledge receipt of all addenda issued for this Solicitation by completing an Addendum Acknowledgment, a copy of which is included herewith. Failure to acknowledge addenda may result in bid disqualification. The addendum acknowledgement should be submitted with the bid to expedite document processing.

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: DEP16187

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 checked="" 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.

Smith Brothers Excavating
 Company

Stanley Smith
 Authorized Signature

5-20-13
 Date

NOTE: This addendum acknowledgement should be submitted with the bid to expedite document processing.
 Revised 6/8/2012

REQUEST FOR QUOTATION NO. DEP16187

SIGN IN SHEET

Page 1 of 4

Wheatley Branch (Luthy) Portals

PLEASE PRINT

Date: April 23, 2013

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

FIRM & REPRESENTATIVE NAME	MAILING ADDRESS	TELEPHONE & FAX NUMBERS
Company: <u>BARNES EXC INC</u>	<u>P.O. Box 13384</u>	PHONE <u>304-984-1725</u>
Rep: <u>Robert L. Barnes</u>	<u>Sissonville</u>	TOLL FREE
Email Address: <u>BARNES EXC(A) AOL.COM</u>	<u>WV 25360</u>	FAX <u>304-984-0074</u>
Company: <u>EndR Excavating</u>	<u>2357 Broad Run Rd</u>	PHONE <u>304-882-2271</u>
Rep: <u>Andrew Goodrite</u>	<u>PO Box 655</u>	TOLL FREE
Email Address: <u>erexcavating@frootier.net</u>	<u>New Haven WV 25265</u>	FAX <u>304-882-8238</u>
Company: <u>Wildcat Exc</u>	<u>P.O. Box 159</u>	PHONE <u>304-687-5159</u>
Rep: <u>DANA L. ANKERS</u>	<u>Loyal, WV 25601</u>	TOLL FREE
Email Address: _____	_____	FAX _____
Company: <u>GREEN Mountain Company</u>	<u>511 50th St</u>	PHONE <u>304 925 0253</u>
Rep: <u>DAVID H. BOWMAN</u>	<u>Charleston WV</u>	TOLL FREE <u>(6)</u>
Email Address: <u>DHB 722C Yghoo, WV</u>	<u>25304</u>	FAX <u>304-925-9230</u>
Company: <u>WISEMAN EXCAVATING</u>	<u>RT 1 Box 190 Liberty WV</u>	PHONE <u>304-586-3736</u>
Rep: <u>Brad Wiseman</u>	<u>25124</u>	TOLL FREE
Email Address: _____	_____	FAX <u>304-586-3780</u>

REQUEST FOR QUOTATION NO. DEP16187

SIGN IN SHEET

Page 2 of 4

Wheatley Branch (Luthy) Portals

PLEASE PRINT

Date: April 23, 2013

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

FIRM & REPRESENTATIVE NAME	MAILING ADDRESS	TELEPHONE & FAX NUMBERS
Company: <u>BURNS EXCAVATING</u> Rep: <u>Jeremy Singleton</u> Email Address: <u>CARLE@Knobleyfarmsportshop.com</u>	<u>HC 75 Box 33</u> <u>NEW CREEK WV 26743</u>	PHONE <u>304-813-5943</u> TOLL FREE <u>304-257-0570</u> FAX
Company: <u>BREAKAWAY INC</u> Rep: <u>Doug Vincent</u> Email Address: <u>doug@breakawaywv.com</u>	<u>1075 Old Turnpike Rd</u> <u>Sutton WV 26601</u>	PHONE <u>765-5317</u> TOLL FREE FAX <u>765-5389</u>
Company: <u>EAGLE EXCAVATION INC.</u> Rep: <u>GEORGE FRESHOUR</u> Email Address: <u>NONE</u>	<u>P.O. BOX 218</u> <u>KENNA, WV 25248</u>	PHONE <u>(304) 372-4378</u> TOLL FREE FAX <u>(304) 372-4378</u>
Company: <u>EASTERN ARROW</u> Rep: <u>Ann Karswell</u> Email Address: <u>easternarrow@hotmail.com</u>	<u>Box 4109</u> <u>CHARLESTON WV</u> <u>25361</u>	PHONE <u>304-411-0255</u> TOLL FREE FAX <u>0256</u>
Company: <u>Smith Bros Exc.</u> Rep: <u>Stanley Smith</u> Email Address:	<u>729 Highway 149</u> <u>Manchester KY</u> <u>40962</u>	PHONE <u>606-599-6726</u> TOLL FREE FAX <u>598-5670</u>

REQUEST FOR QUOTATION NO. DEP16187

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Date: April 23, 2013

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FIRM & REPRESENTATIVE NAME	MAILING ADDRESS	TELEPHONE & FAX NUMBERS
Company: <u>Wheatley Branch</u> Rep: <u>DANA L. FARKINS</u> Email Address: _____	_____ _____ _____	PHONE _____ TOLL _____ FREE _____ FAX _____
Company: <u>BLUE LIVE STREAM</u> Rep: <u>ADAM SMITH</u> Email Address: <u>bluelivestream@yahoo.com</u>	<u>111 Honeybee dr</u> <u>Louisia KY</u> <u>41230</u>	PHONE <u>606 422-0683</u> TOLL _____ FREE _____ FAX _____
Company: <u>FOSTER SUPPLY</u> Rep: <u>DEREK SEARS</u> Email Address: <u>dsears@fostersupply.com</u>	<u>PO Box 488</u> <u>SCOTT DEPOT WV 25860</u>	PHONE <u>304-553-6565</u> TOLL _____ FREE _____ FAX <u>304-755-8280</u>
Company: <u>Aspen Corporation</u> Rep: <u>Ashley Allkins</u> Email Address: <u>jackkins@aspen-golf.com</u>	<u>2400 River Drive</u> <u>Daniels WV 25832</u>	PHONE <u>304-763-4573</u> TOLL _____ FREE _____ FAX <u>304-763-4591</u>
Company: <u>Thaxton Construction Co, Inc.</u> Rep: <u>Dustin Thaxton</u> Email Address: <u>thaxtonconstruction@gmail.com</u>	<u>P.O. Box 13279</u> <u>Charleston, WV 25360</u>	PHONE <u>304-984-2299</u> TOLL _____ FREE _____ FAX <u>304-981-2334</u>

REQUEST FOR QUOTATION NO. DEP16187

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Wheatley Branch (Luthy) Portals

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FIRM & REPRESENTATIVE NAME	MAILING ADDRESS	TELEPHONE & FAX NUMBERS
Company: <u>Pineville Paving & Excavating Inc.</u> Rep: <u>Tony Brantford</u> Email Address: _____	<u>P.O. 1290 Pineville WV 24874</u>	PHONE <u>304-732-8303</u> TOLL FREE FAX <u>304-732-7855</u>
Company: <u>ABC Excavation LLC</u> Rep: <u>Josh McNeely</u> Email Address: <u>Joshmcneely6@gmail.com</u>	<u>PO Box 44 Foster, WV 25081</u>	PHONE <u>304 369 6798</u> TOLL FREE FAX _____
Company: <u>McCaert & Son Const.</u> Rep: <u>Gary Long</u> Email Address: <u>glong@wirefire.com</u>	<u>2740 Centralia Rd Sutton WV 26601</u>	PHONE <u>304 765-5288</u> TOLL FREE FAX <u>304 765-5293</u>
Company: <u>Carpenter Reclamation</u> Rep: <u>Randy Carpenter</u> Email Address: <u>Rcarper103@aol.com</u>	<u>PO BX 13015 Sissonville WV 25360</u>	PHONE <u>304 984 1115</u> TOLL FREE FAX <u>304 984-2776</u>
Company: <u>Hi-Tech Co</u> Rep: <u>Mark Moss</u> Email Address: <u>Janet@hitechconston.com</u>	<u>504th Charleston WV</u>	PHONE <u>304-746-0050</u> TOLL FREE <u>1-800-233-6809</u> FAX <u>304-746-4452</u>

ATTACHMENT B

1. Revised Contractor's Bid Sheet

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. When possible, please type your information onto this form to reduce errors on our end. **NOTE: Signature and date this form is signed must be recent (within the last month) to be considered for a current bid**

Part A: General Information

Business Name: Smith Brothers Excav. Tax Payer ID No.: 61-0951132
Address: 729 Hwy 149
City: Manchester State: KY Zip Code: 40962 Phone: 606-598-4173
Fax No.: 606-598-5670 E-mail address: garage 4173@windstream.net

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, Stanley Smith, 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 is not listed in AVS. If you select this option, you must provide all information required in Part D. Sign and date below and complete Part D.

5-6-13 Stanley Smith partner
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>.

Part D.

Contractor's Business Name: Smith bros Exc.

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>Stanley Smith</u>	Position/Title	<u>Partner</u>
Address	<u>60 Oak Brown Rd</u>	Telephone #	<u>606-599-6726</u>
	<u>Howden Ky 40744</u>	% of Ownership	<u>50</u>
Begin Date:	<u>1978 Approx</u>	Ending Date:	<u>N/A</u>

Name	<u>Teddy Smith</u>	Position/Title	<u>Partner</u>
Address	<u>729 Highway 149</u>	Telephone #	<u>598-3368</u>
	<u>Manchester Ky 40962</u>	% of Ownership	<u>50</u>
Begin Date:	<u>1978 Approx</u>	Ending Date:	<u>N/A</u>

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

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

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.

U. S. Department of the Interior
Certification Regarding
Debarment, Suspension, Ineligibility and
Voluntary Exclusion
Lower Tier Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 43 CFR Part 12, Section 12.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). For assistance in obtaining a copy of the regulations, contact the U.S. Department of the Interior, Acquisition and Assistance Division, Office of Acquisition and Property Management, 18th and C Streets, N.W., Washington D.C. 20240.

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Smith Brothers Excavating
Stanley Smith, Partner

Name and Title of Authorized Representative

Stanley Smith 5-20-13

Signature Date

**ASSURANCE REQUIREMENT REGARDING EQUAL EMPLOYMENT OPPORTUNITY
FOR VENDORS, SUPPLIERS AND CONTRACTORS ENGAGED IN
COMMERCIAL TRANSACTIONS WITH
THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

We, Smith Bros. Excavating, the undersigned, desiring to avail ourselves of the benefits of engaging in commercial transactions with the West Virginia Department of Environmental Protection, hereby agree that:

- 1) All employment and personnel practices under this contract, Requisition No. DEP 16187, will be conducted without regard to race, sex, religion or national origin;
- 2) We will include in all recruitment advertisements the following wording:
"An Equal Opportunity Employer"; and
- 3) We will provide the Director of the Abandoned Mine Lands and Reclamation Division or his/her authorized representative, upon request, documentation that will enable him/her to judge the extent of our compliance with the requirements of Governor's Executive Order No. 4-65, of December 15, 1965.

Signed this 20th day of May, 2013.

Stanley Smith
Signature of Authorized Representative
Partner
Title

**WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
CONSTRUCTION CONTRACTOR'S
MINORITY, WOMEN'S AND SMALL BUSINESS
AFFIRMATIVE ACTION CERTIFICATION**

We, Smith Bros. Excavating the undersigned, Construction Contractor on the Abandoned Mine Lands & Reclamation construction contract herein, intending to sub-contract a part of our contract work under Requisition No. DEP16184, hereby certify as follows:

- 1) We will include qualified small, minority and women's businesses on solicitation lists;
- 2) We will assure that small, minority and women's businesses are solicited whenever they are potential sources;
- 3) We will, when economically feasible, divide total requirements into smaller tasks or quantities so as to permit maximum small, minority and women's business participation.
- 4) Where our requirements permit, we will establish delivery schedules which will encourage participation by small, minority and women's businesses.
- 5) We will utilize the services and assistance of the Small Business Administration, the Office of Minority Business Enterprise of the Department of Commerce and the Community Services Administration as required.

We understand that we may obtain the information required under the foregoing provisions from the Governor's Office of Community & Industrial Development's Small Business Development Center, 1115 Virginia Street, East, Charleston, West Virginia 25301, Phone 304/348-2960.

- 6) We will submit this certification to the Construction Supervisor when we submit proposed subcontractors for approval.
- 7) We agree that all documentation relative to affirmative action taken by us to seek out and consider the use of minority, women's and small business enterprises as subcontractors shall be made available for inspection by representatives of the West Virginia Department of Environmental Protection and the U.S. Office of Surface Mining Reclamation and Enforcement;
- 8) This certification is an integral part of our proposal for the construction contract.

Signed this 20th day of May, 2013.

Stanley Smith
Signature of Authorized Representative

Partner
Title

U. S. Department of the Interior
CERTIFICATION REGARDING LOBBYING

This certification is required by Section 1352, title 31, U. S. Code, entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions."

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. To obtain a Standard Form LLL, contact DEP or the U.S. Office of Surface Mining, 603 Morris Street, Charleston, WV 25301, phone number 347-7158.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature Stanley Smith Date 5-20-13

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

Approved by GAO
03-49-0046

1. Type of Federal Action: <input type="checkbox"/> a. Contract <input type="checkbox"/> b. Grant <input type="checkbox"/> c. Cooperative agreement <input type="checkbox"/> d. Loan <input type="checkbox"/> e. Loan guarantee <input type="checkbox"/> f. Loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. Bid/Offer/Application <input type="checkbox"/> b. Initial Award <input type="checkbox"/> c. Post-Award	3. Report Type: <input type="checkbox"/> a. Initial Filing <input type="checkbox"/> b. Material Change For Material Change Only: Year _____ Quarter _____ Date of Last Report _____
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Congressional District, if known: _____	5. If Reporting Entity in No. 4 is Subawardee, enter Name and Address of Prime: Congressional District, if known: _____	
6. Federal Department/Agency: _____	7. Federal Program Name/Description: _____ CFDA Number, if applicable: _____	
8. Federal Action Number, if known: _____	9. Award Amount, if known: \$ _____	
<div style="text-align: center; font-size: 2em; opacity: 0.5; transform: rotate(-15deg);"> Not Applicable </div> 10. a. Name and Address of Lobbying Entity (if individual, last name, first name, MI): _____ (attach Continuation Sheets SF-LLL-A, if necessary)		
b. Individuals Performing Services (including address if different from No. 10a.) (last name, first name, MI): _____		
11. Amount of Payment (check all that apply): \$ _____ <input type="checkbox"/> Actual <input type="checkbox"/> Planned	13. Type of Payment (check all that apply): <input type="checkbox"/> a. Retainer <input type="checkbox"/> b. One-time fee <input type="checkbox"/> c. Commission <input type="checkbox"/> d. Contingent fee <input type="checkbox"/> e. Deferred <input type="checkbox"/> f. other, specify: _____	
12. Form of Payment (check all that apply): <input type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind: specify: nature _____ value _____		
14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employees, or Member(s) contracted, for Payment indicated in Item 11: (attach Continuation Sheet(s) SF-LLL-A, if necessary)		
15. Continuation Sheet(s) SF-LLL-A attached: <input type="checkbox"/> Yes <input type="checkbox"/> No		
16. Information through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be		
Signature: <u>Stanley Smith</u> Print Name: <u>Stanley Smith</u> Title: <u>Partner</u>		

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB

0348-0046

Reporting Entity: _____ Page _____ of _____

Not Applicable