



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

**Solicitation**

NUMBER  
**DEP16241**

PAGE  
**1**

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

FOOTPRINT

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

SHIP TO

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

06/25/13 09:58:40 AM  
 West Virginia Purchasing Division

DATE PRINTED  
**05/15/2013**

BID OPENING DATE: **06/25/2013**      BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		
<p><b>RECLAMATION: RESTORATION OF LAND &amp; OTHER PROPERTIES</b></p> <p><b>REQUEST FOR SOLICITATION</b></p> <p>THE WEST VIRGINIA PURCHASING DIVISION, ON BEHALF OF 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 10-AC ABANDONED MINE PROJECT KNOWN AS THE "MILAM RIDGE REFUSE PILES" PROJECT. THE SITE IS LOCATED AT COVEL, WEST VIRGINIA, (WYOMING CO).</p> <p>A MANDATORY ON SITE PREBID CONFERENCE SHALL BE HELD. PREBID WILL INVOLVE EXTENSIVE FOOT TRAVEL OVER DIFFICULT TERRAIN AND/OR DURING INCLEMENT WEATHER.</p> <p>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><b>DIRECTIONS TO PREBID:</b></p> <p>FROM CHARLESTON, TAKE I-64 EAST TO JUNCTION WITH WV-16 EXIT NUMBER 42, TOWARD ROBERT C. BYRD DRIVE/WV-97. MERGE ONTO WV-16 SOUTH TOWARD WV-97 WEST/SOPHIA/MULLEN</p>						

SIGNATURE *Donnie Adkins*      TELEPHONE **304-763-4573**      DATE **6-25-13**  
 TITLE *Pres*      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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ADDRESS CORRESPONDENCE TO ATTENTION OF  
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304-558-2316**

SUZOO

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

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

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<p>TURN LEFT ONTO WV-16/MORAN AVE. AND CONTINUE TO FOLLOW WV-16. TURN LEFT ONTO WV-10 AND FOLLOW TO THE TOWN OF GARWOOD. TURN LEFT FROM FROM WV-10 ONTO ACCESS ROAD APPROX. .5 MILES FROM THE RAILROAD TRESTLE IN GARWOOD.</p> <p>CONTACT &amp; PHONE #: MARK PROCTOR, 304-465-1910</p> <p>PLANS &amp; SPECS MAY BE OBTAINED BY THE FOLLOWING METHODS:  1) BY REQUEST, ON CD FROM THE WV DEPT. OF ENVIRONMENTAL PROTECTION, OFFICE OF AML &amp; 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. *****</p> <p>*****</p> <p>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</p> <p>*****</p> <p>(1) GUARANTEE AND MAINTENANCE:  (A) THE MATERIALS AND WORKMANSHIP AFFECTED BY</p>						

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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ADDRESS CORRESPONDENCE TO ATTENTION OF:  
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**304-558-2316**

SUPPORT

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

SHP TO

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 601 57TH STREET SE  
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BID OPENING DATE: **06/25/2013**      BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>THE CONTRACTOR ARE SUBJECT TO THE GUARANTEE ESTABLISHED BY CUSTOM OF THE RESPECTIVE TRADES. IN THE ABSENCE OF A TRADE GUARANTEE CUSTOM OR A SPECIAL GUARANTEE PROVISION, THE WORK, BOTH AS TO THE MATERIALS AND WORKMANSHIP, SHALL UPON ACCEPTANCE OF FINAL PAYMENT BY THE CONTRACTOR BE CONSIDERED GUARANTEED BY THE CONTRACTOR FOR ONE YEAR FROM THE DATE OF THE ACCEPTANCE OF THE WORK. NEITHER THE FINAL ACCEPTANCE NOR THE FINAL PAYMENT SHALL RELIEVE THE CONTRACTOR OF RESPONSIBILITY FOR NEGLIGENCE OR FAULTY MATERIALS, AND FOR DEFECTS APPEARING WITHIN THE GUARANTEE PERIOD SHALL BE REMEDIED 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:</p>						

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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**Solicitation**

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DEP16241	4
ADDRESS CORRESPONDENCE TO ATTENTION OF:	
FRANK WHITTAKER 304-558-2316	

RFP NO. V 1002

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

S.H. 100

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

DATE PRINTED  
 05/15/2013

BID OPENING DATE: 06/25/2013      BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>ALL WORK UNDER THIS CONTRACT SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS PREPARED FOR THE RECLAMATION OF THE "MILAM RIDGE REFUSE PILES" PROJECT. SAID PLANS &amp; SPECS ARE INCORPORATED HERE IN BY REFERENCE AND ALL PROVISIONS, CLAUSES AND CONDITIONS THEREIN ARE MADE PROPERLY A PART OF THIS CONTRACT, AND CONSISTS OF 53 DRAWINGS AS PREPARED BY E. L. ROBINSON ENGINEERING.</p> <p>(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.</p> <p>(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.</p> <p>***** THIS IS THE END OF RFQ      DEP16241 ***** TOTAL: _____</p>						

SIGNATURE	TELEPHONE	DATE
<i>Donnie Atkins</i>	304-763-4573	6-25-13
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
<i>Pres</i>	55-062-7766-001	

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

**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: Aspen Corporation  
Contractor's License No. WV000653

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.

## Milam Ridge Refuse Piles

23

DEP 16241

## Contractor's Bid Sheet

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	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
1.1	1	LS	MOBILIZATION & DEMOBILIZATION (LUMP SUM) (CANNOT EXCEED 10% OF TOTAL AMOUNT BID)	\$ 20,000.00	\$ 20,000.00
2.1	1	LS	CONSTRUCTION LAYOUT (LUMP SUM) (CANNOT EXCEED 5% OF TOTAL AMOUNT BID)	\$ 7,000.00	\$ 7,000.00
3.1	1	LS	QUALITY CONTROL (LUMP SUM) (CANNOT EXCEED 3% OF TOTAL AMOUNT BID)	\$ 1,500.00	\$ 1,500.00
4.1	1	LS	SITE PREPARATION (LUMP SUM) (CANNOT EXCEED 10% OF TOTAL AMOUNT BID)	\$ 20,000.00	\$ 20,000.00
5.1	3,250	LF	SILT FENCE (PER LINEAR FOOT)	\$ 4.00	\$ 13,000.00
5.2	500	LF	SUPER SILT FENCE (PER LINEAR FOOT)	\$ 8.00	\$ 4,000.00
5.3	400	LF	STRAW WATTLE (PER LINEAR FOOT)	\$ 4.00	\$ 1,600.00
5.4	25	EA	STONE CHECK DAM (PER EACH)	\$ 200.00	\$ 5,000.00
5.5	1	EA	STABILIZED CONSTRUCTION ENTRANCE (PER EACH)	\$ 2,000.00	\$ 2,000.00
6.1	10	ACRE	REVEGETATION (PER PLAN VIEW ACRE)	\$ 2,000.00	\$ 20,000.00
7.1	1,640	LF	TYPE I GRASS LINED DITCH (PER LINEAR FOOT)	\$ 5.00	\$ 8,200.00
7.2	940	LF	TYPE II RIPRAP DITCH (PER LINEAR FOOT)	\$ 22.00	\$ 20,680.00
7.3	260	LF	TYPE III GROUTED RIPRAP DITCH (PER LINEAR FOOT)	\$ 62.00	\$ 16,120.00
7.4	70	LF	36" HDPE PIPE CULVERT (PER LINEAR FOOT)	\$ 96.00	\$ 6,720.00
7.5	2	EA	HEADWALL FOR 36" PIPE CULVERT (PER EACH)	\$ 2,000.00	\$ 4,000.00
7.6	7	EA	TYPE 1 LOW WATER CROSSING (PER EACH)	\$ 1,650.00	\$ 11,550.00
7.7	6	EA	TYPE II LOW WATER WATER CROSSING (PER EACH)	\$ 1,650.00	\$ 9,900.00
7.8	100	LF	UNDERDRAIN (PER LINEAL FOOT)	\$ 60.00	\$ 6,000.00
10.1	23	EA	WET MINE SEALS (PER EACH)	\$ 7,000.00	\$ 161,000.00
10.2	1	EA	WET BAT GATE MINE SEAL (PER EACH)	\$ 9,500.00	\$ 9,500.00
10.3	2	EA	DRY MINE SEAL (PER EACH)	\$ 4,000.00	\$ 8,000.00
10.4	4	EA	DRY BAT GAT MINE SEAL (PER EACH)	\$ 6,500.00	\$ 26,000.00
10.5	960	LF	MINE SEAL CONVEYANCE PIPE (PER LINEAR FOOT)	\$ 20.00	\$ 19,200.00
10.6	10	BAG	ACID MINE DRAINAGE TREATMENT (PER 50 LB.BAG)	\$ 32.00	\$ 320.00
<b>TOTAL</b>					<b>\$ 401,290.00</b>

OMB #1029-0119  
Expiration Date: 1/31/16

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: Aspen Corporation Tax Payer ID No.: 55-062-7766-001  
Address: 2400 Ritter Drive  
City: Daniels State: WV Zip Code: 25832 Phone: 304-763-4573  
Fax No.: 304-763-4591 E-mail address: dadkins@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, Donnie 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 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.

6-25-13                      Donnie Adkins                      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 Ronnie L Adkins - (VP) Vice President

248575 Ronnie L Adkins - (SEC) Secretary

248575 Ronnie L Adkins - (TRS) Treasurer



Agency Environmental Protection  
REQ.P O# DEP16241

**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, Kentucky, 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  
DEP16241 Millam Ridge Refuse Piles Project  
Provide all labor and materials - Site Located at Covel, WV (Wyoming County)

**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  
25th day of June, 2013.

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]  
Barbara Duncan, 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.

POWER OF ATTORNEY

LX - 070180

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. Guidry, Raymond M. Hundley, Jason D. Cronwell, James H. Martin, Sandra L. Fusinetti, \*\*\*\*

Deborah Naichter, Jill Kemp, Jackie C. Koestel, Sheryon 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 ..... dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

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. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to 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.

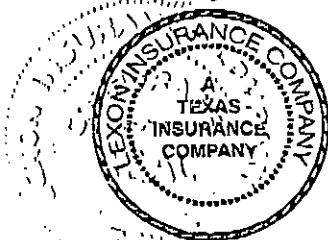
"OFFICIAL SEAL"  
MAUREEN K. AYE  
Notary Public, State of Illinois  
My Commission Expires 09/21/13

[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 25th Day of June 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."



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, Donnie 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)

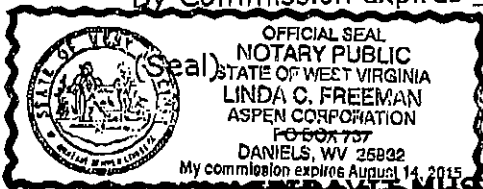
By: Donnie Adkins

Title: Pres

Date: 6-25-2013

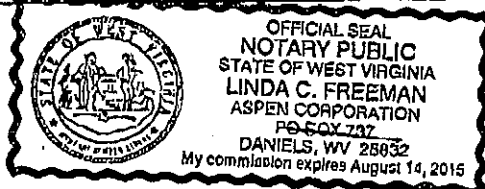
Taken, subscribed and sworn to before me this 25th day of June 2013.

By Commission expires 8-14-2015



Linda C. Freeman  
(Notary Public)

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



RFQ No. DEP16241

STATE OF WEST VIRGINIA  
Purchasing Division

**PURCHASING AFFIDAVIT**

**MANDATE:** Under W. Va. Code §5A-3-10a, 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: (1) the debt owed is an amount greater than one thousand dollars in the aggregate; or (2) the debtor is in employer default.

**EXCEPTION:** The prohibition listed above does not apply where a vendor has contested any tax administered pursuant to chapter eleven of the W. Va. 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.

**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.

"Employer default" means having an outstanding balance or liability to the old fund or to the uninsured employers' fund or being in policy default, as defined in W. Va. Code § 23-2c-2, failure to maintain mandatory workers' compensation coverage, or failure to fully meet its obligations as a workers' compensation self-insured employer. An employer is not in employer default if it has entered into a repayment agreement with the Insurance Commissioner and remains in compliance with the obligations under the repayment agreement.

"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.

**AFFIRMATION:** By signing this form, the vendor's authorized signer affirms and acknowledges under penalty of law for false swearing (W. Va. Code §61-5-3) that neither vendor nor any related party owe a debt as defined above and that neither vendor nor any related party are in employer default as defined above, unless the debt or employer default is permitted under the exception above.

**WITNESS THE FOLLOWING SIGNATURE:**

Vendor's Name: Aspen Corporation

Authorized Signature: Donnie Adkins Pres Date: 6-25-2013

State of West Virginia

County of Raleigh, to-wit:

Taken, subscribed, and sworn to before me this 25<sup>th</sup> day of June, 2013.

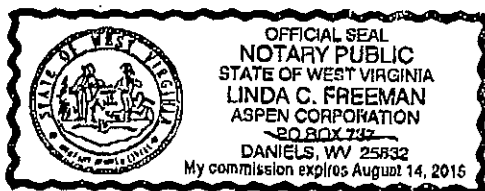
My Commission expires 8-14, 2015.

AFFIX SEAL HERE

NOTARY PUBLIC

Linda C. Freeman

Purchasing Affidavit (Revised 07/01/2012)



**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)

Donnie Adkins  
(Authorized Signature)

Donnie Adkins, Pres  
(Representative Name, Title)

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

6-25-2013  
(Date)



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

NUMBER  
 DEP16241

PAGE  
 1

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

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

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

DATE PRINTED  
 06/18/2013

BID OPENING DATE: 06/25/2013 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
				ADDENDUM NO. 1		
				ADDENDUM IS ISSUED:		
				1. TO PROVIDE ANSWER TO QUESTIONS REGARDING THE SOLICITATION.		
				2. TO PROVIDE REVISED DRAWINGS. DETAILED DRAWINGS ARE ATTACHED.		
				3. TO PROVIDE VENDORS A COPY OF THE MANDATORY PRE-BID MEETING SIGN-IN SHEET.		
				4. 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. 1		

SIGNATURE *Donnie Adams* TELEPHONE 304 763-4573 DATE 6-25-13  
 TITLE *Pres* FEIN 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

NUMBER	PAGE
DEP16241	2
ADDRESS CORRESPONDENCE TO ATTENTION OF	
FRANK WHITTAKER 304-558-2316	

\*709052150 304-763-4573

ASPEN CORPORATION  
2400 RITTER DR

DANIELS WV 25832

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ENVIRONMENTAL PROTECTION  
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CHARLESTON, WV  
25304 304-926-0499

DATE PRINTED
06/18/2013

BID OPENING DATE: 06/25/2013 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 DEP16241 ***** TOTAL:						

SIGNATURE	TELEPHONE	DATE
<i>Donnie Adkins</i>	304-763-4573	6-25-13
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
President	55-062-7766-001	

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

**SOLICITATION NUMBER: DEP16241**  
**Addendum Number: 1**

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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. To provide answer to questions regarding the above solicitation.
2. To provide revised detailed drawings.
3. To provide a copy of the Mandatory pre-bid sign-in sheets.
4. 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.: DEP16241**

**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

Donna Adams, Pres  
Authorized Signature

6-25-13  
Date

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

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

**Aspen Corporation**

# Fax

**To:** Frank Whittaker  
WV Purchasing Division  
2019 Washington Street, East  
P.O. Box 50130  
Charleston, WV 25305-0130

**From:** Linda C. Freeman

**Fax:** 304-558-3970

**Pages:** 18

**Phone:** 304-558-2316

**Date:** 6-25-2013

**Re:** DEP 16241 Milam Ridge

**CC:** File

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

● **Comments:**

**Buyer:** Frank Whittaker

**RFQ. NO.** DEP16241

**Bid Opening Date:** June 25, 2013

**Bid Opening Time:** 1:30 PM

IMPORTANT: The information contained in this facsimile transmission is only for the use of the individual or entity named above and may contain information that is privileged, confidential or exempt or protected from disclosure under applicable law. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.