

J.L. Pretzel Contracting, LLC

Jamie Pretzel

P.O. Box 240
Bruceeton Mills, WV 26525

Sealed Bid Fax: 304-558-3970

TO: WV Purchasing Division
2019 Washington Street, East
Charleston, WV 25305-0130

05/27/14 10:05:25AM
West Virginia Purchasing Division

From: J.L. Pretzel Contracting, LLC

SEALED BID

RFQ Number: DEP16464
Buyer: WV DEP, Office of Special
Reclamation
Bid Opening Date: May 27, 2014
Bid Opening Time: 1:30 PM



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

Solicitation

NUMBER
DEP16464

PAGE
1

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

REQ COPY

J.L. Pretzel Contracting, LLC
 P.O. Box 240
 Bruceton Mills, WV 26525

SHIP TO

ENVIRONMENTAL PROTECTION
 DEPT. OF
 OFFICE OF SPECIAL RECLAMATION
 105 S. RAILROAD STREET
 PHILIPPI, WV
 26416-9998 304-457-3219

DATE PRINTED
04/09/2014

27

BID OPENING DATE: 05/25/2014 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOF	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-73		\$296,590.00
RECLAMATION: RESTORATION OF WATER REQUEST FOR QUOTATION SPECIAL RECLAMATION/BOND FORFEITURE PROJECT THE WEST VIRGINIA PURCHASING DIVISION, ON BEHALF OF THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FROM QUALIFIED CONTRACTORS FOR A CONTRACT TO PROVIDE ALL LABOR AND MATERIALS TO PERFORM RECLAMATION ON THE MINING OPERATION OF WETER CO. S-71-79 AND INTERSTATE LUMBER COMPANY, INC. S-112-80. THIS SITE CONSISTS OF APPROXIMATELY 3.0 ACRES AND IS LOCATED NEAR MASONTOWN, WV PRESTON COUNTY. THE RECLAMATION SHALL BE PERFORMED UNDER THE GUIDANCE AND GENERAL SUPERVISION OF THE AGENT ASSIGNED TO THE PROJECT FOR THE STATE OF WEST VIRGINIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION. DIRECTIONS TO PRE-BID: FROM I-68, TAKE EXIT 4 TO WV-RT 7 TOWARDS KINGWOOD. GO ABOUT 2.3 MILES AND TURN LEFT ONTO TYRONE ROAD, CR-75. GO ABOUT 2.8 MILES AND TURN RIGHT ONTO SNAKE HILL ROAD, CR-75/12. GO ABOUT 4.3 MILES AND TURN LEFT ONTO CALE ROAD, CR-CR-84/1. GO ABOUT 0.3 MILES AND BEAR RIGHT ONTO STURGIS CHURCH ROAD, CR-84/2, CONTINUE FOR 0.7 MILES AND BEAR LEFT ONTO CALES ROAD, CR-21/3. GO ABOUT 0.7 MILES AND TURN LEFT ONTO BEAVER HOLE ROAD, CR-21/8, AND GO 0.7 MILES TO THE WETER AND						

05/27/14 10:05:29AM
 West Virginia Purchasing Division

SIGNATURE	TELEPHONE (304) 379-7789	DATE 5/27/2014
TITLE <i>MANAGER</i>	FEIN 20-8097120	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
DEP16464

PAGE
2

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

RFQ COPY

J.L. Pretzel Contracting, LLC
 P.O. Box 240
 Bruceton Mills, WV 26525

SHIP TO

ENVIRONMENTAL PROTECTION
 DEPT. OF
 OFFICE OF SPECIAL RECLAMATION
 105 S. RAILROAD STREET
 PHILIPPI, WV
 26416-9998 304-457-3219

DATE PRINTED
04/09/2014

27

BID OPENING DATE: 05/25/2014

BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
INTERSTATE LUMBER STRIP AREA. CONTACT & PHONE #: DAVID MCCOY 304-457-4588, EXT. 43218 PLANS & SPECS ON CD MAY BE OBTAINED BY REQUEST FROM THE WV DEPT OF ENVIRONMENTAL PROTECTION, OFFICE OF SPECIAL RECLAMATION, WITH NO CHARGE TO THE CONTRACTOR FOR THE CD OR MAILING. CALL CANDICE STONE @ 304-457-4588 EXT. 43288 OR 304-457- 3219 TO REQUEST A COPY. *****THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL PRINTING COSTS ***** ***** THIS IS THE END OF RFQ DEP16464 ***** TOTAL: <u>296,590.00</u>						

SIGNATURE	TELEPHONE (304) 372-7789	DATE 5/27/2014
TITLE MANAGER	FEIN 20-8097120	ADDRESS CHANGES TO BE NOTED ABOVE

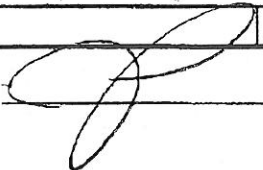
WHEN RESPONDING TO SOLICITATION, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

**Water Company and Inter-State Lumber Company, Inc.
 PERMITS S-71-79 and S-112-80
 BID SCHEDULE
 DEP16464**

VENDOR NAME: J. L. Pretzel Contracting, LLC

The WVDEP reserves the right to request additional information and supporting documentation regarding unit prices when the unit price appears to be unreasonable.

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1.0	Mobilization & Demobilization (Shall not exceed 8% of TOTAL)	1	LS	\$5,000.00	\$5,000.00
2.0	Construction Layout (Shall not exceed 1% of TOTAL)	1	LS	\$100.00	\$100.00
3.0	Quality Control (Shall not exceed 1% of TOTAL)	1	LS	\$100.00	\$100.00
4.0	Site Preparation (Shall not exceed 3% of TOTAL)	1	LS	\$1,000.00	\$1,000.00
5.0	Sediment Control - Silt Fence (Max. \$5.00/ LF)	300	LF	\$4.00	\$1,200.00
6.0	Road To Be Top Dressed	4000	LF	\$10.00	\$40,000.00
7.0	Access Road upgrade	620	LF	\$16.00	\$9,920.00
8.0	New Access Road	750	LF	\$25.00	\$18,750.00
9.0	Open Limestone Channel	1350	LF	\$40.00	\$54,000.00
10.0	24" HDPE DW Corrugated Culvert	60	LF	\$40.00	\$2,400.00
11.0	3' X 3' Underdrain	450	LF	\$60.00	\$27,000.00
12.0	Main O.L.D. Rehabilitation	120	LF	\$40.00	\$4,800.00
13.0	"V" Ditch Rehabilitation	130	LF	\$10.00	\$1,300.00
14.0	Main O.L.D. (Rake in #57 Stone)	300	LF	\$20.00	\$6,000.00
15.0	Main O.L.D. Washout Repair	1	EA	\$4,000.00	\$4,000.00
16.0	Flush Outlet Drains	3	EA	\$1,000.00	\$3,000.00
17.0	Texas Crossing	3	EA	\$3,500.00	\$10,500.00
18.0	Treatment Pond Upgrade	1	LS	\$100,000.00	\$100,000.00
19.0	Fence	80	LF	\$24.00	\$1,920.00
20.0	Incidental Stone	200	TN	\$28.00	\$5,600.00
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
TOTAL:					\$

BIDDER'S AUTHORIZED SIGNATURE:  DATE: 5/27/2014

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: J. L. Pretzel Contracting, LLC

Contractor's License No. WV042529

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 AFFIDAVIT:** 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.

2.1 DRUG-FREE WORKPLACE POLICY: Pursuant to W. Va. Code § 21-1D-4, Vendor and its subcontractors must implement and maintain a written drug-free workplace policy that complies with said article.

The awarding public authority may cancel this contract if: (1) Vendor fails to implement and maintain a written drug-free workplace policy described in the preceding paragraph, (2) Vendor fails to provide information regarding implementation of its drug-free workplace policy at the request of the public authority; or (3) Vendor provides to the public authority false information regarding the contractor's drug-free workplace policy.

- 3. DRUG FREE WORKPLACE REPORT:** Pursuant to W. Va. Code § 21-1D-7b, no less than once per year, or upon completion of the project, every contractor shall provide a certified report to the public authority which let the contract. For contracts over \$25,000, the public authority shall be the West Virginia Purchasing Division. For contracts of \$25,000 or less, the public authority shall be the agency issuing the contract. The report shall include:

WV-73
Rev. 08/2013



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


**STATE OF WEST VIRGINIA,
COUNTY OF Preston, TO-WIT:**

I, Jamie L. Pretzel, after being first duly sworn, depose and state as follows:

1. I am an employee of J. L. Pretzel Contracting, LLC; and,
(Company Name)
2. I do hereby attest that J. L. Pretzel Contracting, LLC
(Company Name)

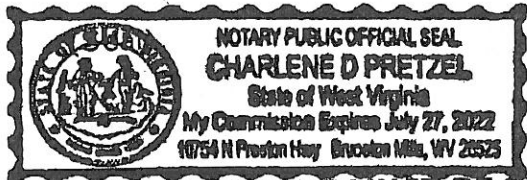
maintains a valid written drug free workplace policy and that such policy is in compliance with **West Virginia Code §21-1D**.

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

By: 
 Title: MANAGER
 Company Name: J. L. Pretzel Contracting, LLC
 Date: 5/27/2014

Taken, subscribed and sworn to before me this 27th day of MAY, 2014.

By Commission expires July 27, 2022




 (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. DEP16464

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: J. L. Pretzel Contracting, LLC
Authorized Signature: [Signature] Date: 5/27/2014

State of W. Va.

County of Preston, to-wit:

Taken, subscribed, and sworn to before me this 27 day of May, 2014.

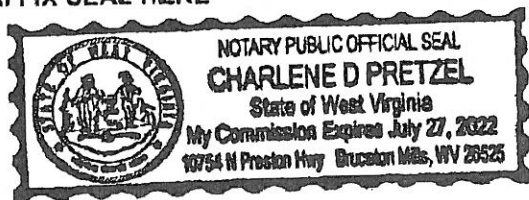
My Commission expires July 27, 2014.

AFFIX SEAL HERE

NOTARY PUBLIC

[Signature]

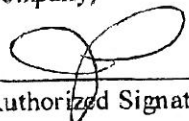
Purchasing Affidavit (Revised 07/01/2012)



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.

J.L. Pretzel Contracting, LLC
(Company)


(Authorized Signature)

Jarnie Pretzel, Manager
(Representative Name, Title)

(304) 379-7789 (304) 379-7788
(Phone Number) (Fax Number)

5/27/2014
(Date)

J.L. Pretzel Contracting, LLC
P.O. Box 240
Bruceton Mills, WV 26525

000003

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: DEP16464

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 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.

J. L. Pretzel Contracting LLC
Company


Authorized Signature

5/27/2014
Date

NOTE: This 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

NUMBER
DEP16464

PAGE
1

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

J.L. Pretzel Contracting, LLC
 P.O. Box 240
 Bruceton Mills, WV 26525

S H I P T O

ENVIRONMENTAL PROTECTION
 DEPT. OF
 OFFICE OF SPECIAL RECLAMATION
 105 S. RAILROAD STREET
 PHILIPPI, WV
 26416-9998 304-457-3219

DATE PRINTED
05/12/2014

BID OPENING DATE: 05/22/2014 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
				ADDENDUM NO. 1		
				SEE ATTACHED PAGES.		
				END OF ADDENDUM NO. 1		
0001	1	JB		962-73		
				RECLAMATION: RESTORATION OF WATER		
***** THIS IS THE END OF RFQ DEP16464 ***** TOTAL:						<u>296,590.00</u>

SIGNATURE	TELEPHONE (304) 379-7789	DATE 5/27/2014
TITLE <u>Manager</u>	FEIN <u>20-8097120</u>	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
DEP16464

PAGE
1

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

RFO COPY

J.L. Pretzel Contracting, LLC
 P.O. Box 240
 Bruceton Mills, WV 26525

S H I P T O

ENVIRONMENTAL PROTECTION
 DEPT. OF
 OFFICE OF SPECIAL RECLAMATION
 105 S. RAILROAD STREET
 PHILIPPI, WV
 26416-9998 304-457-3219

DATE PRINTED
05/14/2014

BID OPENING DATE: 05/27/2014 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 2						
1.				TO PROVIDE RESPONSES TO VENDOR QUESTIONS.		
2.				TO PROVIDE THE PRE-BID SIGN-IN SHEETS.		
3.				TO PROVIDE UPDATED SPECIFICATIONS -		
				4-02 ACCESS ROADS		
4.				REVISED DRAWINGS ARE AVAILABLE IN COLOR PDF		
				FORMAT BY CONTACTING CANDICE STONE AT		
				THE PHILIPPI OFFICE AT 304-457-4588 EXT. 43288		
				OR 304-457-3219.		
5.				THE BID OPENING HAS MOVED FROM 05/22/2014 TO		
				05/27/2014.		
END OF ADDENDUM NO. 2						
0001	1	JB		962-73		
				RECLAMATION: RESTORATION OF WATER		
***** THIS IS THE END OF RFO DEP16464 ***** TOTAL:						<u>296,590.00</u>

SIGNATURE	TELEPHONE (304) 379-7789	DATE 5/27/2014
TITLE <i>Manager</i>	FEIN 20-8097120	ADDRESS CHANGES TO BE NOTED ABOVE

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

BID BOND

BOND #1000997923-01

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED J L PRETZEL CONTRACTING, LLC
P O BOX 240, BRUCETON MILLS, WV 26525 AS PRINCIPAL, AND

AMERICAN CONTRACTORS INDEMNITY COMPANY AS SURETY, ARE HEREBY HELD AND

FIRMLY BOUND UNTO W.VA. DEPT OF ENVIRONMENTAL PROTECTION AS OWNER IN THE

PENAL SUM OF SEVENTEEN THOUSAND FIVE HUNDRED 00/100 FOR THE PAYMENT OF WHICH, WELL AND
TRULY TO BE MADE, WE HEREBY JOINTLY AND SEVERALLY BIND OURSELVES, SUCCESSORS AND
ASSIGNS,

SIGNED, THIS 15TH DAY OF MAY, 2014

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT WHEREAS THE PRINCIPAL HAS
SUBMITTED TO W.VA. DEPT OF ENVIRONMENTAL PROTECTION A CERTAIN BID, ATTACHED
HERETO AND HEREBY MADE A PART HEREOF TO ENTER INTO A CONTRACT IN WRITING, FOR THE
LAND RECLAMATION PRESTON COUNTY, WV (MASONTOWN, WV) DEP 16464

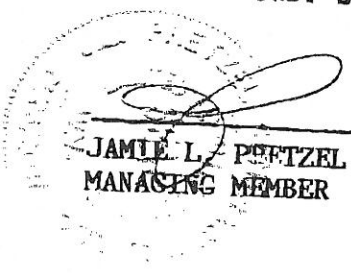
NOW, THEREFORE,

- (A) If said Bid shall be rejected, or in the alternate,
- (B) If said Bid shall be accepted and the principal shall execute and deliver a contract in the form of contract attached hereto (properly completed in accordance with said Bid) and shall furnish a bond for his faithful performance of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said Bid.

Then this obligation shall be void, otherwise the same shall remain in force and effect: It being expressly understood and agreed that the liability of the surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

THE SURETY, FOR VALUE RECEIVED, HEREBY STIPULATES AND AGREES THAT THE OBLIGATIONS OF SAID SURETY AND ITS BOND SHALL BE IN NO WAY IMPAIRED OR AFFECTED BY ANY EXTENSION OF THE TIME WITHIN WHICH THE OWNER MAY ACCEPT SUCH BID; AND SAID SURETY DOES HEREBY WAIVE NOTICE OF ANY SUCH EXTENSION.

IN WITNESS WHEREOF, THE PRINCIPAL AND THE SURETY HAVE HEREBUNTO SET THEIR HANDS AND SEALS, AND SUCH OF THEM AS ARE CORPORATIONS HAVE CAUSED THEIR CORPORATE SEALS TO BE HERETO AFFIXED AND THESE PRESENTS TO BE SIGNED BY THEIR PROPER OFFICERS. THE DAY AND YEAR FIRST SET FORTH ABOVE.



JAMIE L. PRETZEL
MANAGING MEMBER

PRINCIPAL J L PRETZEL CONTRACTING, LLC (L.S.)

AMERICAN CONTRACTORS INDEMNITY COMPANY
SURETY

BY: Brenda G. Poff
BRENDA G. POFF, ATTORNEY-IN-FACT

IMPORTANT -- Surety companies executing bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the project is located.

POWER OF ATTORNEY

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

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

Charles W. Manning or Brenda G. Paff of Huntington, West Virginia

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed Three Million Dollars (\$ 3,000,000.00)

This Power of Attorney shall expire without further action on December 05, 2016. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

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

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

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

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 10th day of December, 2012.

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

Corporate Seals



[Signature]
Daniel P. Aguilar, Vice President

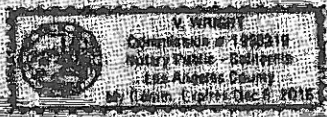
State of California

County of Los Angeles SS:

On 10th day of December, 2012, before me, Vanessa Wright, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

Signature *[Signature]* (Seal)



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

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 15th day of MAY 2014

Corporate Seals

Bond No. 1000997923-01
Agency No. 9130



[Signature]
Jeannie Lee, Assistant Secretary