



A TECHNICAL PROPOSAL TO CONDUCT BAT SURVEY SERVICES FOR THE WEST VIRGINIA ARMY NATIONAL GUARD'S CAMP DAWSON ARMY TRAINING SITE'S NEAR KINGWOOD IN PRESTON COUNTY, WEST VIRGINIA

PREPARED BY:

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Camp Dawson Army Training Site

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1.0 INTRODUCTION

Apogee is submitting this technical proposal to conduct mist-net surveys for the Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) for Camp Dawson Army Training Site. Services will include work plan development, bat surveys, radio telemetry, and the development of an Endangered Species Management Plan (ESMP). Please accept this technical proposal as notice that Apogee is interested in this project.

1.1 Location

The areas to be mist-netted are located on the Camp Dawson Army Training Site near Kingwood located in Preston County, West Virginia.

2.0 PAST PERFORMANCE

Apogee ecologists have been assisting clients in meeting environmental compliance requirements since the mid-1990's. Our goal at Apogee is to provide our clients the most proficient and cost effective environmental services available.

2.1 Past Experience in Eastern U.S.

Apogee ecologists are familiar with the flora, fauna, and abiotic ecosystem components of the eastern United States. Apogee's ecologists have worked on numerous projects for both the public and private sector in many states including Pennsylvania, West Virginia, Kansas, Kentucky, Virginia, Ohio, Georgia, North Dakota, Indiana, Tennessee, North Carolina, Vermont, New York, and New Jersey. These projects have included numerous private sector clients involved in linear corridor developments and mineral extraction. Government clients have included the Kentucky Department of Fish & Wildlife Resources, state Departments of Transportation, Department of Defense (DOD) bases, and many US Forest Service districts.

Apogee ecologists have a vast knowledge and experience with threatened and endangered bats of the eastern United States including the northern long-eared bat (*Myotis septentrionalis*) Indiana bat (*Myotis sodalis*), Virginia big-eared bat (*Corynorhinus t. virginianus*), and the gray bat (*Myotis grisescens*). We have conducted numerous projects incorporating mist net, harp trap, acoustic, and cave surveys coupled with an extensive background in conducting radio tracking for these bat species. Recently our ecologists have conducted linear corridor studies of the Indiana bat and northern long-eared bat for gas pipeline projects in Pennsylvania, Ohio, West Virginia, and Kentucky and power line projects in Tennessee and Virginia. Furthermore, our staff has completed endangered bat surveys for the USFS in the Green Mountain National Forest (Vermont), the Wayne National Forest (Ohio), North Carolina Department of Transportation, and the Camp Dawson Collective Training Facility (West Virginia). Most recently Apogee has also completed an extensive Biological Assessment of the federally endangered Indiana bat for a mining permit area in southern West Virginia.



2.2 Past Experience in the Proposed Project Area

In addition to the project experience listed above, Apogee also has extensive project experience in the vicinity of the proposed project. We have completed over 600 nights of survey effort for the Indiana bat and northern long-eared bat within close proximity to the proposed project area. Most recently we completed a bat survey specifically for the Indiana and northern long-eared bats for a proposed pipeline project that spanned the entire state of Pennsylvania east to west. Aspects of this project included initial habitat analysis, winter habitat evaluation, agency coordination, summer mist net and fall portal surveys. During the summer of 2013, Apogee conducted an Indiana bat survey for a proposed pipeline project throughout Pennsylvania, Ohio and Kentucky. These projects included many elements and focused specifically on the Indiana and/or northern long-eared bat. Furthermore, Apogee has conducted hundreds of projects within the Ohio, West Virginia and Pennsylvania tri-state area with a focus on the Indiana bat and northern long-eared bat.

2.3 Past Agency Experience

All projects listed above in Section 2.2 were coordinated with the appropriate state and federal agencies in West Virginia.

3.0 QUALITY ASSURANCE PLAN

Apogee and our ecologists are held in the highest esteem by the scientific community and can be expected to perform as such. Apogee's President and Project Coordinator are nationally renowned for their ability to orchestrate and lead large, diverse groups to accomplish demanding, complex tasks. In the highly unlikely event that, at any time, work is not performed to the satisfaction of Camp Dawson or the USFWS, Apogee will take whatever action is needed to restore the highest standards of scientific excellence and professional efficiency.

4.0 OBJECTIVE

To conduct a mist net survey for the Camp Dawson Army Training Site to determine the if Indiana or northern long-eared bats occur on site and to better characterize the species of bats present and to develop an ESMP. The survey areas will include 210 mist net site locations.

5.0 METHODS

Apogee will conduct a summer mist net survey for Indiana and northern long-eared bats. Apogee's ecologists are permitted by the USFWS and WVDNR to complete all associated field surveys.

Apogee and its Principal Investigators are nationally recognized as being among the world's leading experts concerning bat issues of the Eastern United States. As such, they can be relied upon to efficiently and thoroughly execute the sampling methods and conditions described by the USDA Forest Service in their Request for Quotation (RFQ). While it is not possible to foresee all of the opportunities for innovation, Apogee will use our experience, dedication and wisdom to enhance the efficiency, credibility and defensibility of these methods whenever circumstances warrant. As needed, additions or enhancements to sampling protocols will be discussed with Camp Dawson and the USFWS to assure that they continue to meet the highest standards of excellence and efficiency.

5.1 Habitat Evaluation

A habitat assessment will be performed at each mist net site during survey efforts. This assessment will focus on plant community type and structure, especially concerning canopy cover species of trees.

5.2 Summer Mist Net Survey

Netting at each site will include at least 6 net nights, consisting of a minimum of 2 net locations at each site at least 30 m apart and a minimum of 3 nights of netting (i.e., 2 net locations for 3 nights = 6 net nights per site). A “net night” is defined as 1 net set up for 1 night. The sample period will begin at sunset and continue for at least 5 hours. Each net will be checked approximately every 10 minutes. Each net(s) will be operated for 5 hours each night beginning at dusk.

Mist-netting sites will be on the Pringle Tract, Briery Tract, Camp Dawson Cantonment Area, and Volkstone Tract as delineated on provided maps.

Mist-nets will be of the finest, lowest visibility mesh that is commercially available, and will be constructed specifically for bats. Nets will be 2 ply, 50 denier nylon which is denoted as 50/2; 3. Mesh size of the nets will be between 1.25 inch - 1.75 inch. Nets will be in good condition and repair.

Mist-nets usually should be set approximately perpendicular across potential bat travel and/or foraging corridors such as logging/woods roads, or over areas considered to have a high potential to be used by bats for foraging or drinking, such as over waterholes, ponds, road cut ponds, and portions of streams/creeks. Mist-net sets targeting flyways (e.g., along roads) will fill the corridor from side to side and from the ground up to the overhanging canopy to reduce bat avoidance of nets. Depending on net size, two to three nets stacked may be needed to reach the overhanging canopy in some areas. Nets placed over water do not need to reach the canopy, but will focus on providing adequate obstruction across the water source that it is difficult for bats to evade the nets while drinking. Nets placed over water will be positioned so that bats caught in the bottom of the net will not be in the water. Netting that occurs at the long-term monitoring sites will use the same location and net set as that previously used (the FS will provide specifications and sketches of previous net sets for each long-term site).

Netting will not be conducted during rain or when nets are wet, in strong winds (nets regularly moving), or when temperatures are below 10°C (50°F). Net nights can have up to one hour of pause/delay time for these conditions in a given night, but still must have five hours of good sampling free from the above conditions. If five hours cannot be achieved within the first six hours after dusk the entire night must be resampled. Since the scope of this contract is on a per-site basis, Apogee will be responsible for any additional nights required beyond the two complete net-nights/site (i.e., rain-outs or other situations that necessitate extra net-night efforts).

All work to be accomplished will follow the most recent *National White-Nose Syndrome Decontamination Protocol*. Apogee will also ensure compliance with any additional state permitting requirements above and beyond the USFWS procedures.

5.3 Radio Telemetry

A qualified biologist who is experienced in handling Indiana and northern long-eared bats and attaching radio transmitters must perform transmitter attachments. The total weight of the transmitter and adhesive will not exceed 10% of the bat's body weight (6% for Indiana bats), and will comply with all USFWS and state permits. Transmitters will not be placed on any female Indiana bats that shows signs of obvious pregnancy at any time; transmitters will be placed on lactating females. Apogee will attach a transmitter to a minimum of six Indiana bats and six northern long-eared bats.

Telemetry work will include tracking of bats with transmitters to roost tree(s). Daily radio telemetry searches for roosts will be conducted during daylight hours and will be conducted until the bat(s) is located or for a minimum of 4 hours of ground-searching per day. Once a signal is detected, tracking will continue until the roost is located. At a minimum, biologists will document all ground-searching effort for all bats not recovered during radio-tracking for submittal with the survey report.

If bats are tracked to private property, Apogee will attempt to get landowner permission to access the land for tracking purposes; if a residence is located on site (e.g., Apogee will attempt to contact the landowner there, unless safety concerns exist, and leave a note with a Camp Dawson contact number if no one is at the residence). If unable to determine the landowner, Apogee will contact the COR within 24 hours of capture for further instructions. Bats will not be tracked onto private property without prior permission from the landowner.

Once roost trees are located, flagging will be placed on trees to assist in later location of roost sites. Data to be collected at these roost sites include, at a minimum: tree species, DBH, and height, UTM coordinates (NAD83, 17N), and habitat description of the immediate area as well as general access directions sufficient to allow the tree to be located by Camp Dawson personnel at a later date. Photos also will be taken of the roost tree, and in the four cardinal directions around the tree.

Emergence counts will be conducted at each new roost tree identified that season. Such counts will begin before dusk and continue until all bats have left the roost; if weather is not conducive to conduct emergence counts during the evening the roost tree is identified (i.e., due to rain or other conditions), a count will be conducted on the next suitable evening following capture, within one week of the identification of the roost tree.

6.0 REPORT

Once surveys are complete, a report will be prepared documenting the results. A draft of the final report will be submitted to Camp Dawson by September 15, 2016 and a final report by October 15, 2016. A draft ESMP will be submitted no later than October 15, 2016 and a final copy will be submitted no later than November 15, 2016. All information collected during the contract period becomes the property of the U.S. Forest Service. Apogee will not disseminate information from this study or copies of the reports to outside parties without written consent of Camp Dawson. The following information will be reported and supplied to Camp Dawson upon completion of project:

- An electronic version of the final report will include an Access database (fully populated with collected data), scanned mist-net data forms (including site sketches), and digital photographs of sites as well as any T&E bat captures and roost trees associated with radio-tagged bats.
- A spatial database (ARCmap shapefile,) including site and capture locations and individual capture data (e.g., date, species ID, sex, and reproductive condition).
- Topographic/quadrangle maps showing general locations of all net sites.
- Reproducible copies of the data sheets from each net set location will include the following information: UTM coordinates (NAD83, 17N), date, species of bats caught, sex of bats, reproductive status of bats, weather conditions (temperature, precipitation, cloud cover, moon phase, wind), age, time of capture, weight of bat, forearm length, and band description (if any).
- A neat sketch/hand drawn map of the net site location showing all pertinent features (roads with names; ponds; streams with names, if applicable; north arrow, etc.) and net placements as well as at least one photo of the net area showing net location and conditions (e.g., water levels if over a stream or pond, road conditions, surrounding habitat, etc.). The sketch will be sufficient to allow specific location of the site at a later date using 24k topographic maps and aerial photographs.
- A description of the forest structure and composition at each net site (e.g., mature/saw-timber oak-hickory forest, or pole-timber northern hardwood forest).
- A sketch/hand drawn map of the bridge (when conducting bridge surveys) showing all pertinent features including location of roost(s) on the bridge. A description of the habitat surrounding the bridge.
- Reproducible copies of roost tree data sheets, including bat identification (band number and transmitter frequency), roost tree identification (species ID, DBH, height, and other descriptive information) and UTM coordinates (NAD83, 17N) and sketch of tree and adjacent habitat.
- An electronic summary of results that includes a compilation of results from net set data sheets, number of net nights, and habitat descriptions of the areas netted, and bridge data sheets will be included in the final report, as well as any data collected as part of Indiana bat and northern long-eared bat telemetry efforts.

7.0 TIME TABLE

Apogee will conduct the proposed project based upon the following timeline.

- Mist Net surveys will occur between May/June and August 15th.
- All work must be completed by November 15th.
- A draft of the final report will be submitted by September 15th.
- A final report will be submitted by October 15th.

- A draft ESMP will be submitted by October 15th.
- A final ESMP will be submitted by November 15th.

8.0 KEY PERSONNEL

The following Apogee biologists will lead this Indiana bat survey as proposed in this study plan.

- Principle Scientist - Joel Beverly, M.S. Biology
- Principle Scientist – Shane Roberts, M.S. Biology
- Senior Ecologist/Certified Wildlife Biologist – Robert Oney, B.S. Wildlife Management
- Staff Ecologist – Wes Webb, B.S. Biology
- Staff Ecologist/GIS Specialist – Chance Osborne, B.S. Biology
- Staff Ecologist – Grant Maltba, B.S. Biology

Each of these ecologists has a vast knowledge and experience working with the Indiana bat and northern long-eared bat. Please see the attached resumes for further info concerning our proposed project managers.

In addition to the ecologists listed above, we will also have a number of Field Biologists working with us who are permitted by the WVDNR. The primary responsibilities of these biologists are to assist in any needs that the field leaders may have. These people have not been selected yet and thus are not included in the personnel list.





M. Shane Roberts

Resume

Director of Environmental Services

shane@apogee-environmental.com

Background

Mr. Roberts has more than 13 1/2 years of project management experience in ecological and environmental services. In that time, he has conducted and managed ecological field investigations on a variety of different projects from large and small transportation, private development, resource extraction, jurisdictional waters determination, SMCRA permitting, Kentucky Pollution Discharge Elimination System (402), 404/401 permitting and stream/wetland restoration and enhancement projects.

In his current capacity, Mr. Roberts' responsibilities include project oversight, proposal writing, client/agency consultation, and completing technical and regulatory reports, such as Biological Assessments and Biological Evaluations in support of Section 7 consultation under the Endangered Species Act, and NEPA (National Environmental Policy Act) documents.

Vascular Plants of the Eastern United States

Mr. Roberts has conducted and managed ecological field investigations on a variety of projects that have provided him a solid foundation for identifying vascular plants of the eastern United States. Those projects include:

- Large and small transportation.
- Private development.
- Resource extraction.
- Jurisdictional waters determination.
- Urban ecology.
- Surface Mining Control and Reclamation Act of 1977 (SMCRA) permitting.
- Kentucky Pollution Discharge Elimination System (402).
- 404/401 permitting.
- Stream and wetland restoration and enhancement projects.

Endangered Plants of the Eastern United States

Mr. Roberts has completed numerous classes pertaining to the identification of flora of the eastern United States, including botany, plant physiology, aquatic and wetland plants, plant ecology, plant systematics, and dendrology. These classes and field hours with established botanists have enabled Mr. Roberts to conduct numerous surveys on endangered plants (Kentucky glade cress and running buffalo clover) throughout the eastern United States.

Qualifications and Experience with Wetlands

Mr. Roberts is proficient and experienced in the application of the following equipment and techniques as they relate to wetland determinations:



- USACE Wetland Delineation Manual (TR Y-87-1)
- Draft Interim Regional Supplement to the USACE Wetland Delineation Manual: Eastern Mountains/Piedmont and Midwest Regions
- Soil probe, spade and auger (soil samples)
- Munsell soil color chart (hydric soil determinations)
- Hydrophytic plant and community identification
- USFWS publication National List of Plant Species that Occur in Wetlands
- Plant press and collection bags
- Stereoscopic dissection microscope for plant identification
- Dichotomous floral keys
- National Wetland Inventory Mapping
- National Hydrography Dataset

Qualification and Experience with Bats

Mr. Roberts is knowledgeable and experienced in the application of the following equipment and techniques as they relate to the detection, capture, and handling of bat species:

- Bat handling (species level identification and various measurements)
- Mist net set up and operation
- Harp traps set up and operation
- Radio telemetry
- Application of split-ring metal and celluloid identification bands
- Wing Damage Index Scoring
- Suitability assessments for both summer and winter bat habitat
- Acoustical monitoring and call analysis
- hibernacula surveys
- White-nose Syndrome disinfection protocols

Indiana Bat (*Myotis sodalis*) Experience

- Captured and processed 28 *Myotis sodalis*
- Hibernaculum census counts at priority 1, 2 and 3 caves ~ 10,000+ *Myotis sodalis*
- Harp trapping at priority 1 cave ~ 300 *Myotis sodalis*
- Placed radio transmitters on 8 *Myotis sodalis*
- Conducted 488 hours of radio telemetry (night time foraging and roost tree locations) for the Indiana Bat (*Myotis sodalis*)

Northern Long-eared Bat (*Myotis septentrionalis*) Experience

- Captured and processed an estimated 400+ *Myotis septentrionalis*

- Placed radio transmitters on 8 *Myotis septentrionalis*
- Conducted 46 hours of radio telemetry (roost tree locations) for the Northern Long-Eared Bat (*Myotis septentrionalis*)

Gray Bat (*Myotis grisescens*) Experience

- Captured and processed approximately 150+ *Myotis grisescens*
- Performed harp trapping at maternity caves
- Identified a previously unknown maternity colony in east Tennessee with an estimated 3,000 individuals
- Place transmitters on 7 *Myotis grisescens*
- Conducted approximately 441 hours of radio telemetry

Qualifications and Experience with Ecological & Environmental Services

Mr. Roberts field and natural history skills include a variety of taxa and disciplines from:

- herbaceous and woody vegetation identification
- fish surveys (seining, electro-shocking)
- macroinvertebrate surveys (quantitative, qualitative)
- freshwater mussel surveys (quantitative, qualitative)
- amphibians and reptiles
- stream habitat assessments
- physiochemical water quality sampling
- wetland determination/delineations
- federal and state listed threatened and endangered species surveys
- terrestrial species surveys

Selected Project Experience

Georgia

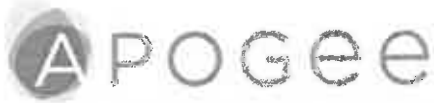
- Baseline Bat Survey for the Tennessee Army National Guard Volunteer Training Center (TNANG), Catoosa, Georgia.
- Threatened and Endangered Species review for the proposed Transco Lawrenceville No. 3 Meter Station Project, Gwinnett County, Georgia.

Indiana

- Indiana bat survey for Corradino. North Vernon, Indiana.
- Indiana bat survey for the proposed Henderson-Dogtown Natural Gas Pipeline in Indiana and Kentucky.

Kentucky

- Mist Net Survey for the Federally Endangered Indiana Bat for the Proposed Bluegrass Pipeline throughout Kentucky.



- Marathon Pipeline Integrated Vegetation Management Plan-Pilot Study, Martin County, Indiana and Bullitt County.
- Indiana Bat Survey for Bluegrass Army Depot, Richmond, Kentucky.
- Indiana Bat Survey for Apex Energy as part of a resource extraction permit application Pike County, KY.
- Indiana Bat Survey for ICG as part of a resource extraction permit application Floyd County, KY.
- Indiana Bat Survey for Czar Coal as part of a resource extraction permit application Pike County, KY.

Maryland

- Mist Net Survey for the Federally Endangered Indiana Bat and threatened northern long-eared bat for the Proposed Terrapin Hills Wind Project Garrett County, Maryland.

Missouri

- Mist Net Survey for the Federally Endangered Indiana Bat and threatened northern long-eared bat for Specialty Granules Inc. Iron County, Missouri.

Ohio

- Mist Net Survey for the Federally Endangered Indiana Bat and northern long-eared bat for the Proposed Rover Pipeline throughout Ohio.
- Habitat Assessment for the Federally Endangered Indiana Bat and northern long-eared bat for the Proposed Rover Pipeline throughout Ohio.
- Mist Net Survey for the Federally Endangered Indiana Bat for the Proposed Bluegrass Pipeline throughout Ohio.
- Indiana bat survey for Wind Farm Project. Hardin County, Ohio.
- Indiana bat Potential Roost Tree Survey for REX Pipeline. Zanesville, Ohio.
- Indiana bat survey for Wind Farm Project. Champaign County, Ohio.
- Indiana Bat Survey for Proposed Relocation Natural Gas Pipelines in Ohio.
- Indiana Bat Survey for Proposed Star Buck Mine in eastern Ohio.
- Indiana Bat Survey for the Rockies Express Pipeline across central Ohio.
- Indiana Bat Survey for Wright-Patterson Air Force Base, Ohio.

Pennsylvania

- Mist Net Survey for the Federally Endangered Indiana Bat and northern long-eared bat for the Proposed Rover Pipeline throughout PA.
- Habitat Assessment for the Federally Endangered Indiana Bat and northern long-eared bat for the Proposed Rover Pipeline throughout PA.
- Habitat analysis for the Federally Endangered Indiana Bat for the Pennsylvania Pipeline Project.
- Indiana bat survey Spectra Energy, Greene and York Counties, PA.
- Mist Net Survey for the Federally Endangered Indiana Bat for the Proposed Bluegrass Pipeline in Pennsylvania
- Mist Net Survey for the Federally Endangered Indiana Bat for the proposed Pennsylvania Pipeline Project.



Tennessee

- Mist Net Survey for the Federally Threatened and Endangered bat species for the Holston Army Ammunition Plant Hawkins County, Tennessee.
- Small mammal inventory for the Holston Army Ammunition Plant Hawkins County, Tennessee.

West Virginia

- Mist Net Survey for the Federally Endangered Indiana Bat and northern long-eared bat for the Proposed Rover Pipeline throughout West Virginia.
- Habitat Assessment for the Federally Endangered Indiana Bat and northern long-eared bat for the Proposed Rover Pipeline throughout West Virginia.
- Habitat analysis for the Federally Endangered Indiana Bat for the Pennsylvania Pipeline Project.
- Mist Net Survey for the Federally Endangered Indiana Bat for the Proposed Bluegrass Pipeline throughout West Virginia.
- Indiana bat survey for the Mid-Vol Coal Sales, Inc. McDowell County, WV.
- Indiana bat Potential for S&ME Boyscout Camp Fayette County, WV.
- Indiana bat survey for the Proposed Southern West Virginia State Veterans Cemetary Kanawha County, WV.
- Indiana bat survey for the Claintwood Project. Wise County, WV.
- Indiana Bat Survey for Republic Energy as part of a resource extraction permit application Boone County, WV.
- Indiana Bat Survey for Black Castle as part of a resource extraction permit application Boone County, WV.
- Indiana Bat Survey for Long Branch as part of a resource extraction permit application Boone County, WV.
- Indiana Bat Survey for REIC as part of a resource extraction permit application Mingo County, WV.

Education

USACE Wetland Rapanos and Mitigation Rule Training

Eastern Kentucky University, Richmond, KY

- Master of Science (In Progress), Major: Biology (Emphasis on Wetland Plants)
Thesis: Floristic survey in the Wabash-Ohio Bottomlands Ecoregion, and Sloughs Wildlife Management area in Henderson County, Kentucky
- Bachelor of Science, Major: Wildlife Management

Professional Affiliations

Mr. Roberts frequently attends professional meetings and regularly communicates with biologists from state and federal agencies to maintain a reliable network of contacts and resources.

- Society of Wetland Scientists
- Wildlife Society
- Kentucky Native Plant Society
- Kentucky Academy of Science



Joel Beverly

Resume

President/Principal Scientist

joel@apogee-environmental.com

Background

Mr. Beverly has more than 16 years of project management experience in ecological and environmental services including wetland delineation and jurisdictional determinations. He has been President/Principal Scientist at Apogee for the last 10 years. In his current capacity, Mr. Beverly's responsibilities include client and agency consultation and project oversight.

Vascular Plants of the Eastern United States

Mr. Beverly has conducted and managed ecological field investigations on a variety of projects that have provided him a solid foundation for identifying vascular plants of the eastern United States. Those projects include:

- Large and small transportation.
- Private development.
- Resource extraction.
- Jurisdictional waters determination.
- Urban ecology.
- Surface Mining Control and Reclamation Act of 1977 (SMCRA) permitting.
- Kentucky Pollution Discharge Elimination System (402).
- 404/401 permitting.
- Stream and wetland restoration and enhancement projects.

Qualifications and Experience with Wetlands and Botanical Resources

Mr. Beverly has extensive experience surveying wetland resources. He has worked on several types of projects, including proposed surface mines, roadways, and linear corridors. Surveys included many state and federally listed plant species. He participated in field surveys to support a BA and BE for a highway project crossing Land-Between-the-Lakes National Recreation Area, Kentucky (managed by U.S. Forest Service). Mr. Beverly participated on a wetland delineation and other jurisdictional water determinations along an alternative alignment for a proposed divided 4-lane highway development near Lawrence, Kansas.

Qualifications and Experience with Bats

Mr. Beverly is proficient and experienced in the application of the following equipment and techniques as they relate to capture and handling of bats:

- Bat handling (species, weight, gender, and various measurements)

- Mist nets
- Harp traps
- Ultrasound detectors, including Anabat
- Application of metal and plastic identification bands
- Collection of guano samples for food or pesticide analysis
- Collection of tissue or hair samples for genetic or other laboratory analysis
- Suitability assessment summer bat habitat
- Spring/autumn cave/mine (hibernacula) entrance surveys and suitability assessment
- Winter hibernacula surveys
- Radio-telemetry: tracking bat movements, and identifying habitat use and roost sites

Qualifications and Experience with Bats

Mr. Beverly is proficient and experienced in the application of the following equipment and techniques as they relate to capture and handling of bats:

- Bat handling (species, weight, gender, and various measurements)
- Mist nets set up and operation
- Harp traps set up and operation
- Ultrasound detectors, including Anabat
- Estimated 4100 contact hours performing surveys for bat species throughout the eastern United States
- Application of metal and plastic identification bands
- Collection of guano samples for food or pesticide analysis
- Collection of tissue or hair samples for genetic or other laboratory analysis
- Suitability assessment summer bat habitat
- Spring/autumn cave/mine (hibernacula) entrance surveys and suitability assessment
- White-nose syndrome disinfection protocols
- Winter hibernacula surveys
- Radio-telemetry: tracking bat movements, and identifying habitat use and roost sites

Northern Long-eared Bat (*Myotis septentrionalis*) Experience

- Captured and processed approximately 1,000+ *Myotis septentrionalis*

Selected Project Experience

Georgia

- Threatened and Endangered Species review for the proposed Transco Lawrenceville No. 3 Meter Station Project, Gwinnett County, Georgia.

Kentucky

- Mist Net Survey for the Federally Endangered Indiana Bat for the Proposed Bluegrass Pipeline throughout Kentucky.
- A stream restoration plan for a proposed surface mine near Littcarr, Knott County, Kentucky (Application No. 860-0404).
- Wetland Determination for Landmark Mining Company, Floyd County, Kentucky (Application No. 836-0412).
- A stream restoration plan for a proposed surface mine near Harless Creek, Pike County, Kentucky (Application No. 898-0619, Am. 2).
- The diversity, substrata divisions and biogeographical divisions of land snails at Bad Branch Nature Preserve, Letcher County, Kentucky.
- A stream restoration plan for a proposed surface mine near Island City, Owsley County, Kentucky (Application No. 895-0148).
- A stream restoration plan for a proposed surface mine near Bimble, Knox County, Kentucky (Application No. 861-0467).
- A stream restoration plan for a proposed surface mine area near Stinnet, Leslie County, Kentucky (Application No. 866-0289).
- An exploratory survey for the federally threatened blackside dace (*Phoxinus Cumberlandensis*) at Blacksnake Branch, Bell County, Kentucky.

Maryland

- Mist Net Survey for the Federally Endangered Indiana Bat and threatened northern long-eared bat for the Proposed Terrapin Hills Wind Project Garrett County, Maryland.

North Carolina

- Summer survey for the federally endangered Indiana bat (*Myotis sodalis*) at a proposed subdivision near Long Branch, Swain County, North Carolina.

Ohio

- Mist Net Survey for the Federally Endangered Indiana Bat and northern long-eared bat for the Proposed Rover Pipeline throughout Ohio.
- Habitat Assessment for the Federally Endangered Indiana Bat and northern long-eared bat for the Proposed Rover Pipeline throughout Ohio.
- Mist Net Survey for the Federally Endangered Indiana Bat for the Proposed Bluegrass Pipeline throughout Ohio.

Pennsylvania

- Mist Net Survey for the Federally Endangered Indiana Bat for the Proposed Bluegrass Pipeline in Pennsylvania

- **Habitat analysis for the Federally Endangered Indiana Bat for the Pennsylvania Pipeline Project.**
- **Mist Net Survey for the Federally Endangered Indiana Bat for the Pennsylvania Pipeline Project**
- **Mist Net Survey for the Federally Endangered Indiana Bat and northern long-eared bat for the Proposed Rover Pipeline throughout PA.**
- **Habitat Assessment for the Federally Endangered Indiana Bat and northern long-eared bat for the Proposed Rover Pipeline throughout PA.**

Tennessee

- **Summer survey for the federally endangered Indiana bat (*Myotis sodalis*) for a proposed commercial development area at Holston Army Ammunition Plant, Hawkins County, Tennessee.**
- **An exploratory survey for the federally threatened spotfin chub (*Cyprinella monacha*) for the proposed demolition of bridge #20 at Holston Army Ammunition Plant, Hawkins County, Tennessee.**
- **Mist Net Survey for the Federally Threatened and Endangered bat species for the Holston Army Ammunition Plant Hawkins County, Tennessee.**
- **Small mammal inventory for the Holston Army Ammunition Plant Hawkins County, Tennessee.**

Virginia

- **A stream restoration plan at a proposed deep mine area near headwaters of Callahan Creek, Wise County, Virginia (DMLR Application No. 1000876).**
- **A survey for the federally threatened small whorled pogonia (*Isotria medeoloides*) at a proposed surface mine near Roda, Wise County, Virginia (Division of Mined Land Reclamation # 0102316)).**
- **A survey for the federally threatened small whorled pogonia (*Isotria medeoloides*) at a proposed surface mine near Kooke, Lee County, Virginia (Permit # 1601744, Revision # 9608278).**
- **A survey for the federally threatened small whorled pogonia (*Isotria medeoloides*) at a proposed surface mine near Exeter, Wise and Lee Counties, Virginia.**
- **An exploratory survey for the federally threatened blackside dace (*Phoxinus cumberlandensis*) at two stream crossings in Lee County, Virginia.**
- **Fish survey conducted on Race Fork and Pounding Mill Creek, Buchanan County, Virginia.**

West Virginia

- **Mist Net Survey for the Federally Endangered Indiana Bat and northern long-eared bat for the Proposed Rover Pipeline throughout West Virginia.**
- **Habitat Assessment for the Federally Endangered Indiana Bat and northern long-eared bat for the Proposed Rover Pipeline throughout West Virginia.**
- **Summer monitoring for the federally endangered Indiana bat (*Myotis sodalis*) near known maternity colony trees, Boone County, West Virginia.**
- **Mist Net Survey for the Federally Endangered Indiana Bat for the Proposed Bluegrass Pipeline throughout West Virginia.**
- **Habitat analysis for the Federally Endangered Indiana Bat for the Pennsylvania Pipeline Project.**
- **A summer survey for the federally endangered Indiana bat (*Myotis sodalis*) at a proposed residential development near Cunard, Fayette County, West Virginia.**

- A summer survey for the federally endangered Indiana bat (*Myotis sodalis*) at two proposed surface mines in Mingo County, West Virginia.
- A summer survey for the federally endangered Indiana bat (*Myotis sodalis*) for a proposed surface mine in Fayette and Raleigh Counties, West Virginia (Permit No. SMA-3001-05).
- A summer survey for the federally endangered Indiana bat (*Myotis sodalis*) at two proposed surface mines in Kanawha County, West Virginia.
- A summer survey for the federally endangered Indiana bat (*Myotis sodalis*) at a proposed impoundment near Anjean, Greenbrier County, West Virginia.
- A winter habitat assessment and summer survey for the federally endangered Indiana bat (*Myotis sodalis*) at a proposed surface mine near Paynter Branch, Wyoming County, West Virginia.
- A summer survey and winter habitat assessment for the federally endangered Indiana bat (*Myotis sodalis*) at a proposed surface mine near Decota, Kanawha County, West Virginia.

Education

Eastern Kentucky University, Richmond, KY

- Master of Science, Major: Biology/Ecology (2000)
- Bachelor of Science, Major: Wildlife Management (1998)

Professional Certifications and Trainings

Mr. Beverly frequently attends professional meetings and regularly communicates with biologists from state and federal agencies to maintain a reliable network of contacts and resources.

- Rosgen Stream Restoration Training, Level I
- Rosgen Stream Restoration Training, Level II
- Stream Assessment Protocol Workshop
- Mussel Identification Workshop
- Crayfish Identification Workshop

Robert C. Oney**Certified Wildlife Biologist**bob@apogee-environmental.com**Resume**

Background

Mr. Oney has more than 12 years of experience in ecological and environmental services. In that time, he has conducted ecological field investigation on a variety of different projects from large and small transportation, private development, natural resource extraction, jurisdictional waters determination, Kentucky Pollution Discharge Elimination System, 404, 402, and 401 permitting, and stream/wetland restoration and enhancement projects.

In his current capacity, Mr. Oney's responsibilities include completing technical and regulatory reports, such as Biological Assessments and Biological Evaluations in support of Section 7 consultation under the Endangered Species Act, and NEPA (National Environmental Policy Act) documents.

Vascular Plants of the Eastern United States

Mr. Oney has conducted and managed ecological field investigations on a variety of projects that have provided him a solid foundation for identifying vascular plants of the eastern United States. Those projects include:

- Large and small transportation.
- Private development.
- Resource extraction.
- Jurisdictional waters determination.
- Urban ecology.
- Surface Mining Control and Reclamation Act of 1977 (SMCRA) permitting.
- Kentucky Pollution Discharge Elimination System (402).
- 404/401 permitting.
- Stream and wetland restoration and enhancement projects.

Endangered Plants of the Eastern United States

Mr. Oney has completed numerous classes pertaining to the identification of flora of the eastern United States, including botany, plant physiology, aquatic and wetland plants, plant ecology, plant systematics, and dendrology. These classes and field hours with established botanists have enabled Mr. Oney to conduct numerous surveys on endangered plants (Kentucky glade cress and running buffalo clover) throughout the eastern United States.

Qualifications and Experience with Aquatics

Mr. Oney has completed several college courses and trainings in addition to more ten years of practical field and laboratory experience that has provided him a solid foundation for identifying freshwater aquatic

macroinvertebrates and knowledge of the appropriate collecting techniques for various types of aquatic ecosystems.

- Society of Freshwater Science Taxonomic Certification Eastern Region Chironomidae (genus level)
- Society of Freshwater Science Taxonomic Certification Eastern Region Ephemeroptera, Plecoptera, Trichoptera (genus level)
- Society of Freshwater Science Taxonomic Certification Family Level (all Phyla)
- Freshwater Mussels of West Virginia: Life History and Identification
- Member of the Society of Freshwater Science (SFS, formally NABS – North American Benthological Society)
- Taxonomy and Natural History of Southern Appalachian Mayflies, Stoneflies, and Caddisflies
- Hudson Basin River Watch Macroinvertebrate Workshop
- Watershed Assessment Associates Chironomidae Workshop

Qualifications and Experience with Wetlands

Mr. Oney is proficient and experienced in the application of the following equipment and techniques as they relate to wetland determinations:

- USACE Wetland Delineation Manual (TR Y-87-1)
- Draft Interim Regional Supplement to the USACE Wetland Delineation Manual: Eastern Mountains/Piedmont and Midwest Regions
- Soil probe, spade and auger (soil samples)
- Munsell soil color chart (hydric soil determinations)
- Hydrophytic plant and community identification
- USFWS publication National List of Plant Species that Occur in Wetlands
- Plant press and collection bags
- Stereoscopic dissection microscope for plant identification
- Dichotomous floral keys
- National Wetland Inventory Mapping
- National Hydrography Dataset

Qualifications and Experience with Bats

Mr. Oney, a nationally certified wildlife biologist through the Wildlife Society, is knowledgeable and experienced in the application of the following equipment and techniques as they relate to the detection, capture, and handling of bat including federally protected species:

- Bat handling (species level identification and various measurements)
- Mist net set up and operation
- Harp traps set up and operation
- Radio telemetry

- Application of split-ring metal and celluloid identification bands
- Wing Damage Index Scoring
- Suitability assessments for both summer and winter bat habitat
- Acoustical monitoring and call analysis
- Hibernacula surveys
- White-nose Syndrome decontamination protocols

Qualifications and Experience with Ecological & Environmental Services

As a nationally certified wildlife biologist, Mr. Oney's field and natural history skills include a variety of taxa and disciplines from:

- Herbaceous and woody vegetation surveys and identification
- Fish surveys and identification (seining, electro-shocking)
- Macroinvertebrate surveys and identification (quantitative, qualitative)
- Freshwater mussel surveys and identification (quantitative, qualitative)
- Amphibians and reptiles surveys and identification
- Stream habitat assessments protocols and surveys
- Physiochemical water quality sampling
- Wetland determination/delineations
- Federal and state listed threatened and endangered species surveys
- Terrestrial species surveys

Selected Project Experience

Kentucky

- Aquatic and Terrestrial Ecological Assessment for the Floyds Fork Greenways Project, Jefferson County, KY.
- Bioassessment Monitoring Report for the Springfield Bypass (US 150) Unnamed Tributary of Mill Creek Relocation Project, Washington County, KY.
- Jurisdictional Waters Determination and Listed Species Evaluation for the Glenview Park Development Project, Jefferson County, KY.
- Jurisdictional Waters Determination for the Hardin County Industrial Foundation Proposed Industrial Park, Hardin County, KY.
- Long-term Monitoring of the Freshwater Mussel Communities at Four Sites in the Tennessee River in Association with the Navigation Lock Addition at Kentucky Lock and Dam, Trigg and Christian Counties, KY.
- Freshwater mussel habitat assessment for a barge fleeting facility on the Ohio River near Maysville, Mason County, KY.
- Aquatic and Terrestrial Baseline Report, Industrial Park Access Road, Clay County, KY.
- Aquatic and Terrestrial Baseline Report for KY 90, Barren County, KY.



- Aquatic and Terrestrial Baseline Report for US 31E, Nelson, Spencer, and Bullitt Counties, KY.
- Aquatic and Terrestrial Baseline Report for US 460 Excess Material Sites, Pike County, KY.
- Aquatic and Terrestrial Baseline Report for KY 974, Clark County, KY.
- Aquatic and Terrestrial Baseline Report for KY 3368, Clark County, KY.
- Stream Mitigation Report, Tackett Branch Excess Material Site, Minnie to Harold Connector Section 2, Floyd County, KY.
- Stream Mitigation Report, US 460 Sections 3, 4, and 5, Pike County, KY.
- Aquatic and Terrestrial Baseline Report for KY 192 to KY 80 Frontage Road, Laurel County, KY.
- Stream Mitigation and Monitoring Report, KY 11 Fleming County, KY.
- Aquatic and Terrestrial Baseline Report for US 127 Jamestown Bypass to KY 90, Clinton and Russell Counties, KY.
- Lowe's Home Center, Inc., Phase I Site Assessments, and Stream/Wetland Mitigation Monitoring.
- Mist Net Survey for the Federally Endangered Indiana bat at Fort Campbell Kentucky and Tennessee.
- Biodiversity Initiative: Terrestrial Beetle Survey at Fort Campbell Kentucky and Tennessee.
- Biological Assessment for the Federally Endangered Indiana Bat (*Myotis sodalis*) US 460 Excess Material Sites, Pike County, KY.
- Mist Net Survey for the Federally Endangered Indiana Bat for the Proposed Bluegrass Pipeline throughout Kentucky.
- Mist Net Surveys for federally protected bats species on over 20 different natural resource extraction permits throughout eastern and western Kentucky.
- Benthic macroinvertebrate and fish baseline assessments and annual monitoring on over 100 different natural resource extraction permits throughout eastern and western Kentucky.

Tennessee

- Ecological Assessment, Shelby Farms Kirby Parkway, Shelby County, TN.
- I-69 Independent Utility Segment # 8 Crossover Study, Tennessee.
- Ecological Assessment, Aspen Street Bridge Replacement over Big Creek, Campbell County, TN.
- Ecological Assessment, Beech Road, Bridge Replacements over Bryan's Fork and Morgan Creek in Standing Stone State Park Overton County, TN.
- Ecological Assessment, Central Avenue Bridge Replacement over South Fork of Harris Creek Obion County, TN.
- Ecological Assessment, Jack Pond Road Bridge Replacement over Unnamed Tributary to Baxter Bottom Tipton County, TN.
- Ecological Assessment, Campground Road Bridge Replacement over Unnamed tributary to Hurricane Creek Tipton County, TN.
- Ecological Assessment, Kentwood Avenue Bridge Replacement over Unnamed tributary to Hatchel Creek Tipton County, TN.
- Ecological Assessment, Riverside Drive Bridge Replacement over Knoxville and Holston Railroad Knox County, TN.
- Ecological Assessment, SR-115 Greenway Bridge Replacement over the Tennessee River Knox County, TN.

- Ecological Assessment, SR-158 (Church Avenue) Bridge Replacement Knox County, TN.
- Ecological Assessment, SR-168 (John Sevier HWY) Intersection Improvements at Martin Mill Pike Knox County, TN.
- Ecological Assessment, Weisgarber Road Bridge Replacement over Fourth Creek Knox County, TN.
- Ecological Assessment, Slatestone Road Bridge Replacement over Slatestone Creek Anderson County, TN.
- Ecological Assessment, SR-250 Bridge Replacement over Turnipseed Creek Cheatham County, TN.
- Ecological Assessment, White Road Bridge Replacement over Turnbull Creek, Dickson County, TN.
- Ecological Assessment, SR-194 Bridge Replacements over Loosahatchie River and Little Laurel Drainage Canal Fayette County, TN.
- Ecological Assessment, SR-194 Bridge and Overflow Replacements over Shaw's Creek and Unnamed Tributary to Shaw's Creek Fayette County, TN.
- Ecological Assessment, Longtown Road Bridge Replacement over Little Cypress Creek Fayette County, TN.
- Knoxville Parkway (I-475), Mist-Netting and Portal Surveys, Knox County, TN.
- Mist Net Survey for the Federally Threatened and Endangered bat species for the Holston Army Ammunition Plant Hawkins County, TN.
- Small mammal inventory for the Holston Army Ammunition Plant Hawkins County, TN.

Indiana

- Jurisdictional Waters Determination for the Proposed 2,420 Acre Seven Hill Surface Mine, Warrick County, Indiana.

Georgia

- Baseline Bat Survey for the Tennessee Army National Guard Volunteer Training Center (TNANG), Catoosa, Georgia.

Pennsylvania

- Mist Net Survey for the Federally Endangered Indiana Bat for the Proposed UGI Natural Gas Pipeline in Tioga and Lycoming Counties, Pennsylvania.
- Mist Net Survey for the Federally Endangered Indiana Bat for the Proposed Natural Gas Pipeline Project in Greene, York, Adams, and Franklin Counties, Pennsylvania.
- Mist Net Survey for the Federally Endangered Indiana Bat for the Proposed Bluegrass Pipeline in Pennsylvania.
- Mist Net Survey for the Federally Endangered Indiana Bat for the Pennsylvania Pipeline Project.

Ohio

- Habitat Assessment for the Federally Endangered Indiana Bat and northern long-eared bat for the Proposed Rover Pipeline throughout Ohio.
- Indiana bat survey for Wind Farm Project. Champaign County, Ohio.

West Virginia

- Mist Net Survey for the Federally Endangered Indiana Bat and northern long-eared bat for the Proposed Rover Pipeline throughout West Virginia.
- Habitat Assessment for the Federally Endangered Indiana Bat and northern long-eared bat for the Proposed Rover Pipeline throughout West Virginia.



Missouri

- Summer Mist Net Survey for the Federally Threatened and Endangered Bat Species at Specialty Granules Inc. Iron County, Missouri.

Education and Professional Trainings

- Eastern Kentucky University, Richmond, Kentucky
- Bachelor of Science, Major: Wildlife Management

Hazard Community College, Hazard, Kentucky

- Associate of Science

38 Hour Basic Wetland Delineation Training based on the *U.S. Army Corps of Engineers Wetland Delineation Manual Technical Report Y-87-1 (1987 Manual)*

Basic Processes in Hydric Soils, An In Depth, Two-Part Short Course for Wetland Professionals

U.S. Fish and Wildlife Service, Endangered Species Consultation Workshop

Ohio Department of Transportation's Waterway Permits Training

Ohio Department of Transportation's Ecological Training

Watershed Assessment Associates Chironomidae Workshop

Ohio Vernal Pools Conference

Hudson Basin River Watch Macroinvertebrate Workshop

Taxonomy and Natural History of Southern Appalachian Mayflies, Stoneflies, and Caddisflies

Mid-Atlantic Highlands Stream Restoration Workshop

8 hour U.S. Army Corps of Engineers Regional Supplement Wetland Delineation Training

Freshwater Mussels of West Virginia: Life History and Identification

Professional Affiliations

Mr. Oney frequently attends professional meetings and regularly communicates with biologists from state and federal agencies to maintain a reliable network of contacts and resources.

- Society of Freshwater Science
- The Wildlife Society
- Kentucky Bat Working Group

Wesley G. Webb

Resume

Ecologist

wes@apogee-environmental.com

Background

Mr. Webb has more than 5 years of project management experience in ecological and environmental services. In that time, he has conducted ecological field investigation on a variety of different projects from large and small transportation, private development, natural resource extraction, jurisdictional waters determination, Kentucky Pollution Discharge Elimination System, 404, 402, and 401 permitting, and stream/wetland restoration and enhancement projects.

Plants of the Eastern United States

Mr. Webb has completed numerous classes pertaining to the identification of flora of the eastern United States, including field botany, plant physiology, plant morphology, wetland ecology, plant ecology, and forest ecology.

Qualification and Experience with Bats

Mr. Webb is knowledgeable and experienced in the application of the following equipment and techniques as they relate to the detection, capture, and handling of bat species:

- Bat handling (species level identification and various measurements)
- Mist-net set up and operation
- Harp trap set up and operation
- Radio telemetry
- Estimated 1800 contact hours performing surveys for bat species throughout the eastern United States
- Application of split-ring metal and celluloid identification bands
- Application of radio-transmitters
- Wing Damage Index Scoring
- Suitability assessments for both summer and winter bat habitat
- Acoustical monitoring and call analysis
- Hibernacula surveys
- White-nose Syndrome decontamination protocols

Indiana Bat (*Myotis sodalis*) Experience

- Captured and processed 27 *Myotis sodalis*
- Placed radio transmitters on 3 *Myotis sodalis*
- Conducted an estimated 200 hours of radio-telemetry (night-time foraging and roost tree locations) for the Indiana Bat (*Myotis sodalis*)



Hibernacula Surveys at Known Indiana Bat (*Myotis sodalis*) Hibernaculum

- February 2015 conducted census counts at 3 known Indiana bat (*Myotis sodalis*) hibernaculum
- 1191 bats of five species were counted, 974 *Myotis sodalis*, 151 *Perimyotis subflavus*, 53 *Myotis lucifugus*, 12 *Eptesicus fuscus* and 1 *Myotis septentrionalis*
- White-nose syndrome was previously unknown in these 3 hibernacula until this survey

Northern Long-eared Bat (*Myotis septentrionalis*) Experience

- Captured and processed an estimated 85 *Myotis septentrionalis*
- Placed radio transmitters on 3 *Myotis septentrionalis*
- Conducted 100 hours of radio-telemetry (roost tree locations) for the Northern Long-eared Bat (*Myotis septentrionalis*)

Gray Bat (*Myotis grisescens*) Experience

- Captured and processed 4 *Myotis grisescens*

Qualifications and Experience with Ecological & Environmental Services

Mr. Webb's field and natural history skills include a variety of taxa and disciplines from:

- Herbaceous and woody vegetation identification
- Federal and state listed threatened and endangered species surveys
- Stream habitat assessments
- Macroinvertebrate surveys (quantitative, qualitative)
- Freshwater mussel surveys (quantitative, qualitative)
- Fish surveys (seining, electro-shocking, identification)
- Wetland determination/delineations
- Physiochemical water quality sampling
- Terrestrial species surveys

Selected Project Experience

Georgia

- Threatened and Endangered Species review for the proposed Transco Lawrenceville No. 3 Meter Station Project, Gwinnett County, Georgia.

Kentucky

- Mist Net Survey for the Federally Endangered Indiana Bat for the proposed Bluegrass Pipeline throughout Kentucky.
- Mist Net Survey for the Federally Endangered Indiana Bat for the proposed Southbound Surface Mine, Morgan County, Kentucky.



- Mist Net Survey for the Federally Endangered Indiana Bat for the proposed B&W Surface Mine in Perry/Leslie Counties, Kentucky.
- Mist Net Survey for the Federally Endangered Indiana Bat for the Wayland Land Company Surface Mine in Martin County, Kentucky.
- Mist Net Survey for the Federally Endangered Indiana Bat for the proposed MJK Surface Mine, Letcher County, Kentucky.
- Mist Net Survey for the Federally Endangered Indiana Bat for the proposed Blue Gem Mine, Whitley County, Kentucky.

Ohio

- Mist Net Survey for the Federally Endangered Indiana Bat for the proposed Bluegrass Pipeline throughout Ohio.
- Habitat analysis for the Federally Endangered Indiana Bat for the proposed Bluegrass Pipeline throughout Ohio.
- Habitat analysis for the Federally Endangered Indiana Bat for the proposed Pennsylvania Pipeline Project.
- Mist Net Survey for the Federally Endangered Indiana and northern Long-eared Bat for the Rover Pipeline throughout Ohio.
- Habitat assessment for the Federally Endangered Indiana and northern long-eared bat for the Rover Pipeline throughout Ohio.

Pennsylvania

- Habitat analysis for the Federally Endangered Indiana Bat for the proposed Pennsylvania Pipeline Project.
- Mist-net survey for the Federally Endangered Indiana Bat for the proposed Pennsylvania Pipeline Project.
- Hibernacula survey for the Federally Endangered Indiana Bat with the Pennsylvania Game Commission.
- Mist net survey for the Federally Endangered Indiana Bat and northern long-eared bat for the proposed Rover Pipeline throughout PA.
- Habitat assessment for the Federally Endangered Indiana Bat and Northern Long-eared bat for the proposed Rover Pipeline throughout PA.
- Habitat analysis for the Federally Endangered Indiana Bat & Northern Long Eared Bat for the USACE in Indiana and Westmoreland Counties, PA.

Tennessee

- Mist Net Survey for the Federally Threatened and Endangered bat species for the Holston Army Ammunition Plant Hawkins County, Tennessee.
- Small mammal inventory for the Holston Army Ammunition Plant Hawkins County, Tennessee.



Maryland

- Mist Net Survey for the Federally Endangered Indiana Bat and threatened northern long-eared bat for the Proposed Terrapin Hills Wind Project Garrett County, Maryland.

Arkansas

- Mist-net survey for the Federally Endangered Indiana Bat for the proposed Centerpoint Pipeline Relocation Project
- Hibernacula survey for the Federally Endangered Indiana Bat for the proposed Centerpoint Pipeline Relocation Project

West Virginia

- Potential roost tree locations survey for the proposed Pennsylvania Pipeline Project.
- Mist net survey for the Federally Endangered Indiana Bat for Black Castle Surface Mine in Boone County, WV.
- Mist net survey for the Federally Endangered Indiana Bat for Long Branch Surface Mine in Kanawha and Raleigh Counties, WV.
- Mist net survey for the Federally Endangered Indiana Bat for Blue Pennant Surface Mine in Boone and Raleigh Counties, WV.
- Mist net survey for the Federally Endangered Indiana Bat for Marfork Surface Mine in Raleigh County, WV.
- Mist net survey for the Federally Endangered Indiana Bat for Whitby Surface Mine in Raleigh County, WV.
- Mist Net Survey for the Federally Endangered Indiana Bat and northern long-eared bat for the Proposed Rover Pipeline throughout West Virginia.
- Habitat Assessment for the Federally Endangered Indiana Bat and northern long-eared bat for the Proposed Rover Pipeline throughout West Virginia.

Illinois

- Habitat analysis for the Federally Endangered Indiana Bat & Northern Long Eared Bat at the Savanna Army Depot, Carroll County, IL.

Permits

- West Virginia 2014.057 (Bats)
- Pennsylvania 32181 (Bats)
- Kentucky SC1411069 (Federally Protected)
- Arkansas 072820141 (Aquatic and terrestrial specimens)

Education

Alice Lloyd College – Pippa Passes, KY

- Bachelor of Biology



Professional Affiliations

Mr. Webb frequently attends professional meetings and regularly communicates with biologists from state and federal agencies to maintain a reliable network of contacts and resources.

- **Kentucky Bat Working Group**
- **Southeastern Bat Diversity Network**
- **The Wildlife Society**
- **Northeast Bat Working Group**
- **North American Joint Bat Working Group**
- **Audubon Society**



Chanston T. Osborne

Resume

Project Manager/Ecologist

chance@apogee-environmental.com

Background

Mr. Osborne has more than 5 years of project management experience in ecological and environmental services. In that time, he has conducted and managed ecological field investigations on a variety of different projects from large and small transportation, resource extractions, stream/wetland delineation, large mammal population control and removal of nuisance species.

In his current capacity, Mr. Osborne's responsibilities include project management from acquisition to completion, proposal writing, and completing technical and regulatory reports, such as Biological Assessments and Biological Evaluations in support of Section 7 consultation under the Endangered Species Act, and NEPA (National Environmental Policy Act) documents.

Plants of the Eastern United States

Mr. Osborne has completed numerous classes pertaining to the identification of flora of the eastern United States, including field botany, plant physiology, plant morphology, wetland ecology, plant ecology, forest ecology and dendrology.

Qualification and Experience with Bats

Mr. Osborne is knowledgeable and experienced in the application of the following equipment and techniques as they relate to the detection, capture, and handling of bat species:

- Bat handling (species level identification and various measurements)
- Mist-net set up and operation
- Harp trap set up and operation
- Radio telemetry
- Estimated 1600 contact hours performing surveys for bat species throughout the eastern United States
- Application of split-ring metal and celluloid identification bands
- Application of radio-transmitters
- Wing Damage Index Scoring
- Suitability assessments for both summer and winter bat habitat
- Acoustical monitoring and call analysis
- Hibernacula surveys
- White-nose Syndrome disinfection protocols



Indiana Bat (*Myotis sodalis*) Experience

- Captured and processed 14 *Myotis sodalis*
- Placed radio transmitters on 4 *Myotis sodalis*
- Conducted approximately 925 hours of radio-telemetry (night-time foraging and roost tree locations) for the Indiana Bat (*Myotis sodalis*)
- Identified approximately 403 *Myotis sodalis* during hibernacula surveys

Hibernacula Surveys at Known Indiana Bat (*Myotis sodalis*) Hibernaculum

- February 2015 conducted census counts at 3 known Indiana bat (*Myotis sodalis*) hibernaculum
- 1191 bats of five species were counted, 974 *Myotis sodalis*, 151 *Perimyotis subflavus*, 53 *Myotis lucifugus*, 12 *Eptesicus fuscus* and 1 *Myotis septentrionalis*
- White-nose syndrome was previously unknown in these 3 hibernacula until this survey

Northern Long-eared Bat (*Myotis septentrionalis*) Experience

- Captured and processed 65 *Myotis septentrionalis*
- Placed radio transmitters on 7 *Myotis septentrionalis*
- Conducted approximately 250 hours of radio-telemetry (roost tree locations) for the Northern Long-eared Bat (*Myotis septentrionalis*)

Gray Bat (*Myotis grisescens*) Experience

- Captured, processed and banded 11 *Myotis grisescens*

Qualifications and Experience with Ecological & Environmental Services

Mr. Osborne's field and natural history skills include a variety of taxa and disciplines from:

- Herbaceous and woody vegetation identification
- Federal and state listed threatened and endangered species surveys
- GIS/mapping
- Habitat assessments
- Freshwater Mussel Surveys
- Wetland delineation
- Aquatic surveys
- Small mammal surveys
- Radio telemetry
- Terrestrial species surveys



Selected Project Experience

Georgia

- Threatened and Endangered Species review for the proposed Transco Lawrenceville No. 3 Meter Station Project, Gwinnett County, GA.

Illinois

- Habitat assessment for the Federally Endangered Indiana Bat and Threatened northern long-eared bat for the U.S. Army Corps of Engineers Savanna Army Depot in Carroll County, IL.

Kentucky

- Mist Net Survey for the Federally Endangered Indiana Bat for the proposed Bluegrass Pipeline throughout Kentucky.
- Hibernaculum census counts for the Kentucky Department of Fish and Wildlife Resources at known Indiana bat hibernaculum in KY.

Maryland

- Mist net survey for the Federally Endangered Indiana Bat for the proposed Terrapin Hills Wind Energy Project in Garrett County, MD.

Ohio

- Mist net survey for the Federally Endangered Indiana Bat and Threatened northern long-eared bat for the proposed Rover Pipeline throughout Ohio.
- Mist net survey for the Federally Endangered Indiana Bat for the proposed Bluegrass Pipeline throughout Ohio.
- Habitat assessment for the Federally Endangered Indiana Bat for the proposed Bluegrass Pipeline throughout Ohio.
- Habitat assessment for the Federally Endangered Indiana Bat for the proposed Pennsylvania Pipeline Project.
- Habitat assessment for the Federally Endangered Indiana Bat and Threatened northern long-eared bat for the proposed Rover Pipeline throughout Ohio.
- Habitat assessment for the Federally Endangered Indiana Bat for a proposed natural gas well pad for Noble Energy.

Pennsylvania

- Habitat assessment for the Federally Endangered Indiana Bat for the proposed Pennsylvania Pipeline Project.
- Mist net survey for the Federally Endangered Indiana Bat and Threatened northern long-eared bat for the proposed Pennsylvania Pipeline Project.
- Mist net survey for the Federally Endangered Indiana Bat and Threatened northern long-eared bat for the proposed Rover Pipeline throughout PA.



- Habitat assessment for the Federally Endangered Indiana Bat and Threatened northern long-eared bat throughout PA.
- Hibernacula survey for the Federally Endangered Indiana Bat with the Pennsylvania Game Commission.
- Habitat assessment for the Federally Endangered Indiana Bat for a proposed natural gas well pad for Noble Energy.

South Carolina

- Mist net survey for the Federally Endangered Indiana Bat with the South Carolina Department of Natural Resources.
- Hibernacula survey for the Federally Endangered Indiana Bat with the South Carolina Department of Natural Resources.

Tennessee

- Mist Net Survey for Federally Threatened and Endangered bat species for the Holston Army Ammunition Plant in Hawkins County, TN.
- Small mammal inventory survey for the Holston Army Ammunition Plant in Hawkins County, TN.

Virginia

- Mist net survey for the Federally Endangered Indiana Bat and Threatened northern long-eared bat for the proposed Mountain Valley Pipeline throughout West Virginia.

West Virginia

- Mist net survey for the Federally Endangered Indiana Bat and Threatened northern long-eared bat for the proposed Rover Pipeline throughout WV.
- Habitat assessment for the Federally Endangered Indiana Bat and Threatened northern long-eared bat for the proposed Mountain Valley Pipeline throughout WV.
- Habitat assessment for the Federally Endangered Indiana Bat and Threatened northern long-eared bat for the proposed Inception Gas Pipeline in Harrison County, WV.
- Habitat assessment for the Federally Endangered Indiana Bat for the proposed Pennsylvania Pipeline Project.
- Habitat assessment for the Federally Endangered Indiana Bat for a proposed natural gas well pad for Noble Energy.
- Habitat assessment for the Federally Endangered Indiana Bat for the proposed Ohio River Pipeline Project in Marshall and Pleasants Counties, WV.
- Habitat assessment for the Federally Endangered Indiana Bat for the proposed Ohio River Pipeline Project in Ritchie County, WV.
- Freshwater mussel survey for the proposed Grave Creek Pipeline in Marshall County, WV.
- Mist net survey for the Federally Endangered Indiana Bat for a proposed Markwest Pipeline in Wetzel County, WV.



- Mist net survey for the Federally Endangered Indiana Bat for Black Castle Surface Mine in Boone County, WV.
- Mist net survey for the Federally Endangered Indiana Bat for Long Branch Surface Mine in Kanawha and Raleigh Counties, WV.
- Mist net survey for the Federally Endangered Indiana Bat for Blue Pennant Surface Mine in Boone and Raleigh Counties, WV.
- Mist net survey for the Federally Endangered Indiana Bat for Marfork Surface Mine in Raleigh County, WV.
- Mist net survey for the Federally Endangered Indiana Bat for Eagle Surface Mine in Wyoming County, WV.
- Mist net survey for the Federally Endangered Indiana Bat for Keystone Surface Mine in McDowell and Wyoming Counties, WV.
- Mist net survey for the Federally Endangered Indiana Bat for Stonecoal Surface Mine in Pikesville and Gilbert Counties, WV.
- Mist net survey for the Federally Endangered Indiana Bat for Whitby Surface Mine in Raleigh County, WV.

Permits

- Pennsylvania 32181 (Bats)
- Virginia 054214 (Bats)
- West Virginia 2015.089 (Bats)

Education

Clemson University – Clemson, SC

- Bachelor of Science, Major: Wildlife and Fisheries Biology
Minor: Forestry, Biological Sciences

Professional Certifications and Trainings

Mr. Osborne frequently attends professional workshops and meetings to further expand his knowledge of ecological and regulatory processes.

- West Virginia Freshwater Mussels: Life and History Certification
- 38 Hour Army Corps of Engineers Wetland Delineation and Management Training
- 16 Hour Wetland Permitting Training
- Ohio Department of Transportation Ecological Training
- United States Department of Agriculture Watershed Management Certification
- Trimble Mapping Grade GPS Certification



Professional Affiliations

Mr. Osborne frequently attends professional meetings and regularly communicates with biologists from state and federal agencies to maintain a reliable network of contacts and resources.

- The Wildlife Society
- Kentucky Bat Working Group
- Northeastern Bat Working Group
- North American Joint Bat Working Group
- Southeastern Bat Diversity Network



References

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Robert Oney
Certified Wildlife Biologist
Apogee Environmental and Archaeological, Inc.
153 Jefferson Street
Lexington, KY 40508
(859) 280-2284
bob@apogee-environmental.com



Grant Maltba

Resume

Staff Ecologist

grant@apogee-environmental.com

Background

Mr. Maltba has more than 4 years of project management experience in ecological and environmental services. In that time, he has conducted and managed ecological field investigations on a variety of different projects from large and small transportation as well as endangered species surveys for various coal and gas companies.

Plants of the Eastern United States

Mr. Maltba has completed numerous classes pertaining to the identification of flora of the eastern United States, including field botany, plant physiology, plant morphology, wetland ecology, plant ecology, and forest ecology.

Qualification and Experience with Bats

Mr. Maltba is knowledgeable and experienced in the application of the following equipment and techniques as they relate to the detection, capture, and handling of bat species:

- Bat handling (species level identification and various measurements)
- Mist-net set up and operation
- Harp trap set up and operation
- Radio telemetry
- Estimated 1600 contact hours performing surveys for bat species throughout the eastern United States
- Application of split-ring metal and celluloid identification bands
- Application of radio-transmitters
- Wing Damage Index Scoring
- Suitability assessments for both summer and winter bat habitat
- Acoustical monitoring and call analysis
- Hibernacula surveys
- White-nose Syndrome disinfection protocols

Qualifications and Experience with Ecological & Environmental Services

Mr. Maltba's field and natural history skills include a variety of taxa and disciplines from:

- Herbaceous and woody vegetation identification
- Federal and state listed threatened and endangered species surveys
- Habitat assessments
- Fish identification/surveys
- Wetland Delineations
- Wetland Permitting



Selected Project Experience

West Virginia

- Potential roost tree locations survey for the proposed Pennsylvania Pipeline Project
- Mist-net survey for the Federally Endangered Indiana Bat for Black Castle Surface Mine in Boone County, WV
- Mist-net survey for the Federally Endangered Indiana Bat for Long Branch Surface Mine in Kanawha and Raleigh Counties, WV
- Hibernacula survey for the Federally Endangered Indiana Bat for Long Branch Surface Mine in Kanawha and Raleigh Counties, WV
- Mist-net survey for the Federally Endangered Indiana Bat for Blue Pennant Surface Mine in Boone and Raleigh Counties, WV
- Mist-net survey for the Federally Endangered Indiana Bat for Marfork Surface Mine in Raleigh County, WV
- Mist-net survey for the Federally Endangered Indiana Bat for Whitby Surface Mine in Raleigh County, WV
- Mist-net survey for the Federally Endangered Indiana Bat for Markwest Pipeline in Wetzel County, WV
- Mist-net survey for the Federally Endangered Indiana Bat for John Campbell Pipeline in Ritchie County, WV
- Mist-net survey for the Federally Endangered Indiana Bat for McElroy Coal Company in Marshall County, WV

Ohio

- Wetland Survey for the proposed Pennsylvania Pipeline Project throughout Ohio
- Mist-net survey for threatened and endangered bats on the Rover Pipeline throughout Ohio

Pennsylvania

- Habitat analysis for the Federally Endangered Indiana Bat for the proposed Pennsylvania Pipeline Project
- Hibernacula survey for the Federally Endangered Indiana Bat with the Pennsylvania Game Commission

Permits

- West Virginia 2014.218 (Bats)
- Federal Fish and Wildlife Native Endangered Species Recovery (TE070796-7)

Education

Haywood Community College, Clyde, NC

- Associate in Applied Science: Fish and Wildlife Management

Montreat College, Montreat, NC

- Bachelor of Science: Environmental Science



Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

**State of West Virginia
 Request for Quotation**

Proc Folder: 203105

Doc Description: BAT SURVEY-CAMP DAWSON

Proc Type: Central Purchase Order

Date issued	Solicitation Closes	Solicitation No	Version
2016-03-28	2016-04-19 13:30:00	CRFQ 0603 ADJ1600000020	1

BID RECEIVING LOCATION

BID CLERK
 DEPARTMENT OF ADMINISTRATION
 PURCHASING DIVISION
 2019 WASHINGTON ST E
 CHARLESTON WV 25305
 US

VENDOR

Vendor Name, Address and Telephone Number:

FOR INFORMATION CONTACT THE BUYER

Crystal Rink
 (304) 658-2402
 crystal.g.rink@wv.gov

Signature X

FEIN #

DATE

All offers subject to all terms and conditions contained in this solicitation

ADDITIONAL INFORMATION

THE STATE OF WEST VIRGINIA PURCHASING DIVISION FOR THE AGENCY, THE WEST VIRGINIA ARMY NATIONAL GUARD'S CAMP DAWSON ARMY TRAINING SITE'S ENVIRONMENTAL OFFICE, IS SOLICITING BIDS TO ESTABLISH A CONTRACT TO PROVIDE ALL PROFESSIONAL AND TECHNICAL PERSONNEL, LABOR, FACILITIES, EQUIPMENT, MATERIALS, TRANSPORTATION, AND SUPPLIES NEEDED FOR A CRITICAL FAUNA SURVEY AND DEVELOPMENT OF AN ENDANGERED SPECIES MANAGEMENT PLAN FOR THE INDIANA BAT AND THE NORTHERN LONG-EARED BAT PER THE ATTACHED.

INVOICE TO		SHIP TO	
DIVISION ENGINEERING & FACILITIES ADJUTANT GENERALS OFFICE 1707 COONSKIN DR		FACILITY MAINTENANCE MANAGER CAMP DAWSON ARMY TRAINING SITE 240 ARMY RD	
CHARLESTON	WV25311	KINGWOOD	WV 26537-1077
US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
1	Bat Survey-Endangered Species Mgmt Plan-Camp Dawson				

Comm Code	Manufacturer	Specification	Model #
77111507			

Extended Description :
Critical Fauna Survey and Endangered Species Management Plan for the Indiana Bat and the Northern Long-Eared Bat

SCHEDULE OF EVENTS

Line	Event	Event Date
1	VENDOR QUESTION DEADLINE	2016-04-11

ADJ160000020	Document Phase Draft	Document Description BAT SURVEY-CAMP DAWSON	Page 3 of 3
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ADDITIONAL TERMS AND CONDITIONS

See attached document(s) for additional Terms and Conditions

INSTRUCTIONS TO VENDORS SUBMITTING BIDS

1. REVIEW DOCUMENTS THOROUGHLY: The attached documents contain a solicitation for bids. Please read these instructions and all documents attached in their entirety. These instructions provide critical information about requirements that if overlooked could lead to disqualification of a Vendor's bid. All bids must be submitted in accordance with the provisions contained in these instructions and the Solicitation. Failure to do so may result in disqualification of Vendor's bid.

2. MANDATORY TERMS: The Solicitation may contain mandatory provisions identified by the use of the words "must," "will," and "shall." Failure to comply with a mandatory term in the Solicitation will result in bid disqualification.

3. PREBID MEETING: The item identified below shall apply to this Solicitation.

A pre-bid meeting will not be held prior to bid opening

A NON-MANDATORY PRE-BID meeting will be held at the following place and time:

A MANDATORY PRE-BID meeting will be held at the following place and time:

All Vendors submitting a bid must attend the mandatory pre-bid meeting. Failure to attend the mandatory pre-bid meeting shall result in disqualification of the Vendor's bid. No one person attending the pre-bid meeting may represent more than one Vendor.

An attendance sheet provided at the pre-bid meeting shall serve as the official document verifying attendance. The State will not accept any other form of proof or documentation to verify attendance. Any person attending the pre-bid meeting on behalf of a Vendor must list on the attendance sheet his or her name and the name of the Vendor he or she is representing.

Additionally, the person attending the pre-bid meeting should include the Vendor's E-Mail address, phone number, and Fax number on the attendance sheet. It is the Vendor's responsibility

to locate the attendance sheet and provide the required information. Failure to complete the attendance sheet as required may result in disqualification of Vendor's bid.

All Vendors should arrive prior to the starting time for the pre-bid. Vendors who arrive after the starting time but prior to the end of the pre-bid will be permitted to sign in, but are charged with knowing all matters discussed at the pre-bid.

Questions submitted at least five business days prior to a scheduled pre-bid will be discussed at the pre-bid meeting if possible. Any discussions or answers to questions at the pre-bid meeting are preliminary in nature and are non-binding. Official and binding answers to questions will be published in a written addendum to the Solicitation prior to bid opening.

4. VENDOR QUESTION DEADLINE: Vendors may submit questions relating to this Solicitation to the Purchasing Division. Questions must be submitted in writing. All questions must be submitted on or before the date listed below and to the address listed below in order to be considered. A written response will be published in a Solicitation addendum if a response is possible and appropriate. Non-written discussions, conversations, or questions and answers regarding this Solicitation are preliminary in nature and are nonbinding.

Submitted e-mails should have solicitation number in the subject line.

Question Submission Deadline: April 11, 2016 at 4:00 PM EST

Submit Questions to: Crystal Rink, Senior Buyer
2019 Washington Street, East
Charleston, WV 25305
Fax: (304) 558-4115 (Vendors should not use this fax number for bid submission)
Email: Crystal.G.Rink@wv.gov

5. VERBAL COMMUNICATION: Any verbal communication between the Vendor and any State personnel is not binding, including verbal communication at the mandatory pre-bid conference. Only information issued in writing and added to the Solicitation by an official written addendum by the Purchasing Division is binding.

6. BID SUBMISSION: All bids must be submitted electronically through wvOASIS or signed and delivered by the Vendor to the Purchasing Division at the address listed below on or before the date and time of the bid opening. Any bid received by the Purchasing Division staff is considered to be in the possession of the Purchasing Division and will not be returned for any reason. The Purchasing Division will not accept bids, modification of bids, or addendum acknowledgment forms via e-mail. Acceptable delivery methods include electronic submission via wvOASIS, hand delivery, delivery by courier, or facsimile.

The bid delivery address is:
Department of Administration, Purchasing Division
2019 Washington Street East
Charleston, WV 25305-0130

A bid that is not submitted electronically through wvOASIS should contain the information listed below on the face of the envelope or the bid may be rejected by the Purchasing Division.:

SEALED BID:
BUYER: Crystal Rink
SOLICITATION NO.: CRFQ ADJ1600000020
BID OPENING DATE: April 19, 2016
BID OPENING TIME: 1:30 PM EST
FAX NUMBER: 304-558-3970

In the event that Vendor is responding to a request for proposal, the Vendor shall submit one original technical and one original cost proposal plus n/a convenience copies of each to the Purchasing Division at the address shown above. Submission of a response to a request for proposal is not permitted in wvOASIS. Additionally, the Vendor should identify the bid type as either a technical or cost proposal on the face of each bid envelope submitted in response to a request for proposal as follows:

BID TYPE: (This only applies to CRFP)
 Technical
 Cost

7. BID OPENING: Bids submitted in response to this Solicitation will be opened at the location identified below on the date and time listed below. Delivery of a bid after the bid opening date and time will result in bid disqualification. For purposes of this Solicitation, a bid is considered delivered when confirmation of delivery is provided by wvOASIS (in the case of electronic submission) or when the bid is time stamped by the official Purchasing Division time clock (in the case of hand delivery).

Bid Opening Date and Time: April 19, 2016 at 1:30 PM EST

Bid Opening Location: Department of Administration, Purchasing Division
2019 Washington Street East
Charleston, WV 25305-0130

8. ADDENDUM ACKNOWLEDGEMENT: Changes or revisions to this Solicitation will be made by an official written addendum issued by the Purchasing Division. Vendor should acknowledge receipt of all addenda issued with this Solicitation by completing an Addendum Acknowledgment Form, 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.

9. BID FORMATTING: Vendor should type or electronically enter the information onto its bid to prevent errors in the evaluation. Failure to type or electronically enter the information may result in bid disqualification.

10. ALTERNATES: Any model, brand, or specification listed in this Solicitation establishes the acceptable level of quality only and is not intended to reflect a preference for, or in any way favor, a particular brand or vendor. Vendors may bid alternates to a listed model or brand provided that the alternate is at least equal to the model or brand and complies with the required specifications. The equality of any alternate being bid shall be determined by the State at its sole discretion. Any Vendor bidding an alternate model or brand should clearly identify the alternate items in its bid and should include manufacturer's specifications, industry literature, and/or any other relevant documentation demonstrating the equality of the alternate items. Failure to provide information for alternate items may be grounds for rejection of a Vendor's bid.

11. EXCEPTIONS AND CLARIFICATIONS: The Solicitation contains the specifications that shall form the basis of a contractual agreement. Vendor shall clearly mark any exceptions, clarifications, or other proposed modifications in its bid. Exceptions to, clarifications of, or modifications of a requirement or term and condition of the Solicitation may result in bid disqualification.

12. COMMUNICATION LIMITATIONS: In accordance with West Virginia Code of State Rules §148-1-6.6, communication with the State of West Virginia or any of its employees regarding this Solicitation during the solicitation, bid, evaluation or award periods, except through the Purchasing Division, is strictly prohibited without prior Purchasing Division approval. Purchasing Division approval for such communication is implied for all agency delegated and exempt purchases.

13. REGISTRATION: Prior to Contract award, the apparent successful Vendor must be properly registered with the West Virginia Purchasing Division and must have paid the \$125 fee, if applicable.

14. UNIT PRICE: Unit prices shall prevail in cases of a discrepancy in the Vendor's bid.

15. PREFERENCE: Vendor Preference may only be granted upon written request and only in accordance with the West Virginia Code § 5A-3-37 and the West Virginia Code of State Rules. A Vendor Preference Certificate form has been attached hereto to allow Vendor to apply for the preference. Vendor's failure to submit the Vendor Preference Certificate form with its bid will result in denial of Vendor Preference. Vendor Preference does not apply to construction projects.

16. SMALL, WOMEN-OWNED, OR MINORITY-OWNED BUSINESSES: For any solicitations publicly advertised for bid, in accordance with West Virginia Code §5A-3-37(a)(7) and W. Va. CSR § 148-22-9, any non-resident vendor certified as a small, women-owned, or minority-owned business under W. Va. CSR § 148-22-9 shall be provided the same preference made available to any resident vendor. Any non-resident small, women-owned, or minority-owned business must identify itself as such in writing, must submit that writing to the Purchasing Division with its bid, and must be properly certified under W. Va. CSR § 148-22-9 prior to contract award to receive the preferences made available to resident vendors. Preference for a non-resident small, women-owned, or minority owned business shall be applied in accordance with W. Va. CSR § 148-22-9.

17. WAIVER OF MINOR IRREGULARITIES: The Director reserves the right to waive minor irregularities in bids or specifications in accordance with West Virginia Code of State Rules § 148-1-4.6.

18. ELECTRONIC FILE ACCESS RESTRICTIONS: Vendor must ensure that its submission in wvOASIS can be accessed by the Purchasing Division staff immediately upon bid opening. The Purchasing Division will consider any file that cannot be immediately opened and/or viewed at the time of the bid opening (such as, encrypted files, password protected files, or incompatible files) to be blank or incomplete as context requires, and are therefore unacceptable. A vendor will not be permitted to unencrypt files, remove password protections, or resubmit documents after bid opening if those documents are required with the bid.

19. NON-RESPONSIBLE: The Purchasing Division Director reserves the right to reject the bid of any vendor as Non-Responsible in accordance with W. Va. Code of State Rules § 148-1-5.3, when the Director determines that the vendor submitting the bid does not have the capability to fully perform, or lacks the integrity and reliability to assure good-faith performance.”

20. ACCEPTANCE/REJECTION: The State may accept or reject any bid in whole, or in part in accordance with W. Va. Code of State Rules § 148-1-4.5. and § 148-1-6.4.b.”

21. YOUR SUBMISSION IS A PUBLIC DOCUMENT: Vendor’s entire response to the Solicitation and the resulting Contract are public documents. As public documents, they will be disclosed to the public following the bid/proposal opening or award of the contract, as required by the competitive bidding laws of West Virginia Code §§ 5A-3-1 et seq., 5-22-1 et seq., and 5G-1-1 et seq. and the Freedom of Information Act West Virginia Code §§ 29B-1-1 et seq.

DO NOT SUBMIT MATERIAL YOU CONSIDER TO BE CONFIDENTIAL, A TRADE SECRET, OR OTHERWISE NOT SUBJECT TO PUBLIC DISCLOSURE.

Submission of any bid, proposal, or other document to the Purchasing Division constitutes your explicit consent to the subsequent public disclosure of the bid, proposal, or document. The Purchasing Division will disclose any document labeled “confidential,” “proprietary,” “trade secret,” “private,” or labeled with any other claim against public disclosure of the documents, to

include any "trade secrets" as defined by West Virginia Code § 47-22-1 et seq. All submissions are subject to public disclosure without notice.

Revised 10/27/2015

GENERAL TERMS AND CONDITIONS:

1. CONTRACTUAL AGREEMENT: Issuance of a Award Document signed by the Purchasing Division Director, or his designee, and approved as to form by the Attorney General's office constitutes acceptance of this Contract made by and between the State of West Virginia and the Vendor. Vendor's signature on its bid signifies Vendor's agreement to be bound by and accept the terms and conditions contained in this Contract.

2. DEFINITIONS: As used in this Solicitation/Contract, the following terms shall have the meanings attributed to them below. Additional definitions may be found in the specifications included with this Solicitation/Contract.

2.1. "Agency" or "Agencies" means the agency, board, commission, or other entity of the State of West Virginia that is identified on the first page of the Solicitation or any other public entity seeking to procure goods or services under this Contract.

2.2. "Bid" or "Proposal" means the vendors submitted response to this solicitation.

2.3. "Contract" means the binding agreement that is entered into between the State and the Vendor to provide the goods or services requested in the Solicitation.

2.4. "Director" means the Director of the West Virginia Department of Administration, Purchasing Division.

2.5. "Purchasing Division" means the West Virginia Department of Administration, Purchasing Division.

2.6. "Award Document" means the document signed by the Agency and the Purchasing Division, and approved as to form by the Attorney General, that identifies the Vendor as the contract holder.

2.7. "Solicitation" means the official notice of an opportunity to supply the State with goods or services that is published by the Purchasing Division.

2.8. "State" means the State of West Virginia and/or any of its agencies, commissions, boards, etc. as context requires.

2.9. "Vendor" or "Vendors" means any entity submitting a bid in response to the Solicitation, the entity that has been selected as the lowest responsible bidder, or the entity that has been awarded the Contract as context requires.

3. CONTRACT TERM; RENEWAL; EXTENSION: The term of this Contract shall be determined in accordance with the category that has been identified as applicable to this Contract below:

Term Contract

Initial Contract Term: This Contract becomes effective on _____ and extends for a period of _____ year(s).

Renewal Term: This Contract may be renewed upon the mutual written consent of the Agency, and the Vendor, with approval of the Purchasing Division and the Attorney General's office (Attorney General approval is as to form only). Any request for renewal should be submitted to the Purchasing Division thirty (30) days prior to the expiration date of the initial contract term or appropriate renewal term. A Contract renewal shall be in accordance with the terms and conditions of the original contract. Renewal of this Contract is limited to _____ successive one (1) year periods or multiple renewal periods of less than one year, provided that the multiple renewal periods do not exceed _____ months in total. Automatic renewal of this Contract is prohibited. Notwithstanding the foregoing, Purchasing Division approval is not required on agency delegated or exempt purchases. Attorney General approval may be required for vendor terms and conditions.

Delivery Order Limitations: In the event that this contract permits delivery orders, a delivery order may only be issued during the time this Contract is in effect. Any delivery order issued within one year of the expiration of this Contract shall be effective for one year from the date the delivery order is issued. No delivery order may be extended beyond one year after this Contract has expired.

Fixed Period Contract: This Contract becomes effective upon Vendor's receipt of the notice to proceed and must be completed within _____ days.

Fixed Period Contract with Renewals: This Contract becomes effective upon Vendor's receipt of the notice to proceed and part of the Contract more fully described in the attached specifications must be completed within _____ days.

Upon completion, the vendor agrees that maintenance, monitoring, or warranty services will be provided for one year thereafter with an additional _____ successive one year renewal periods or multiple renewal periods of less than one year provided that the multiple renewal periods do not exceed _____ months in total. Automatic renewal of this Contract is prohibited.

One Time Purchase: The term of this Contract shall run from the issuance of the Award Document until all of the goods contracted for have been delivered, but in no event will this Contract extend for more than one fiscal year.

Other: See attached.

4. NOTICE TO PROCEED: Vendor shall begin performance of this Contract immediately upon receiving notice to proceed unless otherwise instructed by the Agency. Unless otherwise specified, the fully executed Award Document will be considered notice to proceed.

5. QUANTITIES: The quantities required under this Contract shall be determined in accordance with the category that has been identified as applicable to this Contract below.

Open End Contract: Quantities listed in this Solicitation are approximations only, based on estimates supplied by the Agency. It is understood and agreed that the Contract shall cover the quantities actually ordered for delivery during the term of the Contract, whether more or less than the quantities shown.

Service: The scope of the service to be provided will be more clearly defined in the specifications included herewith.

Combined Service and Goods: The scope of the service and deliverable goods to be provided will be more clearly defined in the specifications included herewith.

One Time Purchase: This Contract is for the purchase of a set quantity of goods that are identified in the specifications included herewith. Once those items have been delivered, no additional goods may be procured under this Contract without an appropriate change order approved by the Vendor, Agency, Purchasing Division, and Attorney General's office.

6. PRICING: The pricing set forth herein is firm for the life of the Contract, unless specified elsewhere within this Solicitation/Contract by the State. A Vendor's inclusion of price adjustment provisions in its bid, without an express authorization from the State in the Solicitation to do so, may result in bid disqualification.

7. EMERGENCY PURCHASES: The Purchasing Division Director may authorize the Agency to purchase goods or services in the open market that Vendor would otherwise provide under this Contract if those goods or services are for immediate or expedited delivery in an emergency. Emergencies shall include, but are not limited to, delays in transportation or an unanticipated increase in the volume of work. An emergency purchase in the open market, approved by the Purchasing Division Director, shall not constitute of breach of this Contract and shall not entitle the Vendor to any form of compensation or damages. This provision does not excuse the State from fulfilling its obligations under a One Time Purchase contract.

8. REQUIRED DOCUMENTS: All of the items checked below must be provided to the Purchasing Division by the Vendor as specified below.

BID BOND: All Vendors shall furnish a bid bond in the amount of five percent (5%) of the total amount of the bid protecting the State of West Virginia. The bid bond must be submitted with the bid.

PERFORMANCE BOND: The apparent successful Vendor shall provide a performance bond in the amount of _____. The performance bond must be received by the Purchasing Division prior to Contract award. On construction contracts, the performance bond must be 100% of the Contract value.

LABOR/MATERIAL PAYMENT BOND: The apparent successful Vendor shall provide a labor/material payment bond in the amount of 100% of the Contract value. The labor/material payment bond must be delivered to the Purchasing Division prior to Contract award. In lieu of the Bid Bond, Performance Bond, and Labor/Material Payment Bond, the Vendor may provide certified checks, cashier's checks, or irrevocable letters of credit. Any certified check, cashier's check, or irrevocable letter of credit provided in lieu of a bond must be of the same amount and delivered on the same schedule as the bond it replaces. A letter of credit submitted in lieu of a performance and labor/material payment bond will only be allowed for projects under \$100,000. Personal or business checks are not acceptable.

MAINTENANCE BOND: The apparent successful Vendor shall provide a two (2) year maintenance bond covering the roofing system. The maintenance bond must be issued and delivered to the Purchasing Division prior to Contract award.

INSURANCE: The apparent successful Vendor shall furnish proof of the following insurance prior to Contract award and shall list the state as a certificate holder:

Commercial General Liability Insurance: In the amount of \$1,000,000.00
_____ or more.

Builders Risk Insurance: In an amount equal to 100% of the amount of the Contract.

The apparent successful Vendor shall also furnish proof of any additional insurance requirements contained in the specifications prior to Contract award regardless of whether or not that insurance requirement is listed above.

LICENSE(S) / CERTIFICATIONS / PERMITS: In addition to anything required under the Section entitled Licensing, of the General Terms and Conditions, the apparent successful Vendor shall furnish proof of the following licenses, certifications, and/or permits prior to Contract award, in a form acceptable to the Purchasing Division.

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-
-
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The apparent successful Vendor shall also furnish proof of any additional licenses or certifications contained in the specifications prior to Contract award regardless of whether or not that requirement is listed above.

9. WORKERS' COMPENSATION INSURANCE: The apparent successful Vendor shall comply with laws relating to workers compensation, shall maintain workers' compensation insurance when required, and shall furnish proof of workers' compensation insurance upon request.

10. LITIGATION BOND: The Director reserves the right to require any Vendor that files a protest of an award to submit a litigation bond in the amount equal to one percent of the lowest bid submitted or \$5,000, whichever is greater. The entire amount of the bond shall be forfeited if the hearing officer determines that the protest was filed for frivolous or improper purpose, including but not limited to, the purpose of harassing, causing unnecessary delay, or needless expense for the Agency. All litigation bonds shall be made payable to the Purchasing Division. In lieu of a bond, the protester may submit a cashier's check or certified check payable to the Purchasing Division. Cashier's or certified checks will be deposited with and held by the State Treasurer's office. If it is determined that the protest has not been filed for frivolous or improper purpose, the bond or deposit shall be returned in its entirety.

11. LIQUIDATED DAMAGES: Vendor shall pay liquidated damages in the amount of

n/a

for n/a

This clause shall in no way be considered exclusive and shall not limit the State or Agency's right to pursue any other available remedy.

- 12. ACCEPTANCE:** Vendor's signature on its bid, or on the certification and signature page, constitutes an offer to the State that cannot be unilaterally withdrawn, signifies that the product or service proposed by vendor meets the mandatory requirements contained in the Solicitation for that product or service, unless otherwise indicated, and signifies acceptance of the terms and conditions contained in the Solicitation unless otherwise indicated.
- 13. FUNDING:** This Contract shall continue for the term stated herein, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise made available, this Contract becomes void and of no effect beginning on July 1 of the fiscal year for which funding has not been appropriated or otherwise made available.
- 14. PAYMENT:** Payment in advance is prohibited under this Contract. Payment may only be made after the delivery and acceptance of goods or services. The Vendor shall submit invoices, in arrears.
- 15. TAXES:** The Vendor shall pay any applicable sales, use, personal property or any other taxes arising out of this Contract and the transactions contemplated thereby. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
- 16. CANCELLATION:** The Purchasing Division Director reserves the right to cancel this Contract immediately upon written notice to the vendor if the materials or workmanship supplied do not conform to the specifications contained in the Contract. The Purchasing Division Director may also cancel any purchase or Contract upon 30 days written notice to the Vendor in accordance with West Virginia Code of State Rules §§ 148-1-6.1.e.
- 17. TIME:** Time is of the essence with regard to all matters of time and performance in this Contract.
- 18. APPLICABLE LAW:** This Contract is governed by and interpreted under West Virginia law without giving effect to its choice of law principles. Any information provided in specification manuals, or any other source, verbal or written, which contradicts or violates the West Virginia Constitution, West Virginia Code or West Virginia Code of State Rules is void and of no effect.
- 19. COMPLIANCE:** Vendor shall comply with all applicable federal, state, and local laws, regulations and ordinances. By submitting a bid, Vendor acknowledges that it has reviewed, understands, and will comply with all applicable laws, regulations, and ordinances.
- 20. PREVAILING WAGE:** Vendor shall be responsible for ensuring compliance with prevailing wage requirements and determining when prevailing wage requirements are applicable.
- 21. ARBITRATION:** Any references made to arbitration contained in this Contract, Vendor's bid, or in any American Institute of Architects documents pertaining to this Contract are hereby deleted, void, and of no effect.

22. MODIFICATIONS: This writing is the parties' final expression of intent. Notwithstanding anything contained in this Contract to the contrary no modification of this Contract shall be binding without mutual written consent of the Agency, and the Vendor, with approval of the Purchasing Division and the Attorney General's office (Attorney General approval is as to form only). Any change to existing contracts that adds work or changes contract cost, and were not included in the original contract, must be approved by the Purchasing Division and the Attorney General's Office (as to form) prior to the implementation of the change or commencement of work affected by the change.

23. WAIVER: The failure of either party to insist upon a strict performance of any of the terms or provision of this Contract, or to exercise any option, right, or remedy herein contained, shall not be construed as a waiver or a relinquishment for the future of such term, provision, option, right, or remedy, but the same shall continue in full force and effect. Any waiver must be expressly stated in writing and signed by the waiving party.

24. SUBSEQUENT FORMS: The terms and conditions contained in this Contract shall supersede any and all subsequent terms and conditions which may appear on any form documents submitted by Vendor to the Agency or Purchasing Division such as price lists, order forms, invoices, sales agreements, or maintenance agreements, and includes internet websites or other electronic documents. Acceptance or use of Vendor's forms does not constitute acceptance of the terms and conditions contained thereon.

25. ASSIGNMENT: Neither this Contract nor any monies due, or to become due hereunder, may be assigned by the Vendor without the express written consent of the Agency, the Purchasing Division, the Attorney General's office (as to form only), and any other government agency or office that may be required to approve such assignments. Notwithstanding the foregoing, Purchasing Division approval may or may not be required on certain agency delegated or exempt purchases.

26. WARRANTY: The Vendor expressly warrants that the goods and/or services covered by this Contract will: (a) conform to the specifications, drawings, samples, or other description furnished or specified by the Agency; (b) be merchantable and fit for the purpose intended; and (c) be free from defect in material and workmanship.

27. STATE EMPLOYEES: State employees are not permitted to utilize this Contract for personal use and the Vendor is prohibited from permitting or facilitating the same.

28. BANKRUPTCY: In the event the Vendor files for bankruptcy protection, the State of West Virginia may deem this Contract null and void, and terminate this Contract without notice.

29. PRIVACY, SECURITY, AND CONFIDENTIALITY: The Vendor agrees that it will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the Agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the Agency's policies, procedures, and rules. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/default.html>.

30. YOUR SUBMISSION IS A PUBLIC DOCUMENT: Vendor's entire response to the Solicitation and the resulting Contract are public documents. As public documents, they will be disclosed to the public following the bid/proposal opening or award of the contract, as required by the competitive bidding laws of West Virginia Code §§ 5A-3-1 et seq., 5-22-1 et seq., and 5G-1-1 et seq. and the Freedom of Information Act West Virginia Code §§ 29B-1-1 et seq.

DO NOT SUBMIT MATERIAL YOU CONSIDER TO BE CONFIDENTIAL, A TRADE SECRET, OR OTHERWISE NOT SUBJECT TO PUBLIC DISCLOSURE.

Submission of any bid, proposal, or other document to the Purchasing Division constitutes your explicit consent to the subsequent public disclosure of the bid, proposal, or document. The Purchasing Division will disclose any document labeled "confidential," "proprietary," "trade secret," "private," or labeled with any other claim against public disclosure of the documents, to include any "trade secrets" as defined by West Virginia Code § 47-22-1 et seq. All submissions are subject to public disclosure without notice.

31. LICENSING: In accordance with West Virginia Code of State Rules § 148-1-6.1.e, Vendor must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, or any other state agency or political subdivision. Upon request, the Vendor must provide all necessary releases to obtain information to enable the Purchasing Division Director or the Agency to verify that the Vendor is licensed and in good standing with the above entities.

32. ANTITRUST: In submitting a bid to, signing a contract with, or accepting a Award Document from any agency of the State of West Virginia, the Vendor agrees to convey, sell, assign, or transfer to the State of West Virginia all rights, title, and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the State of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the State of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to Vendor.

33. VENDOR CERTIFICATIONS: By signing its bid or entering into this Contract, Vendor certifies (1) that its bid or offer was made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership, person or entity submitting a bid or offer for the same material, supplies, equipment or services; (2) that its bid or offer is in all respects fair and without collusion or fraud; (3) that this Contract is accepted or entered into without any prior understanding, agreement, or connection to any other entity that could be considered a violation of law; and (4) that it has reviewed this Solicitation in its entirety; understands the requirements, terms and conditions, and other information contained herein.

Vendor's signature on its bid or offer also affirms that neither it nor its representatives have any interest, nor shall acquire any interest, direct or indirect, which would compromise the performance of its services hereunder. Any such interests shall be promptly presented in detail to the Agency. The individual signing this bid or offer on behalf of Vendor certifies that he or she is authorized by the Vendor to execute this bid or offer or any documents related thereto on Vendor's behalf; that he or she is authorized to bind the Vendor in a contractual relationship; and that, to the best of his or her knowledge, the Vendor has properly registered with any State agency that may require registration.

34. PURCHASING CARD ACCEPTANCE: The State of West Virginia currently utilizes a Purchasing Card program, administered under contract by a banking institution, to process payment for goods and services. The Vendor must accept the State of West Virginia's Purchasing Card for payment of all orders under this Contract unless the box below is checked.

Vendor is not required to accept the State of West Virginia's Purchasing Card as payment for all goods and services.

35. VENDOR RELATIONSHIP: The relationship of the Vendor to the State shall be that of an independent contractor and no principal-agent relationship or employer-employee relationship is contemplated or created by this Contract. The Vendor as an independent contractor is solely liable for the acts and omissions of its employees and agents. Vendor shall be responsible for selecting, supervising, and compensating any and all individuals employed pursuant to the terms of this Solicitation and resulting contract. Neither the Vendor, nor any employees or subcontractors of the Vendor, shall be deemed to be employees of the State for any purpose whatsoever. Vendor shall be exclusively responsible for payment of employees and contractors for all wages and salaries, taxes, withholding payments, penalties, fees, fringe benefits, professional liability insurance premiums, contributions to insurance and pension, or other deferred compensation plans, including but not limited to, Workers' Compensation and Social Security obligations, licensing fees, etc. and the filing of all necessary documents, forms, and returns pertinent to all of the foregoing.

Vendor shall hold harmless the State, and shall provide the State and Agency with a defense against any and all claims including, but not limited to, the foregoing payments, withholdings, contributions, taxes, Social Security taxes, and employer income tax returns.

36. INDEMNIFICATION: The Vendor agrees to indemnify, defend, and hold harmless the State and the Agency, their officers, and employees from and against: (1) Any claims or losses for services rendered by any subcontractor, person, or firm performing or supplying services, materials, or supplies in connection with the performance of the Contract; (2) Any claims or losses resulting to any person or entity injured or damaged by the Vendor, its officers, employees, or subcontractors by the publication, translation, reproduction, delivery, performance, use, or disposition of any data used under the Contract in a manner not authorized by the Contract, or by Federal or State statutes or regulations; and (3) Any failure of the Vendor, its officers, employees, or subcontractors to observe State and Federal laws including, but not limited to, labor and wage and hour laws.

37. PURCHASING AFFIDAVIT: In accordance with West Virginia Code § 5A-3-10a, all Vendors are required to sign, notarize, and submit the Purchasing Affidavit stating that neither the Vendor nor a related party owe a debt to the State in excess of \$1,000. The affidavit must be submitted prior to award, but should be submitted with the Vendor's bid. A copy of the Purchasing Affidavit is included herewith.

38. ADDITIONAL AGENCY AND LOCAL GOVERNMENT USE: This Contract may be utilized by other agencies, spending units, and political subdivisions of the State of West Virginia; county, municipal, and other local government bodies; and school districts ("Other Government Entities"). Any extension of this Contract to the aforementioned Other Government Entities must be on the same prices, terms, and conditions as those offered and agreed to in this Contract, provided that such extension is in compliance with the applicable laws, rules, and ordinances of the Other Government Entity. If the Vendor does not wish to extend the prices, terms, and conditions of its bid and subsequent contract to the Other Government Entities, the Vendor must clearly indicate such refusal in its bid. A refusal to extend this Contract to the Other Government Entities shall not impact or influence the award of this Contract in any manner.

39. CONFLICT OF INTEREST: Vendor, its officers or members or employees, shall not presently have or acquire an interest, direct or indirect, which would conflict with or compromise the performance of its obligations hereunder. Vendor shall periodically inquire of its officers, members and employees to ensure that a conflict of interest does not arise. Any conflict of interest discovered shall be promptly presented in detail to the Agency.

40. REPORTS: Vendor shall provide the Agency and/or the Purchasing Division with the following reports identified by a checked box below:

Such reports as the Agency and/or the Purchasing Division may request. Requested reports may include, but are not limited to, quantities purchased, agencies utilizing the contract, total contract expenditures by agency, etc.

Quarterly reports detailing the total quantity of purchases in units and dollars, along with a listing of purchases by agency. Quarterly reports should be delivered to the Purchasing Division via email at purchasing.requisitions@wv.gov.

41. BACKGROUND CHECK: In accordance with W. Va. Code § 15-2D-3, the Director of the Division of Protective Services shall require any service provider whose employees are regularly employed on the grounds or in the buildings of the Capitol complex or who have access to sensitive or critical information to submit to a fingerprint-based state and federal background inquiry through the state repository. The service provider is responsible for any costs associated with the fingerprint-based state and federal background inquiry.

After the contract for such services has been approved, but before any such employees are permitted to be on the grounds or in the buildings of the Capitol complex or have access to sensitive or critical information, the service provider shall submit a list of all persons who will be physically present and working at the Capitol complex to the Director of the Division of Protective Services for purposes of verifying compliance with this provision. The State reserves the right to prohibit a service provider's employees from accessing sensitive or critical information or to be present at the Capitol complex based upon results addressed from a criminal background check.

Service providers should contact the West Virginia Division of Protective Services by phone at (304) 558-9911 for more information.

42. PREFERENCE FOR USE OF DOMESTIC STEEL PRODUCTS: Except when authorized by the Director of the Purchasing Division pursuant to W. Va. Code § 5A-3-56, no contractor may use or supply steel products for a State Contract Project other than those steel products made in the United States. A contractor who uses steel products in violation of this section may be subject to civil penalties pursuant to W. Va. Code § 5A-3-56. As used in this section:

- a. "State Contract Project" means any erection or construction of, or any addition to, alteration of or other improvement to any building or structure, including, but not limited to, roads or highways, or the installation of any heating or cooling or ventilating plants or other equipment, or the supply of and materials for such projects, pursuant to a contract with the State of West Virginia for which bids were solicited on or after June 6, 2001.
- b. "Steel Products" means products rolled, formed, shaped, drawn, extruded, forged, cast, fabricated or otherwise similarly processed, or processed by a combination of two or more or such operations, from steel made by the open heath, basic oxygen, electric furnace, Bessemer or other steel making process. The Purchasing Division Director may, in writing, authorize the use of foreign steel products if:
- c. The cost for each contract item used does not exceed one tenth of one percent (.1%) of the total contract cost or two thousand five hundred dollars (\$2,500.00), whichever is greater. For the purposes of this section, the cost is the value of the steel product as delivered to the project; or
- d. The Director of the Purchasing Division determines that specified steel materials are not produced in the United States in sufficient quantity or otherwise are not reasonably available to meet contract requirements.

43. PREFERENCE FOR USE OF DOMESTIC ALUMINUM, GLASS, AND STEEL: In Accordance with W. Va. Code § 5-19-1 et seq., and W. Va. CSR § 148-10-1 et seq., for every contract or subcontract, subject to the limitations contained herein, for the construction, reconstruction, alteration, repair, improvement or maintenance of public works or for the purchase of any item of machinery or equipment to be used at sites of public works, only domestic aluminum, glass or steel products shall be supplied unless the spending officer determines, in writing, after the receipt of offers or bids, (1) that the cost of domestic aluminum, glass or steel products is unreasonable or inconsistent with the public interest of the State of West Virginia, (2) that domestic aluminum, glass or steel products are not produced in sufficient quantities to meet the contract requirements, or (3) the available domestic aluminum, glass, or steel do not meet the contract specifications. This provision only applies to public works contracts awarded in an amount more than fifty thousand dollars (\$50,000) or public works contracts that require more than ten thousand pounds of steel products.

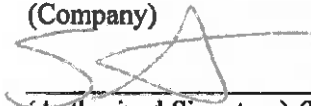
The cost of domestic aluminum, glass, or steel products may be unreasonable if the cost is more than twenty percent (20%) of the bid or offered price for foreign made aluminum, glass, or steel products. If the domestic aluminum, glass or steel products to be supplied or produced in a "substantial labor surplus area", as defined by the United States Department of Labor, the cost of domestic aluminum, glass, or steel products may be unreasonable if the cost is more than thirty percent (30%) of the bid or offered price for foreign made aluminum, glass, or steel products. This preference shall be applied to an item of machinery or equipment, as indicated above, when the item is a single unit of equipment or machinery manufactured primarily of aluminum, glass or steel, is part of a public works contract and has the sole purpose or of being a permanent part of a single public works project. This provision does not apply to equipment or machinery purchased by a spending unit for use by that spending unit and not as part of a single public works project.

All bids and offers including domestic aluminum, glass or steel products that exceed bid or offer prices including foreign aluminum, glass or steel products after application of the preferences provided in this provision may be reduced to a price equal to or lower than the lowest bid or offer price for foreign aluminum, glass or steel products plus the applicable preference. If the reduced bid or offer prices are made in writing and supersede the prior bid or offer prices, all bids or offers, including the reduced bid or offer prices, will be reevaluated in accordance with this rule.

CERTIFICATION AND SIGNATURE PAGE

By signing below, or submitting documentation through wvOASIS, I certify that I have reviewed this Solicitation in its entirety; that I understand the requirements, terms and conditions, and other information contained herein; that this bid, offer or proposal constitutes an offer to the State that cannot be unilaterally withdrawn; that the product or service proposed meets the mandatory requirements contained in the Solicitation for that product or service, unless otherwise stated herein; that the Vendor accepts the terms and conditions contained in the Solicitation, unless otherwise stated herein; that I am submitting this bid, offer or proposal for review and consideration; that I am authorized by the vendor to execute and submit this bid, offer, or proposal, or any documents related thereto on vendor's behalf; that I am authorized to bind the vendor in a contractual relationship; and that to the best of my knowledge, the vendor has properly registered with any State agency that may require registration.

Apogee
(Company)


Shane Roberts, Director of Environmental Services
(Authorized Signature) (Representative Name, Title)

859.280.2284, 859.280.2206, 4/18/2016
(Phone Number) (Fax Number) (Date)

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: CRFQ ADJ1600000020

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 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.

Apogee

Company

Authorized Signature

04/18/2016

Date

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

REQUEST FOR QUOTATION
CRFQ ADJ1600000020
Critical Fauna Survey & Endangered Species Plan for Indiana Bats and Northern Long-Eared Bats on Camp Dawson Army Training Site
Kingwood, WV (Preston Co.)

SPECIFICATIONS

- 1. PURPOSE AND SCOPE:** The West Virginia Purchasing Division is soliciting bids on behalf of West Virginia Army National Guard's Camp Dawson Army Training Site's Environmental Office to establish a contract providing all professional and technical personnel, labor, facilities, equipment, materials, transportation and supplies needed for a critical fauna survey and development of an endangered species management plan for the Indiana Bat and the Northern Long-Eared Bat.

The collection of natural resource baseline information at the Camp Dawson Collective Training Area (CDCTA) is required under the Sikes Act (16 USC 670a et seq.), Army Regulation (AR) 200-3, and Department of Defense Instruction 4715.3. General faunal surveys have been completed as required through previous contracts. However, the United States Fish and Wildlife Service (USFWS) requires specialized surveys for the Indiana bat (*Myotis sodalis*) and the Northern Long-Eared bat (*Myotis septentrionalis*). The specialized surveys must target this species and require accredited personnel to make the species identification determinations. A (USFWS) qualified survey team is needed to conduct surveys that will determine if this species occurs on the CDCTA and to meet USFWS requirements.

In accordance with Army Regulation (AR) 200-3, Chapter 11, any installation having a federally listed or proposed species or critical habitat onsite is required to prepare an Endangered Species Management Plan (ESMP) that includes procedures for managing and protecting the species.

The 3,797-acre Camp Dawson Collective Training Area is located just outside the City of Kingwood in central Preston County, West Virginia (Figure 1) and consists of four distinct tracts: Pringle Tract (1632 acres), Briery Tract (1251 acres), Camp Dawson Cantonment Area (410 acres), and Volkstone Tract (504 acres). All associated forests have been fragmented creating numerous habitat types, including upland and bottomland forests, disturbed riparian zones, open meadows (from reclaimed strip mines), successional shrubland, ephemeral and emergent wetlands, and developed areas. Forests range from regenerating to mature stands.

This project has two primary objectives, one is to determine if Indiana bats and/or Northern Long-Eared bats occur on site and to better characterize the species of bats present. The second objective is to develop an (ESMP) Endangered Species Management Plan that incorporates the WVARNG management philosophies, practices and mission requirements for the installation. The ESMP will be consistent with the (USFWS) Indiana Bat Draft Recovery Plan: First Revision (April 2007). The USFWS is a cooperator in the

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CRFQ ADJ160000020**

**Critical Fauna Survey & Endangered Species Plan for Indiana Bats and Northern Long-Eared Bats on Camp Dawson Army Training Site
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implementation of the Camp Dawson Integrated Natural Resources Management Plan (INRMP) in accordance with the Sikes Act. The USFWS, operating under Section 7 of the Endangered Species Act, concurred with the 2012 INRMP revision (USFWS Letter 12 June, 2013) because specialized surveys were up to date. Based on the data collected in the most recent survey (2013), the USFWS concurred that there is high likelihood of presence of Indiana bats at Camp Dawson (USFWS Letter 19 Dec, 2013). The presence of Northern Long-Eared bats was also confirmed. However, the USFWS considers presence/absence surveys current for only three years, these surveys must be conducted in the Spring/Summer of 2016.

Surveys will be conducted during the summer survey season on all suitable habitat located on the Camp Dawson Army Training Site. Surveys for this species should adhere to the guidelines outlined in the most current USFWS protocol. The contractor may choose to use either the mist-netting or acoustic survey method of presence/absence surveys. It will be the responsibility of the contractor to submit a draft study plan for all survey phases to the USFWS Field Office(s) for review and approval.

2. DEFINITIONS: The terms listed below shall have the meanings assigned to them below. Additional definitions can be found in section 2 of the General Terms and Conditions.

2.1 "Contract Services" means preparing methodologies and work plan for the survey, coordinating field survey with Agency personnel, conducting the survey as approved, and preparing draft and final reports for submission to Agency, in addition develop an ESMP Endangered Species Management Plan.

2.2 "Qualified Biologist" is an individual who holds a USFWS Recovery Permit (Federal Fish and Wildlife Permit) for Indiana and Northern Long-Eared bats in the state/region in which they are surveying and/or has been authorized by the appropriate state agency to mist-net for Indiana bats. Several USFWS offices maintain lists of qualified bat surveyors, and if working in one of those states with authorizations in lieu of a Recovery Permits, the individual will either need to be on that list or submit qualifications to receive USFWS approval prior to conducting any field work.

2.3 "Pricing Page" means the pages upon which Vendor should list its proposed price for the Contract Services. The Pricing Page is either included on the last page of this RFQ or attached hereto as Exhibit A.

2.4 "Solicitation" means the official notice of an opportunity to supply the State with goods or services that is published by the Purchasing Division.

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Critical Fauna Survey & Endangered Species Plan for Indiana Bats and Northern Long-Eared Bats on Camp Dawson Army Training Site
Kingwood, WV (Preston Co.)

3. QUALIFICATIONS: Vendor shall have the following minimum qualifications:

- 3.1.** Vendor must employ a qualified biologist who will select/approve survey locations, in areas that are most suitable for capturing Indiana and Northern Long-Eared bats. The qualified biologist must be physically present at each location throughout the survey period and confirm all bat species identifications.
- 3.2.** Vendor must provide, prior to award, a Certificate of Commercial General Liability Insurance in the amount \$1,000,000.00.

4. MANDATORY REQUIREMENTS:

- 4.1 Mandatory Contract Services Requirements and Deliverables:** Contract Services must meet or exceed the mandatory requirements listed below.

- 4.1.1 Contract Services Deliverable #1- Task Definition-Surveys**

- 4.1.1.1** After the completion of the contract award, the successful vendor must prepare a summer survey work plan proposal for the project, defining methodologies to be employed for the surveys; how data will be collected, stored, and analyzed; how results will be reported and reports formatted; a complete breakdown of costs; and a proposed schedule for all work submission of deliverables. The curriculum vitae of the primary researchers and technicians for the various surveys shall also be submitted with this project proposal.

- 4.1.1.2** Vendor will meet with Camp Dawson (CD) Environmental personnel to coordinate the field surveys, use of CD materials, and develop an outline for the work plan. The pre-work conference will be scheduled at Camp Dawson within fifteen (15) days, after the official award of the contract, but prior to the actual start of the work. The agency, Camp Dawson Environmental, will coordinate this meeting date with the vendor.

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- 4.1.1.3** Vendor will complete the work plan as prepared for the survey period. All work plans will be coordinated in association with the USFWS prior to the start of the project.
- 4.1.1.4** Vendor will initiate coordination of the ESMP development with state, federal, and local natural resources management agencies and other interested parties by preparing a letter to be sent out on WVARNG letterhead. The letter will inform the agencies of the development of the ESMP for the Indiana and Northern Long-Eared bat and request their input as a natural resources management agency.
- 4.1.1.5** Vendor must prepare and submit a Draft Endangered Species Management Plan, the ESMP will be developed in accordance with Army Policy, the ESA of 1973, and the National Environmental Policy Act (NEPA) of 1969, as amended (42 USC 4321). At a minimum the draft plan for the Indiana and Northern Long-Eared bat will cover the following items, compliance, goals and objectives, species life history, species habitat requirements, management strategies and actions, consultation and coordination, inventory and monitoring, summary of available data sources, identification of data gaps, and acronyms. This plan will have line numbers on each page to aid in the review and comment process.
- 4.1.1.6** Vendor must prepare and submit a Final ESMP, WVARNG personnel will review the Draft ESMP and will provide vendor with written comments on the Draft ESMP. Vendor will revise the Draft ESMP based on the comments received from installation personnel and prepare the Final ESMP. The Final version will be bound in a three ring binder. All photographs, field notes, reports, maps, and other data generated by the vendor while completing the project are the property of the West Virginia National Guard and will be provided to the agency at the end of the project. Vendor may retain copies for their files but may not release this information without the written consent of the agency.

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4.1.2 Contract Services Deliverable #2- Reports

4.1.2.1 Vendor must submit their start-up letter and attached approved plan of work within thirty (30) days of official contract award.

4.1.2.2 Vendor must complete Surveys no later than August 15, 2016, and submit three (3) copies of the Draft Report and maps; two (2) in hard copy and one (1) electronically no later than September 15, 2016.

4.1.2.3 Vendor must submit three (3) copies of the Final Report and maps two (2) in hard copy and one (1) electronically, incorporating review comments, no later than October 15, 2016. All GIS SDSFIE 2.6 compliant data layers must be included in the electronic submission.

4.1.2.4 Vendor must provide (2) copies of the Draft ESMP Endangered Species Management Plan in hard copy and one (1) electronically by October 15, 2016.

4.1.2.5 Vendor must provide (3) copies of the Final ESMP Endangered Species Management Plan in hard copy and one (1) electronically by November 15, 2016.

5. CONTRACT AWARD:

5.1 Contract Award: The Contract is intended to provide Agency with a purchase price for the Contract Services. The Contract shall be awarded to the Vendor that provides the Contract Services meeting the required specifications for the lowest overall total cost as shown on the Pricing Pages.

5.2 Pricing Page: Vendor should complete the Pricing Page by entering their all inclusive lump sum quote to complete the task definition and work plan, to coordinate and complete the field surveys, and prepare and submit draft and final reports, including coordination of ESMP development, Draft ESMP and

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a Final ESMP, as specified herein. Vendor should complete the Pricing Page in full as failure to complete the Pricing Page in its entirety may result in Vendor's bid being disqualified.

Notwithstanding the foregoing, the Purchasing Division may correct errors as it deems appropriate. Vendor should enter the information into the Pricing Page to prevent errors in the evaluation.

6. **PERFORMANCE:** Vendor and Agency shall agree upon a schedule for performance of Contract Services and Contract Services Deliverables, unless such a schedule is already included herein by Agency.
7. **PAYMENT:** Agency shall pay in accordance with the schedule noted below, for all Contract Services performed and accepted under this Contract. Vendor shall accept payment in accordance with the payment procedures of the State of West Virginia.

Vendor will request payment by submitting detailed invoices, *in quintuplicate*, to:
HQ WVARNG
ATTN: WVAR-F-EP
1703 Coonskin Drive
Charleston, WV 25311-1085

There shall be two payments allowed under this scope of work.

Payment No. 1 equals fifty percent (50%) of the contract sum, less previous payments, upon successful completion of the Draft Summer Survey Report.

Payment No. 2 equals fifty percent (50%) of the contract sum, less previous payments, plus or minus any approved change orders, upon final inspection and acceptance of all tasks as outlined in this scope of work.

<u>DELIVERABLES</u>	<u>DATE</u>	<u>PAYMENT SCHEDULE</u>
Project Start Date	May/June 2016	
Weekly Progress Reports	Provided weekly or upon request	
Completion of Surveys	No Later Than August 15, 2016	
Completion of Draft Survey Report	No Later Than September 15, 2016	50%
Completion of Survey Report and Draft ESMP	No later than October 15, 2016	
Completion of Project & ESMP	No Later Than November 15, 2016	50%

**REQUEST FOR QUOTATION
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**Critical Fauna Survey & Endangered Species Plan for Indiana Bats and Northern Long-
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Upon completion of the project, all non-expended field supplies that were purchased with funds provided by Camp Dawson Army Training Site (CDATS) will become the sole property of the CDATS.

- 8. TRAVEL:** Vendor shall be responsible for all mileage and travel costs, including travel time, associated with performance of this Contract. Any anticipated mileage or travel costs must be included in the lump sum total listed on Vendor's bid. Travel costs will not be paid by the Agency separately.

- 9. FACILITIES ACCESS:** Performance of Contract Services may require access cards and/or keys to gain entrance to Agency's facilities. In the event that access cards and/or keys are required:
 - 9.1.** Vendor must identify principal service personnel which will be issued access cards and/or keys to perform service.

 - 9.2.** Vendor will be responsible for controlling cards and keys and will pay replacement fee, if the cards or keys become lost or stolen.

 - 9.3.** Vendor shall notify Agency immediately of any lost, stolen, or missing card or key.

 - 9.4.** Anyone performing under this Contract will be subject to Agency's security protocol and procedures.

 - 9.5.** Vendor shall inform all staff of Agency's security protocol and procedures.

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10. VENDOR DEFAULT:

10.1. The following shall be considered a vendor default under this Contract.

10.1.1. Failure to perform Contract Services in accordance with the requirements contained herein.

10.1.2. Failure to comply with other specifications and requirements contained herein.

10.1.3. Failure to comply with any laws, rules, and ordinances applicable to the Contract Services provided under this Contract.

10.1.4. Failure to remedy deficient performance upon request.

10.2. The following remedies shall be available to Agency upon default.

10.2.1. Cancellation of the Contract.

10.2.2. Cancellation of one or more release orders issued under this Contract.

10.2.3. Any other remedies available in law or equity.

11. MISCELLANEOUS:

11.1. Contract Manager: During its performance of this Contract, Vendor must designate and maintain a primary contract manager responsible for overseeing Vendor's responsibilities under this Contract. The Contract manager must be available during normal business hours to address any customer service or other issues related to this Contract. Vendor should list its Contract manager and his or her contact information below.

Contract Manager: Shane Roberts
Telephone Number: 859.280.2284
Fax Number: 859.280.2206
Email Address: shane@apogee-environmental.com

Figure 1:

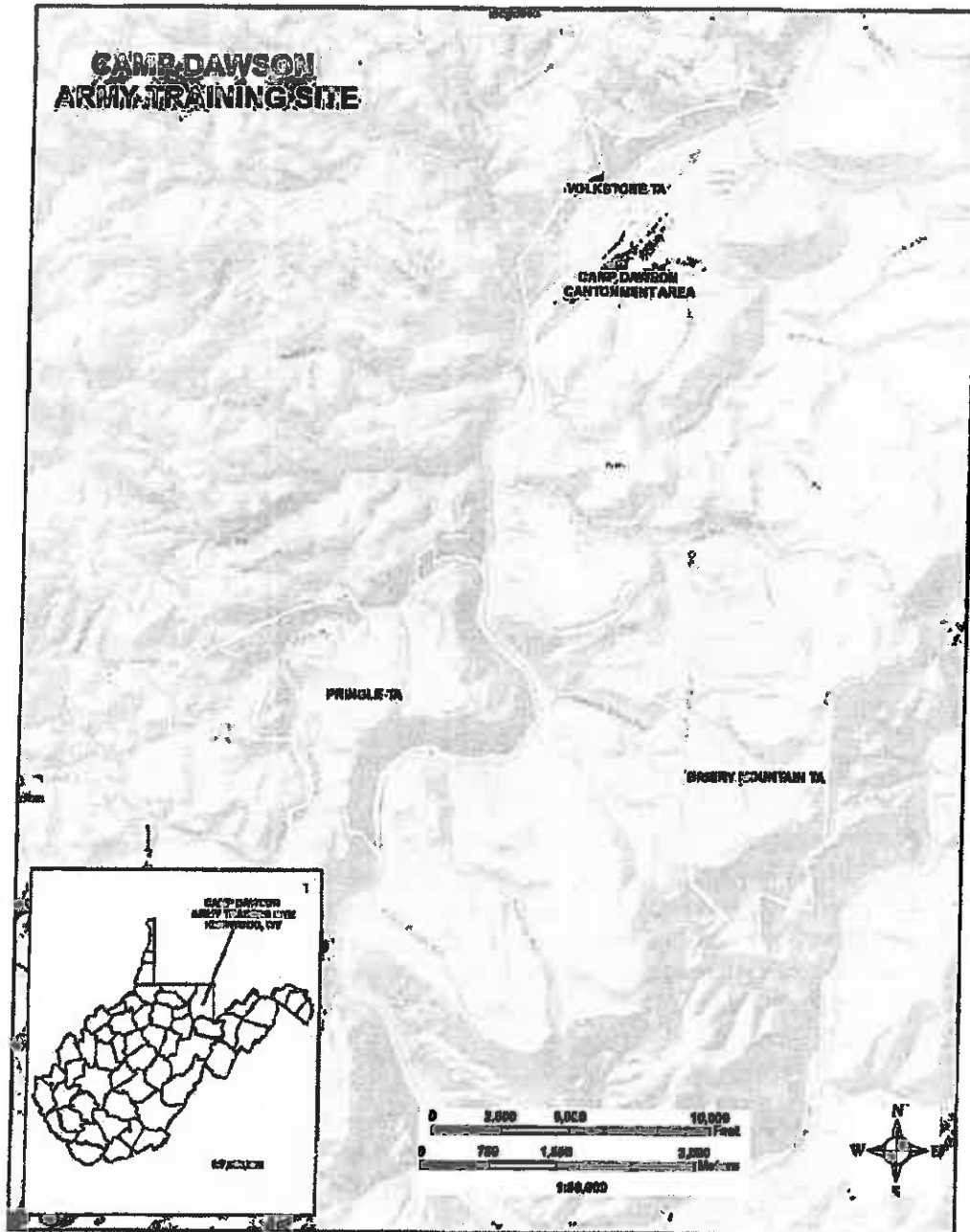


EXHIBIT A
CRFQ ADJ1600000020

ALL LABOR, MATERIALS, EQUIPMENT, AND SUPPLIES NECESSARY TO CONDUCT CRITICAL FAUNA
SURVEY AND ENDANGERED SPECIES MANAGEMENT PLAN FOR THE INDIANA BAT AND
NORTHERN LONG-EARED BAT, ON CAMP DAWSON ARMY TRAINING SITE AT KINGWOOD, WV

BID FORM

The undersigned, hereafter called the Bidder, being familiar with and understanding the bidding documents; and being familiar with the required qualifications and the mandatory requirements of the Project with regards to the deliverables and associated timelines, hereby proposes to furnish labor, material, equipment, supplies, and transportation to perform the work as described in the bidding documents

BIDDERS COMPANY NAME: Apogee

VENDOR ADDRESS: 208 Main Street

Whitesburg, KY 41858

TELEPHONE: 859.280.2284

FAX NUMBER: 859.280.2206

E-MAIL ADDRESS: shane@apogee-environmental.com

CONTRACT TOTAL BID:

Seven hundred eighty three thousand

(\$ \$783,000.00) *** (Contract bid to be written in words and numbers.)

The contract will be awarded to the Bidder with the lowest contract total bid meeting all of the specifications. Bidder understands that to the extent allowed by the West Virginia Code, the OWNER reserves the right to waive any informality or irregularity in any bid, or bids, and to reject any and all bids in whole or in part; to reject a bid not accompanied by the required bid security or by other data required by the bidding documents; to reject any conditions of the bid by the Bidder that is any way inconsistent with the requirements, terms, and conditions of the bidding documents; or to reject a bid that is in any way incomplete or irregular.

Failure to use this bid form may result in bid disqualification.

SIGNATURE:  DATE: 04/18/2016

NAME: Shane Roberts
(Please Print)

TITLE: Director of Environmental Services

State of West Virginia

VENDOR PREFERENCE CERTIFICATE

Certification and application* is hereby made for Preference in accordance with West Virginia Code, §5A-3-37. (Does not apply to construction contracts). West Virginia Code, §5A-3-37, provides an opportunity for qualifying vendors to request (at the time of bid) preference for their residency status. Such preference is an evaluation method only and will be applied only to the cost bid in accordance with the West Virginia Code. This certificate for application is to be used to request such preference. The Purchasing Division will make the determination of the Vendor Preference, if applicable.

1. Application is made for 2.5% vendor preference for the reason checked:

- Bidder is an individual resident vendor and has resided continuously in West Virginia for four (4) years immediately preceding the date of this certification; or,
Bidder is a partnership, association or corporation resident vendor and has maintained its headquarters or principal place of business continuously in West Virginia for four (4) years immediately preceding the date of this certification; or 80% of the ownership interest of Bidder is held by another individual, partnership, association or corporation resident vendor who has maintained its headquarters or principal place of business continuously in West Virginia for four (4) years immediately preceding the date of this certification; or,
Bidder is a nonresident vendor which has an affiliate or subsidiary which employs a minimum of one hundred state residents and which has maintained its headquarters or principal place of business within West Virginia continuously for the four (4) years immediately preceding the date of this certification; or,

2. Application is made for 2.5% vendor preference for the reason checked:

Bidder is a resident vendor who certifies that, during the life of the contract, on average at least 75% of the employees working on the project being bid are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; or,

3. Application is made for 2.5% vendor preference for the reason checked:

Bidder is a nonresident vendor employing a minimum of one hundred state residents or is a nonresident vendor with an affiliate or subsidiary which maintains its headquarters or principal place of business within West Virginia employing a minimum of one hundred state residents who certifies that, during the life of the contract, on average at least 75% of the employees or Bidder's affiliate's or subsidiary's employees are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; or,

4. Application is made for 5% vendor preference for the reason checked:

Bidder meets either the requirement of both subdivisions (1) and (2) or subdivision (1) and (3) as stated above; or,

5. Application is made for 3.5% vendor preference who is a veteran for the reason checked:

Bidder is an individual resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted; or,

6. Application is made for 3.5% vendor preference who is a veteran for the reason checked:

Bidder is a resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years.

7. Application is made for preference as a non-resident small, women- and minority-owned business, in accordance with West Virginia Code §5A-3-59 and West Virginia Code of State Rules.

Bidder has been or expects to be approved prior to contract award by the Purchasing Division as a certified small, women- and minority-owned business.

Bidder understands if the Secretary of Revenue determines that a Bidder receiving preference has failed to continue to meet the requirements for such preference, the Secretary may order the Director of Purchasing to: (a) reject the bid; or (b) assess a penalty against such Bidder in an amount not to exceed 5% of the bid amount and that such penalty will be paid to the contracting agency or deducted from any unpaid balance on the contract or purchase order.

By submission of this certificate, Bidder agrees to disclose any reasonably requested information to the Purchasing Division and authorizes the Department of Revenue to disclose to the Director of Purchasing appropriate information verifying that Bidder has paid the required business taxes, provided that such information does not contain the amounts of taxes paid nor any other information deemed by the Tax Commissioner to be confidential.

Under penalty of law for false swearing (West Virginia Code, §61-5-3), Bidder hereby certifies that this certificate is true and accurate in all respects; and that if a contract is issued to Bidder and if anything contained within this certificate changes during the term of the contract, Bidder will notify the Purchasing Division in writing immediately.

Bidder: Apogee

Signed: [Signature]

Date: 04/18/2016

Title: Director of Environmental Services

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: _____

Authorized Signature: _____ Date: _____

State of _____

County of _____, to-wit:

Taken, subscribed, and sworn to before me this ____ day of _____, 20__.

My Commission expires _____, 20__.

AFFIX SEAL HERE

NOTARY PUBLIC _____