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Header 1

List View

General Information | [Contact](#) | [Default Values](#) | [Discount](#) | [Document Information](#) | [Clarification Request](#)

Procurement Folder: 969316

Procurement Type: Central Contract - Fixed Amt

Vendor ID: 000000173443

Legal Name: POTESTA & ASSOCIATES INC

Alias/DBA:

Total Bid: \$0.00

Response Date: 12/20/2021

Response Time: 16:02

Responded By User ID: Potesta

First Name: Dana

Last Name: Burns

Email: clracer@potesta.com

Phone: 3043421400

SO Doc Code: CEOI

SO Dept: 0310

SO Doc ID: DNR2200000007

Published Date: 12/16/21

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Status: Closed

Solicitation Description: A&E - West Fork River 12 New Boating Public Access Sites

Total of Header Attachments: 1

Total of All Attachments: 1



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

**State of West Virginia
 Solicitation Response**

Proc Folder: 969316
Solicitation Description: A&E - West Fork River 12 New Boating Public Access Sites
Proc Type: Central Contract - Fixed Amt

Solicitation Closes	Solicitation Response	Version
2021-12-21 13:30	SR 0310 ESR12202100000003801	1

VENDOR
 000000173443
 POTESA & ASSOCIATES INC

Solicitation Number: CEOI 0310 DNR2200000007
Total Bid: 0
Response Date: 2021-12-20
Response Time: 16:02:33
Comments:

FOR INFORMATION CONTACT THE BUYER

Joseph E Hager III
 (304) 558-2306
 joseph.e.hageriii@wv.gov

Vendor Signature X **FEIN#** **DATE**

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

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
1	Civil engineering				0.00

Comm Code	Manufacturer	Specification	Model #
81101500			

Commodity Line Comments: EOI

Extended Description:

12 Boating Public Access Sites on the West Fork River.

EOI for Engineering and Related Professional Services

Prepared by



Prepared for:



A&E - West Fork River 12 New Boating Public Access Sites



Offices in:

Charleston

7012 MacCorkle Avenue, SE
Charleston, WV 25304
(304) 342-1400

Morgantown

125 Lakeview Drive
Morgantown, WV 26508
(304) 225-2245

Winchester

15 South Braddock Street
Winchester, VA 22601
(540) 450-0180

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Engineers and Environmental Consultants

125 Lakeview Drive, Morgantown, WV 26508 • (304) 225-2245 • www.potesta.com

December 21, 2021

Mr. Josh Hager
Department of Administration, Purchasing Division
West Virginia Division of Natural Resources
2019 Washington Street East
Charleston, WV 25305-0130

Subject: Expression of Interest for Engineering and Related Professional Services
West Fork River 12 New Boating Public Access Sites
Project No. 0102-21-0390

Dear Mr. Hager:

Potesta & Associates, Inc. (POTESTA) appreciates the opportunity to submit qualifications the West Virginia Division of Natural Resources (WVDNR). POTESTA is well qualified to provide engineering, and other related professional services to design, specify, and provide construction contract administration services for the construction or improvement of 12 boating access sites on the West Fork River in Harrison and Lewis Counties.

POTESTA understands the project goals and objectives include:

1. Review existing plans and conditions as well as the operation of the facilities and evaluate while communicating effectively with the owner to determine a plan that can be implemented in a manner that will minimize disruption to concurrent operation of the facility and meet all objectives.
2. As a portion of this process outlined in Objective 1, provide all necessary services to design the facilities described in this EOI in a manner that is consistent with The Division of Natural Resources needs, objectives, current law, and current code; while following the plan to design and execute the project within the project budget.
3. Provide Construction Contract Administration Services with competent professionals that ensures the project is constructed and functions as designed.

In summary, POTESTA will provide a project team with the experience, track record, local knowledge, and project familiarity to reliably deliver this project on time and within budget. We see the success of this project as a key step forward in enhancing West Fork River's recreational resources, as well as further enhancing the community that our employees live, work, and play in. We are ready to begin work as soon as a notice of award is issued.

Once again, we appreciate the opportunity to submit this expression of interest and we look forward to continuing to work with the WVDNR on this important project.

Sincerely,

POTESTA & ASSOCIATES, INC.

David B. Sharp, P.E.
Branch Manager

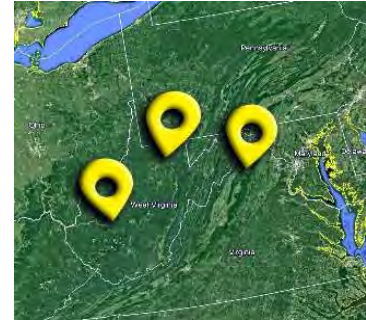
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Section 2.0 FIRM HISTORY & DESCRIPTION



2.1 CORPORATE PROFILE

Potesta & Associates, Inc. (POTESTA), founded in 1997, is an engineering and environmental consulting firm providing professional services to deliver innovative, cost-effective solutions to complex problems. Our firm is multi-disciplinary and has a diversified practice covering engineering (civil, chemical, environmental, geotechnical, and mechanical), permitting, site characterization and remediation, and general environmental consulting. Civil/site, geotechnical, and water resources engineering are areas of extensive expertise at POTESTA.



We have worked on numerous recreational engineering projects throughout West Virginia. These projects include but are not limited to: parking, campground, and trail enhancement projects; stream restoration; WVDEP Abandoned Mine Lands (AML) funded economic development, reclamation, and drinking water projects; site grading and stormwater plans for a variety of recreational, commercial, and residential developments; and a variety of infrastructure and construction projects that require state and federal permitting. Our 13 registered professional engineers have over 300 years of combined experience and are supported by a large group of engineers, scientists, designers, surveyors, and technicians. Regulatory liaison and environmental compliance are areas of exceptional strength for POTESTA.



Ronald R. Potesta

Our firm is managed by two principals driving POTESTA forward with their experience and emphasis on exceeding expectations. Ronald R. Potesta, President, has served as the Director and Deputy Director of West Virginia's Department of Natural Resources (WVDNR) which, during his tenure housed all of the environmental regulatory programs. The agency at that time encompassed state environmental regulatory programs, wildlife management and law enforcement. Vice President

Dana L. Burns, P.E., P.S., has more than 42 years' experience with civil, geotechnical, mining and environmental engineering projects. Mr. Burns, has managed numerous multi-discipline projects and understands the importance of client communication and the internal coordination of various disciplines on a project.



Dana L. Burns

POTESTA's staff is committed to delivering innovative, cost-effective solutions to meet our client's complex requirements. The firm's environmental department consists of biologists, geologists, chemists, environmental scientists and environmental engineers, many with advanced degrees (Masters and Ph.D. level). POTESTA's engineering department includes civil, geological, geotechnical, environmental, mining and mechanical engineers. Our registered professional engineers are supported by a capable team of engineers, designers, and surveyors.

Section 2.0 FIRM HISTORY & DESCRIPTION



2.1 CORPORATE PROFILE (CONT.)

POTESTA offers the following professional services.

- Land Use & Natural Resource Planning
- Site Design & Planning
- 404 Permit Preparation & Negotiation
- Acid Mine Drainage Control
- Asbestos Inspection
- Benthic and Biological Studies
- CADD Services (*AutoCAD 2019, Various Software Design Packages, Digitizing & Plotting*)
- Chemical Engineering
- Civil Engineering
- Clean Air Act Compliance
- Voluntary Remediation Program (VRP)
- Construction Monitoring
- Corporate Environmental Management
- Design of Slurry Impoundments & Refuse Disposal Sites
- Dewatering Plans
- Environmental Engineering
- Environmental Impact Studies
- Environmental Site Assessments
- Environmental Audits
- Environmental Engineering
- Erosion & Sedimentation Control Plans
- Expert Witness & Litigation Support
- Feasibility Studies
- Foundation Design
- Geological Services
- Geomorphic Assessment & Stream Restoration
- Geotechnical Engineering
- Ground & Surface Water Sampling
- Groundwater Investigation & Remediation
- Groundwater Protection Plans
- Hazardous Waste Management
- Hydrologic & Hydraulic Evaluations
- In-Situ / Ex-Situ Biostimulation & Bioaugmentation
- Landfill Design / Land Use & Natural Resource Planning
- Landfill Closure Plans
- Mining Engineering
- Multimedia Sampling (*Air, Fly Ash, Rock, Soil, Water*)
- Permitting (*Air, FERC, Fly Ash Haulback, Mining, NPDES, ACOE, Quarry / Solid & Hazardous Waste*)
- Pollution Prevention & Waste Minimization Planning
- Post Reclamation Land Uses
- Pre-Blast & Pre-Subsidence Surveys
- Preparation of Construction Documents (*Calculations Brief, Construction Drawings, Contractor's Bid Sheet, Engineer's Cost Estimate, QA/QC Manual & Technical Specifications*)
- Reclamation Design & Planning
- Reclamation Liability Assessments
- Regulatory Liaison Services
- Risk-Based Environmental Assessment
- SARA Title III, TIER II / Form R Inventory & Reporting
- Sewer Line Design
- Site Characterization & Remediation Planning
- Soil Science & Agronomy
- Spill Prevention Control & Countermeasure Plans
- Stabilization & Closure of Waste Impoundments
- Stormwater Management & Permitting
- Stream Benthic Macro-Invertebrate Surveys & Toxicity Evaluations
- Subsidence Studies
- Subsurface Explorations
- Surface & Groundwater Monitoring, Statistical Analysis & Reporting
- Surveying (*Traditional & Global Positioning System*)
- UST Closure & Site Remediation
- UST Installation Monitoring
- Waste Facility Permitting & Design
- Waste Disposal Design
- Water Line Design
- Water & Wastewater Treatment Design
- Wetland Investigation / Delineation Mitigation Design & Monitoring

Section 2.0 FIRM HISTORY & DESCRIPTION



2.2 TECHNICAL EXPERTISE AND PROJECT APPROACH

POTESTA has completed numerous recreational development projects involving geotechnical, civil, structural, geological, hydrological, and reclamation engineering; land use planning; stream and water restoration; hydrology/geology; and post reclamation land uses. We also have open ended statewide contracts with various state agencies. In addition, we have the preeminent staff in West Virginia and Virginia for addressing issues regarding geotechnical/earthwork design, and environmental permitting contracts. As a result, POTESTA will provide the required expertise to complete this project in a timely, economical, and efficient manner.

The following describes our team’s technical approach and expertise as it relates to the creation or improvement of 12 boating public access sites:

1: Surveying and Field Work

- POTESTA proposes to utilize our own survey crews on this project. POTESTA will perform the surveying required for this contract using in house personnel. POTESTA has three licensed professional surveyors with over 50 years of combined surveying experience.
- Our surveyors are equipped with modern surveying instruments and are experienced in all aspects of surveying such as topographic mapping, boundary and property surveys, and construction surveys for layout of work, record drawings, and quantity measurements.
- POTESTA also has the environmental field crews to catalog and delineate the protected species and aquatic resources on the site that may require permitting, mitigation, or protection during construction.



2: Planning and Preliminary Site Design

- Based on the site conditions, limitations, and information (e.g., geotechnical data, flood plain boundaries, existing site drainage features) gathered by POTESTA, our team will develop a plan for each boating public access site that executes WVDNR’s vision.



Section 2.0 FIRM HISTORY & DESCRIPTION



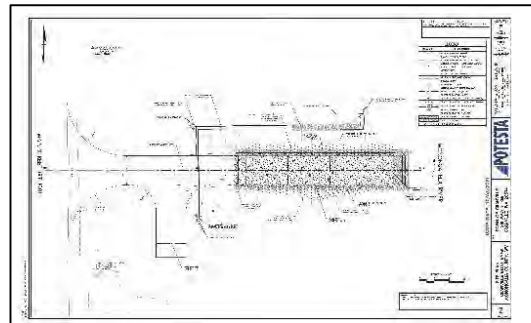
- Our 3D site model allows us to simulate the turning radius of large vehicles (e.g. trucks with boat trailers) to create a workable and efficient parking layout.
- It is during this phase that we prepare an estimate of construction costs, review this with WVDNR, and ensure we are meeting the financial constraints of the project.
- Before proceeding to permitting and final design, POTESA and NBD will review the preliminary site design with WVDNR and make revisions based on your input.

5: Permitting

- POTESA is one of West Virginia's eminent environmental consulting firms. Our relationship with regulatory agency staff and familiarity with their procedures will allow us to efficiently prepare the various permit approvals needed for the construction of this project.
- Following WVDNR's approval of the preliminary site design, POTESA will proceed with preparing the required permit applications for this project.
- Following agency review and comment period, POTESA will implement any required changes and prepare the project for final design.

6: Final Design

- The final design phase consists of preparing final sealed construction drawings, specifications, and contract documents to allow for the project to move to the bidding and construction phase.
- POTESA's staff has extensive experience creating construction drawings and specifications for WVDNR projects.



7: Bidding and Construction

- POTESA has a refined process for taking publicly funded projects to bid and seeing them through construction. We will provide clear and robust contract documents to aid WVDNR in the bidding process and provide support services throughout the construction process.
- Our vast network and reputation within the construction industry fosters a competitive and efficient bidding process.
- If requested POTESA's construction monitoring staff is experienced in providing "boots on the ground" physical inspection of the contractor's work and quality control.
- Once again, our experience with WVDNR projects makes us familiar with the process for contractor payment applications, distribution of payment, and the final inspection process. This will ensure that all parties are kept informed and satisfied throughout the construction phase.



Section 2.0 FIRM HISTORY & DESCRIPTION



2.3 PROJECT TEAM



Mr. Dana L. Burns, P.E., Vice President will serve as principal-in-charge for this project. As such, he will direct POTE STA's staff, answer questions, address problems encountered and review the project budget. Mr. Burns has over 40 years of experience with civil and environmental engineering projects, including working on projects funded by Small Cities Block Grant, United States Department of Agriculture RUS, AML, United States Department of Commerce - Economic Development Administration, Infrastructure Council, and others. This experience includes serving as a project manager for various sanitary sewer projects, industrial wastewater projects, and water supply system extensions. In addition to providing technical guidance throughout the project, Mr. Burns will be responsible for maintaining the schedule and budget for the project.



Mr. David B. Sharp, P.E., will serve as the **Project Manager**. Mr. Sharp is the Branch Manager of POTE STA's Morgantown office. He is a registered professional engineer in West Virginia, Maryland, Pennsylvania, Ohio, and Kentucky. Mr. Sharp has over 25 years of experience with engineering and environmental consulting projects throughout the region. Mr. Sharp obtained his bachelor's and master's degrees from West Virginia University and has spent a large part of his career involved with geotechnical engineering and construction observation/management projects. He has worked on and managed numerous projects including landslide investigation and repair, civil/site development, and roadway design. Many of these projects have included preliminary planning and assessments, as well as geotechnical engineering, and preparation of bidding and construction documents.



Mr. Tim Rice will serve as the **Alternate Project Manager** and the primary contact for this project. Mr. Rice has over 38 years' experience with civil, environmental, surveying, and geotechnical engineering projects for public, state, and private clients with an emphasis on project management and coordination of engineering services and environmental services. These services include permitting and compliance, hydraulic and hydrological analysis, slope stability analysis, geotechnical design, Phase I ESA's, stormwater management, municipal water and sewer design, civil site design, water resources analysis/design, natural gas production well pads and roads, and construction monitoring/observation. POTE STA maintains a master service agreement and is the engineer of record for the Town of Granville and the Town of Star City in Morgantown, West Virginia. Mr. Rice is presently the client contact for both clients and manages a variety of their projects including a new public access Boat Ramp on the Monongahela River off of Main Street (Route 100) in downtown Granville.

Section 2.0 FIRM HISTORY & DESCRIPTION



2.3 PROJECT TEAM (CONT.)



Mr. Everett Mulkeen, P.E., Senior Engineer at POTESTA, will serve as design engineer for this project. Mr. Mulkeen has a bachelor’s degree in Civil Engineering from West Virginia University and a master’s degree Civil/Environmental Engineering from Carnegie Mellon University. Mr. Mulkeen has over 9 years of engineering experience with a focus on water resource infrastructure. His experience includes a variety of water resources engineering, geotechnical engineering, and construction field monitoring projects. He has been involved in structural rehabilitation projects that focused on the repair or demolition of retaining walls, foundations, dams, bridge piers, roads, and buildings due to a variety of geotechnical and hydraulic impacts (such as erosive failure, soil settlement, mine subsidence, global stability, and expansive pyritic soil damage). He has designed several miles of water system improvements in Preston County, written technical specifications for stream restoration projects in the Cheat River watershed, served as Project Manager on other Friends of the Cheat projects.



Mr. Daniel Miller, Ph.D., Senior Scientist, is an aquatic biologist with 30+ years of experience in fish hatchery management/design and wild fisheries. He has successfully completed the design and training of personnel for a research hatchery for the University of Wisconsin; the design, testing, startup, and training of personnel for a commercial yellow perch recirculating hatchery for the Chippewa Tribe in Red Lake, Minnesota; and a hydrological and biological survey for a property owned by Milwaukee County. He has served as the lead on POTESTA’s contracts with the WVDNR and the VADWR for hatchery improvement projects and aquatic health consulting. He has consulted for trout farms in South Africa, a tilapia farm in Honduras, shrimp farms in Ecuador and the Chinese Central government. He has a deep understanding of the impact of manmade structures on fish passage, fish health, and fisheries function. Mr. Miller is passionate about improving local waterway health and recreational opportunities and will serve as an aquatic biologist advisor for this project.



Mr. Christopher Grose, L.R.S., Senior Engineering Associate, has over 31 years of experience and will serve as a geotechnical and hydrogeological advisor for this project. Mr. Gross obtained his M.S. in Geological Engineering in 1990 from the University of Missouri-Rolla. His areas of expertise include geological/geotechnical explorations, surface/subsurface hydrology, hydrogeology, and landslide causation analysis, stability modeling, and failed slope restoration. Mr. Grose currently oversees aspects

of geotechnical work at POTESTA in their Charleston, West Virginia office and has worked on WVDEP, WVDNR, and WVDOH projects since 1990.

Section 2.0 FIRM HISTORY & DESCRIPTION



2.4 PROFESSIONAL STAFF RESUMES



DANA L. BURNS, P.E., P.S.

Vice President/Principal-In-Charge

EDUCATION

M.S., Civil Engineering, 1979 West Virginia University
B.S., Civil Engineering, 1978, West Virginia University

Past President and Past Board of Directors Member – American Council of Engineering Companies West Virginia Chapter

Past Chairman of Transportation Committee – American Council of Engineering Companies West Virginia Chapter

Past Board of Directors Member – Society of American Military Engineers Huntington Post

Member Committee D-18 on Soil and Rock – American Society for Testing and Materials (ASTM)

EMPLOYMENT HISTORY

1997-Present Potesta & Associates, Inc.
1994-1997 Terradon
1979-1994 GAI Consultants, Inc.
1978-1979 West Virginia University
1976-1977 WVDOH (summers)

PROFESSIONAL AFFILIATIONS

American Society of Civil Engineers
National Society of Professional Engineers
WV Society of Professional Surveyors

PROFESSIONAL REGISTRATIONS

Professional Engineer – West Virginia, Illinois
Professional Surveyor – West Virginia

AREAS OF SPECIALIZATION

Management of design and permitting of civil, environmental, geotechnical, and mining engineering projects. Siting, design, and permitting of industrial and municipal waste disposal sites; reclamation of abandoned mine lands; and development of stormwater management plans and groundwater sampling programs. Environmental/reclamation liability assessments. Development of site plans for commercial and industrial facilities including hydrologic and hydraulic analyses. Expert witness testimony. Directs engineering division including day-to-day operation of headquarters and three branch offices concerning staffing, coordination, training, business development, and overall management of technical and support staff.

PROFESSIONAL CERTIFICATIONS

40-Hour Health and Safety Training

SERVICE ON BOARDS AND COMMISSIONS

Environmental/Technical Committee Member – West Virginia Coal Association
Environmental Committee Member – Kentucky Coal Association
Past Board of Directors Member and Current Waste Team Chairman on the Environmental Safety and Health Committee – West Virginia Manufacturers Association
Environmental and Safety Committee Member – Independent Oil and Gas Association of West Virginia
Environmental Committee Member – West Virginia Oil and Natural Gas Association
Past President – West Virginia Society of Professional Engineers, Professional Engineers in Private Practice

PROFESSIONAL EXPERIENCE

Principal-in-Charge or management/design of the following project types:

Water Lines and Treatment Plant

New extensions and replacement of existing lines.

- Over 150 Miles
Upgrade of Existing Water Treatment Plants

Section 2.0 FIRM HISTORY & DESCRIPTION



Dana L. Burns, P.E., P.L.S., Page 2

Sewer Lines and Sewage Treatment Plants

New extensions and replacement of existing lines.

- Over 50 Miles
- Upgrade of Existing Treatment Plants
- Design of Micro Bio-Reactor Plants

Site Development

Utility extension, site grading plans, stormwater management, roadway design, and permitting.

- Residential Subdivisions
- Commercial Developments

Permitting

- NPDES Stormwater Construction Permits
- Landfill (Municipal and Industrial)
- Mining (New Surface/Deep Mines and Modifications)
- Building Permits

Landfills: Design and permitting

- 17 Municipal Landfills
- 16 Industrial Landfills (Fly Ash, Bottom Ash, Scrubber Sludge)

Oil and Natural Gas

Well pad design, access road layout, landslide remediation design, evaluation of water supply sources and distribution systems, design of water treatment systems, impoundment design, stormwater management plans, permitting, AST inspections, surveying and SPCC Plans for various major gas clients in the Marcellus and Utica formations.

Abandoned Mine Lands Reclamation

Development of reclamation plans for landslides, mine fires, acid mine drainage, mine subsidence, refuse piles, water supply systems and asbestos abatement.

- Over 100 Projects

Roadways

- Design/Permitting New Four-Lane Highway – State Route 279
- Relocation of Highways – SR 80 and CR 102/35
- 5 Industrial Access Roads
- 2 School Access Roads
- Upgrade I-64 to Six Lanes

Educational Facilities

Civil/site, geotechnical, stormwater management, surveying and permitting.

- West Virginia University
- Marshall University
- University of Charleston
- Glenville State University

Landslides

Subsurface exploration, evaluation and design of remedial measures.

- Soldier Beam and Lagging Retaining Walls
- Gabion Walls
- Geo-grid Reinforcement with Grade/Drain/Compact In-Place
- Grade/Drain/Compact In-Place

Environmental/Reclamation Assessments for Property Transactions

Ranging in size from 10's to over 140,000 acres

Section 2.0 FIRM HISTORY & DESCRIPTION



2.4 PROFESSIONAL STAFF RESUMES (CONT.)

DAVID B. SHARP, P.E.



Branch Manager/Senior Engineer/Project Manager

EDUCATION

M.S., Civil Engineering,
1995, West Virginia
University

B.S., Civil Engineering,
1993, West Virginia
University

EMPLOYMENT

HISTORY

2003-Present Potesta & Associates, Inc.
2000-2003 CTL Engineering, Inc.
1997-2000 Potesta & Associates, Inc.
1994-1997 Terradon Corporation

PROFESSIONAL REGISTRATIONS

Engineer – West Virginia, Virginia, Ohio

PROFESSIONAL CERTIFICATIONS

Engineer – West Virginia, Pennsylvania, Maryland,
Ohio, and Kentucky

AREAS OF SPECIALIZATION

Involved with many aspects of civil engineering with a special interest in the geotechnical/environmental aspects. Responsibilities have included projects involving Civil/Site Design; Geotechnical Design, Solid Waste Management Facility Design, including geosynthetic applications; hydrologic and hydraulic design; transportation/highway projects, including geotechnical and right-of-way plans; and municipal water and wastewater projects.

PROFESSIONAL EXPERIENCE

Civil/Site Design

Project Manager/Engineer on numerous projects involving most aspects of site development. Involvement has included civil/site design,

geotechnical aspects, hydrology/hydraulics, permitting, erosion/sediment control/permitting, etc.

- Davis & Elkins College Plaza Improvement – Elkins, WV
- University Place Parking Garage – Morgantown, WV
- Sunnyside Commons Student Housing Project (included 5 multi-story buildings, 268 parking spaces, and 43,000 sq. ft. of retaining walls)
- Coombs Farm Residential Development – Morgantown, WV
- Morgan Point Residential Subdivision – Morgantown, WV
- Town of Granville Boat Ramp Project – Granville, WV
- West Run Student Housing (1,000 bed student housing Project) – Morgantown, WV
- Copper Beech Student Housing (1,000 bed student housing project) – Morgantown, WV
- Summit at Cheat Lake Residential Development – Morgantown, WV
- Summit at Greystone Residential Development – Morgantown, WV
- Sleepy Hollow Residential Development – Morgantown, WV
- Shiloh Residential Development – Morgantown, WV
- Summerfield Residential Development – Morgantown, WV
- Mayfield Estates Residential Development – Morgantown, WV
- Cheat Landing Residential Development – Morgantown, WV
- Churchill Village Complex – Morgantown, WV
- Trinity Christian School Football Field – Morgantown, WV
- WVU Beechhurst Parking Lot – Morgantown, WV
- Numerous Marcellus Well Pad Sites for Various Clients – Northern WV

Geotechnical

Engineer responsible for performing subsurface investigations, preparation of geotechnical reports,

Section 2.0 FIRM HISTORY & DESCRIPTION



David B. Sharp, P.E., Page 2

coordinating laboratory analysis programs, providing recommendations for lateral earth pressures, bearing capacities, modulus of subgrade reactions, settlements, and construction specifications for multi-story structures. Foundations considered have included steel H-piles, auger-cast piles, drilled piers, spread footings, and mat foundations:

- Davis & Elkins College Myles Center Addition – Elkins, WV
- Davis & Elkins College Harper McNeeley Waterproofing – Elkins, WV
- Copper Beech Student Housing (included 31 buildings, parking areas, and 11,250 linear feet of retaining walls) – Morgantown, WV
- Sunnyside Commons Student Housing (included three multi-story buildings, parking, and 43,000 sq. ft. of retaining walls) – Morgantown, WV
- Cheat Lake Elementary School Building Addition – Monongalia County, WV
- WVARNG Camp Dawson Fueling System – Kingwood, WV
- MEPCO Dock Expansion Project – Morgantown, WV
- West Run Student Housing (includes 16 buildings, parking areas, and 50,000 sq. ft. of retaining walls) – Morgantown, WV
- Morgantown Waterfront Marina – Morgantown, WV

Responsible for the coordination of subsurface investigation, laboratory testing program, slope stability analysis, and preparation design documents associated with the repair of landslide at various site throughout West Virginia. Representative designs have included soldier beam and lagging retaining walls, gabion basket retaining walls, segmental block retaining walls, rock toe keys and buttresses, and drainage improvements.

Involved with the layout of the boring plan, staking borings in the field, preparation of the boring contract documents, soliciting bids, awarding drilling contracts, monitoring of drilling operations, coordination of laboratory testing programs, preparation of boring diagrams, and preparation of subsurface exploration report foundation recommendations and slope reviews for various West Virginia Department of Transportation Projects.

Expert Witness

Served as Expert Witness in numerous cases involving geotechnical, earthwork construction, and/or drainage issues. Many of these cases involved a review of available information, development of professional opinions, issuance of an expert report, depositions, and expert testimony.

Construction Monitoring

Project Manager/Engineer for construction observation and testing on numerous construction projects. These projects involved earthwork testing utilizing a nuclear density gauge and other test methods during earthwork placement and compaction. Many projects also included concrete testing including slump, comprehensive strength, air entrainment and/or floor flatness testing.

Manager responsible for equipping and staffing a fully operational soils and concrete material testing laboratory to be used in support of construction observation projects. The laboratory was validated by the U.S. ACE to perform approximately 45 ASTM test methods. Representative test methods included standard and modified proctors, Atterburg limits, grain size determination, aggregate sieve analysis, specific gravity, organic matter, lightweight particles, soil classification, compressive strength, and moisture content determinations. Establishment of the laboratory included the preparation of a site-specific quality systems manual in accordance with ASTM.

Sewer Lines and WWTPs

Project Manager/Engineer on numerous public utility projects, such as sanitary sewer collection/treatment, as well as combined sewer/storm water improvements.

Water Lines, Water Storage Tanks, and Water Treatment Plants

Project Manager/Engineer on numerous public utility projects involving potable water supply. Most of the projects included the technical design, assistance with funding applications, preparation of technical specifications and construction documents, assistance with bidding documents, and construction observation/administration.

Section 2.0 FIRM HISTORY & DESCRIPTION



2.4 PROFESSIONAL STAFF RESUMES (CONT.)



TIMOTHY RICE

Senior Engineer

EDUCATION

B.S., Civil Engineering,
1982, West Virginia
University

Harrison County Planning Commission – Project Manager responsible for the coordination and design of Phases 1 – 3 of the Rail Trail Project in Harrison County, West Virginia. Project included engineering design, modeling, permitting, and construction observation services.

Lake Floyd Homeowners – Senior Engineer on dredging project for remediation of lake sedimentation at Lake Floyd in Harrison County, West Virginia. Project includes wetland and stream delineations, Section 404 Permitting, sediment disposal area design, and coordination of the most cost-effective method for construction.

Mills Group – Project Manager for civil site design project at Davis and Elkins College in Elkins, West Virginia for the site development and permitting associated with a proposed amphitheater on campus.

American Campus Communities – Project Manager for civil/site portion of Sunnyside Commons Student Housing project at West Virginia University, Morgantown, West Virginia. Project includes geotechnical investigations, surveying, permitting, construction specifications, design drawings, city planning and zoning, project coordination, and construction observation.

Town of Granville – Project Manager for various engineering projects including surveying, street repaving, stormwater system evaluation, camera surveys, traffic studies, and mapping projects.

Construction Monitoring

Project Manager/Senior Engineer with an understanding of construction observation and testing, including concrete, mortar, grout, soils compaction, bearing capacity, bolt torque, and fireproofing testing on public, private and government construction projects.

Kingwood Landfill - Project Manager for construction administration and testing for the WVDEP Landfill Closure Assistance Program (LCAP) project at the Kingwood Landfill.

EMPLOYMENT HISTORY

2014-Present Potesta & Associates, Inc.
2006-2014 Hatch Mott MacDonald
1987-2006 CTL Engineering
1978-1987 George E. Pigott & Associates

PROFESSIONAL REGISTRATIONS

Engineer in Training – West Virginia

TRAINING/RELEVANT COURSE WORK

Natural Stream Channel Design Levels I-IV

AREAS OF SPECIALIZATION

Diversified experience with civil, environmental, surveying, and geotechnical engineering projects for public, state, and private clients with an emphasis on project management and coordination of engineering services and environmental services, to include: permitting and compliance, hydraulic and hydrological analysis, slope stability analysis, geotechnical design, Phase I Environmental Site Assessments, stormwater management, municipal water and sewer design, civil site design, water resources analysis/design, natural gas production well pads and roads, and construction monitoring/observation.

PROFESSIONAL EXPERIENCE

Civil/Site Design

Project Manager/Senior Engineer with experience on numerous civil/site design projects involving various aspects of site development, permitting, and design of residential, commercial, and public development projects.

Section 2.0 FIRM HISTORY & DESCRIPTION



Timothy Rice, Page 2

Camp Dawson – Quality Control Manager during the construction phase of the Student Training Facility at Camp Dawson, Kingwood, West Virginia. The project included all quality control and construction monitoring for the six-building facility along the airstrip at Camp Dawson.

American Campus Communities – Project Manager responsible for the coordination, scheduling, and reporting of the construction monitoring and testing on the Sunnyside Commons Student Housing project at WVU, Morgantown, West Virginia.

Stream/Wetland Delineation, Permitting and Mitigation

Dominion Transmission, Inc., Post Wetland Monitoring and Reporting – Project Manager responsible for the oversight of the post wetland monitoring services for five FERC-certified projects sites in West Virginia and Pennsylvania for three years to measure the revegetation success of wetlands impacted during the construction of natural gas pipeline in the area.

Cabot Oil & Gas – Project engineer on Superior Modular Site responsible for U.S. ACE 401 permitting, WV Public Lands permit, and WVDNR Stream Enhancement plan utilizing Natural Stream Design techniques.

J.F. Allen Company, Stream Restoration – Project Engineer for WVDEP permitting associated with a stream restoration plan utilizing natural stream design technique in Bowden, West Virginia.

Abandoned Mine Lands

Project Manager/Senior Engineer for 80 abandoned mine lands projects in West Virginia, Maryland, Ohio, and Pennsylvania. These projects include reclamation design, mine fire and burning refuse pile extinguishment, impoundments, slope stability, mine sealing, acid mine drainage abatement, subsidence investigations and stabilization plans, landslides, water feasibility studies, and watershed studies.

West Virginia Department of Environmental Protection, Pendleton Creek Strip, Thomas, Tucker County, West Virginia - Project Manager for reclamation design and stream remediation of an

abandoned surface mine. Geosynthetic liners and Natural Stream Design techniques were used to prevent headwater base flows from entering an abandoned deep mine through mine voids and subsidence features. Existing wetlands were protected utilizing staged culvert and low water crossings. This project also included ARRI reforestation techniques and riparian habitat replacement.

West Virginia Department of Environmental Protection, Blackwater River Beaver Creek Treatment Project – Project Manager for the rehabilitation of an existing concrete dam, the installation of rotating drums, and a limestone slurry treatment facility on the Blackwater River in Tucker County, West Virginia. This was a cooperative project with WVDEP and WVDNR and has been recognized by “Trout Unlimited” and “Outdoor Life”. This project has successfully transformed a formerly dead section of the Blackwater River into a high-quality trout fishery and was recognized by the US Department of Interior, Office of Surface Mining, as the 1999 Appalachian Region Award Winner.

Mining

Project Manager for surface and deep mining activities associated with coal and aggregate mining facilities. Projects include civil site design, geotechnical, surveying, environmental compliance, permitting, stream monitoring, and mitigation services.

Shannopin Materials, LLC, Shannopin Dock Site, Dilliner – Project Manager responsible for the PADEP permitting necessary for the re-opening of an abandoned stockpile area, dock site, and rail load-out facility in Greene County, Pennsylvania.

Water Lines, Water Storage Tanks, and Water Treatment Plants

Preston County Public Service District No.1, Nine County Roads Waterline Extension Project – Project Director responsible for the coordination and oversight of a waterline extension project in Arthurdale, Preston County, West Virginia. Project included permitting, design, bidding, and construction coordination.

Section 2.0 FIRM HISTORY & DESCRIPTION



2.4 PROFESSIONAL STAFF RESUMES (CONT.)



EVERETT E. MULKEEN, P.E.

Staff Engineer

EDUCATION

M.S., Civil / Environmental Engineering, 2012, Carnegie Mellon University

B.S., Civil Engineering, 2010, West Virginia University

American Campus Communities, Sunnyside Commons – hydrological evaluation and hydraulic design of 6 acres student housing development, including stormwater collection and conveyance design, underground stormwater detention system and stormwater quality treatment system to meet City of Morgantown’s MS4 requirements.

Glenmark Holding, LLC, Greenbag Road Commercial Development – Hydrological evaluation/hydraulic design of 3 acres commercial development, including stormwater collection/conveyance design, underground stormwater detention system, and stormwater quality treatment system to meet City of Morgantown’s MS4 requirements.

Shadow Creek Acres Residential Development – Stormwater collection/conveyance design, including underground detention system for 20+ acres residential development.

Morgan Pointe Residential Development – Stormwater collection/conveyance design for 20+ acres residential development.

Jefferson County Visitors Bureau Center – Stormwater collection/detention system on <1-acre site renovation.

Source Water Protection Plans

WVDHHR BPH - Preparation of source water protection plans (SWPPs) for nineteen (19) Surface Water Influenced Groundwater (SWIG) drinking water utilities in the Ohio River Valley of West Virginia. Project included development of GIS-based mapping of the Source Water Protection Area (SWPA) and Potential Sources of Significant Contamination (PSSC); forming a source water protection team comprised of local stakeholders; prioritizing PSSCs and developing managements strategies; leading source water protection meetings; preparation of final SWPP; presenting the SWPP at a public forum. In addition, Contingency Plans and Single Source Feasibility Studies were completed for each water system.

EMPLOYMENT HISTORY

2013-Present Potesta & Associates, Inc.
2010-2011 WVU/U.S. DOE NETL

PROFESSIONAL REGISTRATIONS

Engineer – West Virginia, Maryland, and Pennsylvania

PROFESSIONAL CERTIFICATIONS

Troxler Moisture – Density Gauge

PROFESSIONAL AFFILIATIONS

American Society of Civil Engineers

HONORS

- Summa Cum Laude (M.S.)
Magna Cum Laude (B.S.)

AREAS OF SPECIALIZATION

Stormwater management design and permitting; water/wastewater treatment systems; drinking water system improvements; source water protection plans; geotechnical evaluations; and permitting.

PROFESSIONAL EXPERIENCE

Stormwater Management Design

Friends of Deckers Creek – Develop a management plan to inventory, evaluate, and reduce pollutant loads in lower Deckers Creek from stormwater runoff impacts, including evaluating twenty (20) Combined Sewer Overflows (CSOs) and other fecal coliform sources.

Section 2.0 FIRM HISTORY & DESCRIPTION



Everett Mulkeen, P.E., Page 2

Region VI Planning & Development Council – Preparation of source water protection plans (SWPPs) for eight drinking water utilities in Northern WV. Project included development of GIS-based mapping of the Source Water Protection Area (SWPA) and Potential Sources of Significant Contamination (PSSC); forming a source water protection team comprised of local stakeholders; prioritizing PSSCs and developing managements strategies; leading source water protection meetings; preparation of final SWPP; presenting the SWPP at a public forum.

Sewer Lines and WWTPs

Performed plant troubleshooting, permitting, and system upgrade design for operational municipal wastewater plant to increase capacity from 1.8 MGD to 2.5 MGD peak flow.

Secondary clarifier sizing and design, RAS pump station improvements, Orbal Aeration unit improvements, headworks modification and improvements, UV disinfection unit sizing and design, pump sizing, hydro-pneumatic tank sizing and piping design, flow metering/monitoring system design, pipe and valve sizing/layout, incorporation of variable frequency drive pumps (VFD) into existing plant pump system, hydraulic analysis, and geotechnical analysis/ recommendations for concrete clarifier basin.

Responsible for permitting, hydraulic design/analysis, and geotechnical exploration/recommendations for multiple installations of wastewater effluent diffusers at chemical manufacturing facilities.

NPDES Industrial/Municipal Permitting

National Pollutant Discharge Elimination System (NPDES) mixing/modeling report, mussel survey, safety/health plan, permitting, and approval submittals to WVDEP, USACE, WVSHPO, PLC, USDA, and CSX transportation.

Geotechnical

CA Ventures, WVU Housing – Completion of eight test borings, associated laboratory testing, and geotechnical recommendations for a combined shallow and deep foundation system for a proposed 13-story student housing project in downtown Morgantown, West Virginia.

American Campus Communities, Sunnyside Commons –Completion of 23 test borings, associated laboratory testing, geotechnical recommendations, civil site design, surveying, and construction phase geotechnical consulting/testing for a 5.4 Acres high-density student housing project in downtown Morgantown, West Virginia.

Glenmark Holding, LLC, Greenbag Road Development – Completion of four borings, laboratory testing, geotechnical recommendations, civil site design, surveying, stakeout, and construction consulting on a commercial development in Morgantown, West Virginia.

EQT, Harrison County HDD – Completion of four borings, associated laboratory testing, and geotechnical recommendations for a proposed horizontal directional drill project underneath the West Fork River in Harrison Co., West Virginia.

MEPCO, 4West AWT Plant Geotechnical – Completion of five borings, laboratory testing, geotechnical recommendations, and foundation analysis for a proposed reverse osmosis treatment plant at the 4West Deep Mine near Mount Morris, Pennsylvania.

Stone Energy, Weekly Pad – Completion of several subsurface borings, laboratory testing, geotechnical recommendations, and installation of an inclinometer to monitor slope stability/movement at a natural gas well pad in Wetzel Co., West Virginia.

Greer Industries, Cheat River Quarry – Completion of several subsurface borings, laboratory testing, geotechnical recommend-dations, civil site design, and construction monitoring/testing for the landslide repair and drainage improvements at a limestone mine/quarry in Preston Co., West Virginia.

Huntington Sanitary Board, North Edgemont Road Landslide – Completed subsurface exploration, installation of six inclinometers to monitor the slope stability and overall movement of the slope, laboratory test/inclinometer data evaluation, as well as worked with the Huntington Sanitary Board and community to evaluate possible stabilization options.

Section 2.0 FIRM HISTORY & DESCRIPTION



2.4 PROFESSIONAL STAFF RESUMES (CONT.)



DANIEL J. MILLER, P H.D.

Senior Scientist

EDUCATION

Ph.D., Resource Management, 2008, West Virginia University
M.A., Aquaculture, 1987, Auburn University
B.S., Zoology/Fisheries, 1981, University of Wisconsin

PROFESSIONAL EXPERIENCE

Providing environmental services for projects, including water quality analysis, system design and management, stream bioassessment surveys, and groundwater inventory. Training of personnel for recirculation aquaculture systems, disease diagnosis, and biosecurity

Resource Management

Development of alternative post-mining land uses utilizing aquaculture.

Conducted a ground water inventory for a 6,000-acre underground mine in southern PA.

Eastern Associated Coal Corp – Envisioned and supervised the transformation and development of acid mine treatment plant into Marion County’s Guyses Run Fishing Park.

Design and development of a Boone County trout production facility, saving the mining company over \$450,000 in reclamation costs.

Peoples Republic of China: Sino-American Technology and Engineering Conference (SATEC) – Invited expert to advise the Central Government on post-mining land uses in Anhui Province. Speaker in Anhui Province presenting research on mine reclamation.

Biological Studies and Sampling

Resource assessment and development of business plans for two fish cooperatives in Madagascar (2020). Reports generated for Cultivating New Frontiers in Agriculture (CNFA)

Set-up and oversight of recirculating fish/hydroponic system for class demonstrations at West Virginia University.

US Agency for International Development – Consultant in South Africa for evaluating recirculating aquaculture potential in the Cape Region. Presented a workshop to multinational group at Stellenbosch University Research Station.

EMPLOYMENT HISTORY

2011-Present Potesta & Associates, Inc.
1999-2011 West Virginia University
1994-Present Miller Consulting Associates, Inc.
1987-1993 Shrimp Farm Manager, Ecuador
1986 Researcher, US Virgin Islands
1982 Israeli Oceanographic & Limnological Research Company
1978-1981 Great Lakes Research Facility

LANGUAGES (FLUENT)

English, Spanish

PROFESSIONAL AFFILIATIONS

- Northeast Regional Aquaculture Center: Chair of the Technical Advisory Committee
Rotary International

AREAS OF SPECIALIZATION

Recirculating Aquaculture System (RAS) design, training, and management; aquatic biosecurity procedures; pond management and design; extension education, aquaculture business planning and project management

Section 2.0 FIRM HISTORY & DESCRIPTION



Daniel J. Miller, Ph.D., Page 2

Atlantic Sapphire – Researched 12 sites in three states for site selection for a recirculating Atlantic salmon production farm.

Red Lake Tribal Hatchery – Planning, design, set-up, and training of personnel for a yellow perch recirculating grow-out facility at the Red Lake Tribal Hatchery in Red Lake, Minnesota. Responsibilities included assembly, training of personnel and stocking the system with yellow perch.

Deli Shrimp Company, Guayaquil, Ecuador – Managed a group of companies which employed 200 people that exported shrimp and redfish to the U.S. and Europe. Directed operations for 1,500 acres of marine shrimp pond production and 500 cubic meters of larval production. Approved expenses and directed research studies on shrimp and redfish at laboratory and farm levels. Research was continuous yet secondary to production goals. Disease diagnosis was implemented and used as an integral part of management as the quality of the water in the Guayas estuary deteriorated. Programmed stocking, transfer, harvest, and exportation of shrimp. Exceeded 2 million pounds of production in final year.

ICASUR S.A., Acuicultura Fonseca S.A., and CODISUR S.A. Annual Visits – Providing technical assistance to three marine shrimp farms and a tilapia farm in Honduras.

High Tech Fisheries

- Directed the management, production and marketing of a 95 percent recirculating freshwater ornamental fish hatchery.
- Successful spawning research on the Neon Tetra (*Paracheirodo innesi*).
- Determined the reason for poor spawning results, allowing for domestic production to commence.

Conducting demonstration projects and research to improve sustainability for fish farmers and disseminating the information to producers.

Research

Instructor of undergraduate and graduate level courses at West Virginia University.

Development of distance education course work.

Supervised research and trained West Virginia University students at the Dogwood Lake Aquaculture Research facility. Sold products at Farmers Market.

Great Lakes Water Institute (University of WI) – Design, set-up and training of personnel for a 10,000-gallon recirculating research unit for the University of Wisconsin-Milwaukee.

GIS

Creating and managing GIS databases and maps for presenting and analyzing information.

ABSTRACTS, PRESENTATIONS, AND MANUSCRIPTS

- Miller, D. and D'Souza, G. (2009) Plastic Tanks Compare Well to Concrete Tanks in Trout Trial. *Global Aquaculture Advocate*, Vol. 12, Issue 1: 53-54
- Miller, D., and D'Souza, G. (2008) Economic Analysis of an Alternative Raceway System. Northeast Regional Aquaculture Center Website: <http://nrac.umd.edu/ProjectReports.cfm>, Page 17
- Miller, D. (2008) Using Aquaculture as a Post-Mining Land Use in West Virginia. *Journal of International Mine Water Association*. 27(2): 122-126
- Borisova, T., G. D'Souza, D. Miller, & W. Labys. (2007) Remaining Competitive at the Regional level: Developing a Local Aquaculture Industry. *J. Aquaculture Econ & Mgmt* 11: 73-98.
- 2012: Sino-American Technology and Engineering Conference, Anhui Province, China
- 2010: Workshop Presenter on Recirculating Aquaculture Systems, Stellenbosch, South Africa
- 2009: Invited Speaker: China University of Mining and Technology – Aquaculture as Post-mining Land Uses, Beijing Campus
- 2008: American Fisheries Society; World Aquaculture Society; U.S. Trout Farmers Association
- 2007: VA/WV Water Research Symposium; WV Aquaculture Forum- Best Presentation
- 2006: World Aquaculture Society- Best Poster

Section 2.0 FIRM HISTORY & DESCRIPTION



2.4 PROFESSIONAL STAFF RESUMES (CONT.)



CHRISTOPHER A. GROSE, L.R.S.

Senior Engineering Associate

EDUCATION

M.S., Geological Engineering, 1990, University of Missouri-Rolla

B.S., Civil Engineering, 1988, West Virginia Institute of Technology

design, landslide causation studies, foundation system design, surface/subsurface hydrogeology, ground subsidence, contaminant transport and groundwater flow modeling. Planning, design, and permitting of natural gas production well pads and access roads. Geological study of hazardous waste remediation sites, CERCLA/SARA, RI, and FS report compilation, geological and geotechnical aspects of siting and design of municipal and industrial waste landfills.

EMPLOYMENT HISTORY

- 1997-Present Potesta & Associates, Inc.
1994-1997 Terradon Corporation
1990-1994 GAI Consultants, Inc.
1989-1990 University of Missouri-Rolla
1989 Triad Engineering Consultants (summer)
1988 West Virginia Institute of Technology
1983-1988 Clint Bryan & Associates Architects (summers)

PROFESSIONAL EXPERIENCE

Civil/Site Design

Civil/Site design included slope stability of both cut and fill slopes in soil and rock for various well production pads in northeastern West Virginia associated with natural gas production in the Marcellus well field. Work consisted of the management of a design engineering team including ground survey crews to development site topographic base mapping, coordination with client regarding land ownership, access roadway alignments, site drainage control, and number/location of production wells. Additional work also included gathering and midstream transmission pipeline locations. The scope of services for these projects also included the preparation of permit documents and attachments for submittal to the WV Department of Environmental Protection-Office of Oil and Gas.

PROFESSIONAL REGISTRATIONS

Licensed Remediation Specialist – West Virginia

PROFESSIONAL CERTIFICATIONS

- Hazardous Waste Site Operations and Superfund Worker Protection Training
American Red Cross Standard First Aid and CPR
Troxler Moisture-Density Gauge

Roadway Design

Geotechnical engineer for various bridge and highway projects including:

PROFESSIONAL AFFILIATIONS

- American Society of Civil Engineers
Association of Engineering Geologists
Society of America Military Engineers

- North Bridgeport Bypass
McDowell County Schools
Corridor H
Dundon Bridge
Sulphur Springs Bridge Replacement
Smith Creek Bridge

AREAS OF SPECIALIZATION

Geological/Geotechnical engineering related to subsurface exploration studies, soil and rock slope

Section 2.0 FIRM HISTORY & DESCRIPTION



Christopher A. Grose, L.R.S., Page 2

- Martha Truss Bridge
- Martha Concrete Girder Bridge Replacement
- Dry Run Interchange
- I-81 Upgrade
- Platinum Drive
- Kenna Ridge Business Industrial Park/Access Road

Geotechnical

Completion of numerous subsurface exploration studies for active soil slope landslide failures associated with the development of natural gas production well pads and access roads. Work included the layout, surveying, and logging of subsurface borings to determine the depth and extent of the slope failures. Following collection of soil/rock samples, materials were tested for characteristic and strength properties. Following testing efforts, the failed slopes were modeled using computer-based slope stability design models to determine a stable configuration including the addition of rock buttresses, toe keys, underdrains, mid-slope keys, etc. Final stabilization plans were then prepared for the client allowing bidding and selection of a repair and stabilization contractor to perform the work.

Abandoned Mine Lands

WVDEP Abandoned Mine Lands and Reclamation – Preparation of Phase I and II water studies throughout the state of West Virginia. Work items included interview of area residents to determine major quality and quantity problems, field and records research to determine the location of known pre-law mining activity (which could potentially affect groundwater quality), collection of groundwater samples, and design of water distribution facilities.

Oil and Gas

Columbia Gas Transmission Corporation – Design of stream relocation plans including preparation and coordination of applicable environmental permits. The relocation was required due to an adjacent gas pipeline near the stream.

Mining

West Virginia Division of Environmental Protection– Engineering evaluations, including collection and analysis of core samples, for possible subsidence-related fracturing of several areas potentially affected by mining subsidence.

Landfills/Solid Waste/Waste Disposal

WVDEP Closure Assistance Program – Design of final landfill closure for abandoned solid waste facility. Design included diversion and collection channels, cap design, leachate collection system, and 150,000-gallon leachate storage tank in Montgomery, West Virginia.

Storage Tanks

West Virginia Division of Natural Resources – Underground storage tank contamination study in Jesse, West Virginia. Delineation of a subsurface hydrocarbon contamination plume as well as possible flow direction to determine potential receptors.

Groundwater

Operation and maintenance of several groundwater remediation systems including pump and treat and sparge systems for a large chemical manufacturer in Nitro, West Virginia. The pump and treat technology is designed to recover kerosene in one instance and TCE in another. Both systems are safety oriented and are fully automatic. The sparge system is a study/field test to determine the impact that oxygen injection will have on the degradation of phenolic compounds existing in the groundwater.

ESAs (Phase I and II)

Responsible for the design and implementation of drilling and sampling programs for several Phase I and Phase II environmental assessments.

3.0 RELEVANT EXPERIENCE



GRANVILLE BOAT RAMP MONONGAHELA RIVER

*Town of Granville
Monongalia County, West Virginia*

POTESTA was retained by the Town of Granville to provide civil engineering design services for a new public boat ramp and river access area in Granville, West Virginia. The single lane, 100-foot by 20-foot, ArmorFlex® paving boat ramp also includes a paved access roadway and turnaround area, providing public access to the Monongahela River off Main Street (Route 100) in downtown Granville. The project also included a non-potable dry hydrant assembly for filling fire trucks and municipal equipment.

- Surveying – Topographic mapping of the project area.
- Coordination and Consulting with Various Groups/Agencies – Working with the City of Morgantown Floodplain Coordinator, coordination with landowner(s), the Army Corps of Engineers, and contractors to facilitate communication and compliance during the design process. Also, attendance of pre-bid and pre-construction meetings to assist the client in bid review and decision making.
- Civil Site Design and Construction Documents – Entrance/roadway design and grading plan including cut/fill for the construction site, roadway and boat ramp profile, and construction documents.
- Construction Observation/Administration – Various services during the construction phase including shop drawing review, schedule coordination between client and contractor(s), review of pay applications, and on-site inspection and materials testing (compaction, concrete, etc.).





3.0 RELEVANT EXPERIENCE

PRESTON TRAILHEAD DESIGN

*Friends of the Cheat
Kingwood, West Virginia*

POTESTA was retained by Friends of the Cheat (FOC) to develop the existing 17.5-acre Preston Trailhead site into a premier destination for accessing the Cheat River Rail-Trail and to provide access to the river for anglers as well as commercial and recreational boaters. POTESTA and a local architectural firm provide landscape architecture and master planning service on this project.



Project requirements included:

- Site renovations to improve ingress/egress from WV72/River Road
- Development of a safe pedestrian crosswalk on WV72/River Road to access the Lick Run Portals spur trail, integrate trailhead footpaths, and the rail-trail
- Enhancements to the existing river access for commercial and recreational use
- Installation of trailhead infrastructure including lighting, signage, and waste receptacles
- Earthwork to transform the site's industrial landscape and improve drainage
- Expansion of greenspace by removal of asphalt, while retaining parking space for 40 vehicles
- Landscaping of the site with native trees and plants
- Picnic tables and park benches are to be installed throughout the site
- Initial site work to include infrastructure necessary for a future multi-use community building and/or an acid mine drainage treatment facility
- An emphasis on creative ideas for public gathering spaces and other economic development opportunities
- Enhancement of 2 existing on-site ponds improving public access and ecological value
- Deliverables for this project include construction design drawings in accordance with all state, federal and local regulations that pertain to the proposed project and bidding and contracting documents for the construction phase



This project is funded through the WVDEP AML Pilot program and included the design of recreation infrastructure, green space, and community access/parking.



3.0 RELEVANT EXPERIENCE

FIKE RUN DAM REMOVAL - COMPENSATORY MITIGATION AND STREAM RESTORATION

*Morgantown Utility Board,
Monongalia County and Preston County, West Virginia*

\$5.5M Construction

POTESTA worked with the Morgantown Utility Board (MUB) to produce compensatory mitigation for the 401 State Water Quality Certification and the Department of Army permit from the United States Army Corps of Engineers resulting from their construction of the Cobun Creek No. 2 Reservoir and Dam. MUB was required to provide mitigation sufficient to offset the loss of aquatic resources resulting from the ongoing dam construction in Cobun Creek, Mountain Run, and their tributaries located near Morgantown, West Virginia.



Finding sufficient mitigation for large projects like this is a challenging part of the permitting process. While utilizing a mitigation bank or in-lieu fees is a mitigation option available for Clean Water Act permits, these methods of compensation can be extremely costly when impacts are more than just a few hundred feet. For MUB, the preferred option was Permittee-Responsible Mitigation.



Working with a local landowner, POTESTA identified Appalachian Lake in Preston County, West Virginia, that due to dam safety requirements needed to be removed. The site, which is in the Fike Run watershed (headwaters of Big Sandy Creek in the Cheat River watershed) provided a unique opportunity to couple a client in need of mitigation with a landowner who has regulatory obligations that could not be met alone.



3.0 RELEVANT EXPERIENCE



FIKE RUN DAM REMOVAL – Page 2

Restoration in Fike Run was unlike most restoration projects in West Virginia. The project included the removal of an earthen dam as well as the thousands of feet of stream restoration, including establishment of stream channels within the previous footprint of Appalachian Lake and the development of an extensive wetland.



Dam removal required geotechnical engineering expertise and the development of a dewatering plan, to allow for the equalization of pore pressure required for a stable demolition. Restoration was accomplished via a mixture of both active and passive methods, including the re-establishment of the natural flow regime of a low gradient system. The restoration included a channel with appropriate floodplain and meander width ratio, precautionary measures to mitigate sediment release and transport concerns, and accommodations for migration and fish passage. In addition to natural vegetation, floodplain seed mix, live stakes, and woody floodplain cuttings were incorporated in the final restoration plan, as well as an invasive species management plan. Channel banks were either stabilized with a suite of bioengineering techniques or allowed to self-stabilize following exposure of the former floodplain and seedbank. Wetlands are expected to form within the restored pond areas by natural processes. The riparian zones and wetlands within the restored areas consist of a mosaic of wetland community types including shallow and deep marsh, wet meadow, and potential future scrub shrub wetlands. Plant establishment included natural recruitment of plants represented in the “seed bank” contained in the sediments of each pond, coupled with the use of other plant establishment techniques.



3.0 RELEVANT EXPERIENCE

J. G. BRADLEY CAMPGROUND REMEDiation AND REDEVELOPMENT

*West Virginia Department of Environmental Protection
Office of Environmental Remediation
Dundon, West Virginia*

POTESTA was contracted by the WVDEP, Office of Environmental Remediation to complete an environmental site assessment (ESA), risk assessment, remediation feasibility study, and to develop a remediation work plan in accordance with the Voluntary Remediation Program (VRP) guidelines.



The J. G. Bradley Campground Project was an effort by the Central Appalachian Empowerment Zone (CAEZ) to improve a lowland portion of property adjacent to Buffalo Creek near Dundon, West Virginia. The site was operated as a former rail facility from the early 1900s through the mid-1960s. The West Virginia Department of Transportation, Division of Highways (WVDOT) planned to use the site as a waste area for fill generated during the construction of the new Dundon Bridge in 2006-2007. POTESTA incorporated the placement of the fill into the remedial design for the site.



The ESA consisted of advancing and sampling 26 soil borings, installing monitoring wells, performing groundwater monitoring, performing surface water and sediment sampling, and preparation of an ESA report.

POTESTA then performed an Ecological and Human Health Risk Assessment to evaluate impacts to potential receptors. Based on the Risk Assessment and the contaminants of concern for this site, POTESTA developed a Remediation Feasibility Study and developed a Remediation Work Plan in accordance with VRP guidelines. POTESTA worked closely with WVDEP representatives and communicated with CAEZ to develop a remediation plan that could be implemented with minimal costs and would fit into the plans to develop the site as a campground.

3.0 RELEVANT EXPERIENCE



DAVIS CREEK TRAIL ASSESSMENT AND PRIORITIZATION PROJECT

*Kanawha State Forest Foundation
Charleston, West Virginia*

POTESTA was retained by the Kanawha State Forest Foundation to assess the current conditions of the Davis Creek Trail located within the Kanawha State Forest, prioritize segments of the trail, and establish remedial options to bring the trail back to the pinnacle trail that is once was.

The Davis Creek Trail is approximately a 1.9-mile trail within the 9,300-acre forest. The trail has many access points and links up to various amenities, such as shelters, picnic areas, playgrounds, Ellison Pond, and the park's swimming pool.

POTESTA reviewed the existing conditions of the trail for various deterioration parameters based on tread and condition, erosion issues, gradient, and cross slope. After the site reconnaissance was completed, trail segments were assigned an assessment rating of good, moderate, or severe. Remediation options were assigned to each condition and cost engineer's cost estimates were developed for the construction of the remediation.



3.0 RELEVANT EXPERIENCE



NORTH BEND RAIL TRAIL

West Virginia Division of Natural Resources

West Virginia State Parks

Wood, Ritchie, Doddridge and Harrison Counties, West Virginia

As a result of significant flooding along portions of one of West Virginia’s unique state parks, the North Bend Trail, POTESTA was charged with preparing flood repair construction documents for work along this 61-mile former railway corridor.

This linear state park is only one of two type parks within the state. The railroad right of way provides a biking, hiking and riding non-motorized trail experience from just east of Parkersburg to Clarksburg, West Virginia, following closely the route of U.S. Route 50. The trail is part of the 5,500-mile coast to coast American Discovery Trail.

A flood caused significant trail damage at 32 bridges and 10 tunnels along the railway corridor, requiring trail restoration designs and hillside slope stabilization solutions to repair the trail to its railroad grade profile. The design documents had to meet the Federal Emergency Management Agency’s initial flood repair estimate.



APPENDIX A



STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

To all to whom these presents shall come, Greeting

Know Ye That The State Board of Registration for Professional Engineers, of the State of West Virginia, reposing special confidence in the Intelligence, Integrity and Discretion of

Dana L. Burns

DOES, IN PURSUANCE OF AUTHORITY VESTED IN IT

by law, hereby certify that he, having submitted satisfactory evidence of his ability and experience, is a

REGISTERED PROFESSIONAL ENGINEER

Registration Number [REDACTED]

To Hold, and use such title, in the practice of his profession, subject to the conditions prescribed by law.



Given under the hand and the Seal of the Board at the Capitol in the City of Charleston this 17th day of Sept. in the year of our Lord One Thousand Nine Hundred and Eighty Five and of the State the One Hundred Twenty-Second

STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

[Signature]
Secretary
Frank Gaddy

By
[Signature] President
Robert S. Scott
[Signature]
Kenneth H. Means



STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

To all to whom these presents shall come, Greeting.

Know Ye That The State Board of Registration for Professional Engineers, of the State of West Virginia, reposing special confidence in the Intelligence, Integrity, and Discretion of

David B. Sharp

DOES, IN PURSUANCE OF AUTHORITY VESTED IN IT

by law, hereby certify that he, having submitted satisfactory evidence of his ability and experience, is a

REGISTERED PROFESSIONAL ENGINEER

Registration Number [REDACTED]

To Hold and use such title in the practice of his profession, subject to the conditions prescribed by law.



Given under the hand and the Seal of the Board at the Capitol in the City of Charleston this 28th day of July in the year of our Lord One Thousand Nine Hundred and Ninety-nine and of the State the One Hundred Thirty-sixth.

STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

Handwritten signatures of board members: Frank H. Huddy, W. B. Faulkner, and two others.



STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

To all to whom these presents shall come Greeting
Know Ye That The State Board of Registration for Professional Engineers
of the State of West Virginia, reposing special confidence in
the Intelligence, Integrity and Discretion of

Herbert G. Mulkeen

DOES IN PURSUANCE OF AUTHORITY VESTED IN IT

by law hereby certify that he having submitted
satisfactory evidence of his ability and experience is a

REGISTERED PROFESSIONAL ENGINEER

Registration Number [REDACTED]

To Hold and use such title in the practice of his profession,
subject to the conditions prescribed by law.



Given under the hand of the
Seal of the Board at the Capitol in the
City of Charleston,
This 16th day of December
in the year of our Lord 2016
and of the State
the One Hundred Fifty Third

Members of the Board

[Signature]

Bishop J. S. Sells

Edw. S. Thompson

[Signature]

Ly. C. Nett

2022 WEST VIRGINIA PROFESSIONAL SURVEYOR 2022

The West Virginia Board of Professional Surveyors certifies that the individual listed below is a PROFESSIONAL SURVEYOR who has qualified for a license under Chapter 30, Article 13A, Code of West Virginia, and has met the requirements for license renewal for the period ending June 30, 2022



VICTOR M. DAWSON P.S. [REDACTED]



Board Members

Sefton Stewart, PS, Chairman
Tom Rayburn, PS, Secretary
Gary Facemyer, PE, PS
Lantz Rankin, PS
Douglas McElwee, Esq.

Issued
07/01/2021



Expires
06/30/2022

Executive Director
Amber Shawver Legg

2022

State of West Virginia
Board of Professional Surveyors



VICTOR M. DAWSON P.S.LIC. [REDACTED]

Is a PROFESSIONAL SURVEYOR who has qualified for a license under Chapter 30, Article 13A, Code of West Virginia, and has met the requirements for license renewal for the period ending June 30, 2022

Expires:
06/30/2022

State of West Virginia
Board of Professional Surveyors
1124 Smith Street, Suite B127C
Charleston, WV 25301

Phone (304) 558-0350
Fax (304) 558-0352

Website: www.wvbps.wv.gov
Email: wvbps@wv.gov

APPENDIX B



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

State of West Virginia
 Centralized Expression of Interest
 Architect/Engr

Proc Folder: 969316			Reason for Modification:
Doc Description: A&E - West Fork River 12 New Boating Public Access Sites			
Proc Type: Central Contract - Fixed Amt			
Date Issued	Solicitation Closes	Solicitation No	Version
2021-11-22	2021-12-21 13:30	CEOI 0310 DNR2200000007	1

BID RECEIVING LOCATION


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

VENDOR

Vendor Customer Code:
Vendor Name : Potesta & Associates, Inc.
Address : 7012
Street : MacCorkle Avenue, SE
City : Charleston
State : West Virginia **Country :** Kanawha **Zip :** 25305
Principal Contact : Dana L. Burns
Vendor Contact Phone: 304-342-1400 **Extension:** 1127

FOR INFORMATION CONTACT THE BUYER

Joseph E Hager III
 (304) 558-2306
 joseph.e.hageriii@wv.gov

Vendor Signature X  **FEIN#** 31-1509066 **DATE** December 21, 2021

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



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

State of West Virginia
 Centralized Expression of Interest
 Architect/Engr

Proc Folder: 969316		Reason for Modification:	
Doc Description: A&E - West Fork River 12 New Boating Public Access Sites		Addendum #1 issued to publish agency responses to vendor submitted questions.	
Proc Type: Central Contract - Fixed Amt			
Date Issued	Solicitation Closes	Solicitation No	Version
2021-12-15	2021-12-21 13:30	CEOI 0310 DNR2200000007	2

BID RECEIVING LOCATION

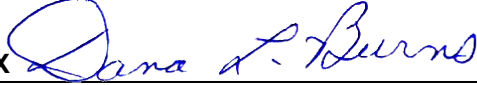
BID CLERK
 DEPARTMENT OF ADMINISTRATION
 PURCHASING DIVISION
 2019 WASHINGTON ST E
 CHARLESTON WV 25305
 US

VENDOR

Vendor Customer Code:
Vendor Name : Potesta & Associates, Inc.
Address : 7012
Street : MacCorkle Avenue, SE
City : Charleston
State : West Virginia **Country :** Kanawha **Zip :** 25305
Principal Contact : Dana L. Burns
Vendor Contact Phone: 304-342-1400 **Extension:** 1127

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

State of West Virginia
Centralized Expression of Interest
Architect/Engr

Proc Folder: 969316		Reason for Modification:	
Doc Description: A&E - West Fork River 12 New Boating Public Access Sites		Addendum #1 issued to publish agency responses to all vendor submitted questions. (Q&A Attached)	
Proc Type: Central Contract - Fixed Amt			
Date Issued	Solicitation Closes	Solicitation No	Version
2021-12-16	2021-12-21 13:30	CEOI 0310 DNR2200000007	3

BID RECEIVING LOCATION

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

VENDOR

Vendor Customer Code:
Vendor Name : Potesta & Associates, Inc.
Address : 7012
Street : MacCorkle Avenue, SE
City : Charleston
State : West Virginia **Country :** Kanawha **Zip :** 25305
Principal Contact : Dana L. Burns
Vendor Contact Phone: 304-342-1400 **Extension:** 1127

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Joseph E Hager III
 (304) 558-2306
 joseph.e.hageriii@wv.gov

Vendor Signature X  **FEIN#** 31-1509066 **DATE** December 21, 2021

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

ADDITIONAL INFORMATION

The Acquisition and Contract Administration Section of the Purchasing Division ("Purchasing Division") is soliciting Expression(s) of Interest ("EOI" or "Bids") for The Division of Natural Resources to provide necessary engineering, and other related professional services to design as well as provide construction contract administration services to construct or improve boating access sites on the West Fork River in Harrison and Lewis Counties through the creation or improvement of twelve (12) public access sites per the attached specifications and terms and conditions.

INVOICE TO	SHIP TO
DIVISION OF NATURAL RESOURCES PARKS & RECREATION-PEM SECTION 324 4TH AVE SOUTH CHARLESTON WV 25305 US	STATE OF WEST VIRGINIA JOBSITE - SEE SPECIFICATIONS No City WV 99999 US

Line	Comm Ln Desc	Qty	Unit Issue
1	Civil engineering		

Comm Code	Manufacturer	Specification	Model #
81101500			

Extended Description:

12 Boating Public Access Sites on the West Fork River.

SCHEDULE OF EVENTS

<u>Line</u>	<u>Event</u>	<u>Event Date</u>
-------------	--------------	-------------------

	Document Phase	Document Description	Page
DNR220000007	Final	A&E - West Fork River 12 New Boating Public Access Sites	3

ADDITIONAL TERMS AND CONDITIONS

See attached document(s) for additional Terms and Conditions

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: _____

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

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

Addendum Numbers Received:

(Check the box next to each addendum received)

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

I understand that failure to confirm the receipt of addenda may be cause for rejection of this bid. I further understand that any verbal representation made or assumed to be made during any oral discussion held between Vendor's representatives and any state personnel is not binding. Only the information issued in writing and added to the specifications by an official addendum is binding.

Potesta & Associates, Inc.

Company



Authorized Signature

December 21, 2021

Date

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

DESIGNATED CONTACT: Vendor appoints the individual identified in this Section as the Contract Administrator and the initial point of contact for matters relating to this Contract.

Project Manager

(Name, Title)

David B. Sharp, P.E.

(Printed Name and Title)

125 Lakeview Drive

(Address)

Morgantown, WV 26508

(Phone Number) / (Fax Number)

(304) 225-2245 Fax: (304) 225-2246

(email address)

dsharp@potesta.com

CERTIFICATION AND SIGNATURE: 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.

By signing below, I further certify that I understand this Contract is subject to the provisions of West Virginia Code § 5A-3-62, which automatically voids certain contract clauses that violate State law.

Potesta & Associates, Inc.

(Company)



Vice President

(Authorized Signature) (Representative Name, Title)

Dana L. Burns, P.E., P.S., Vice President

(Printed Name and Title of Authorized Representative)

December 21, 2021

(Date)

Phone: (304) 342-1400 | Fax: (304) 343-9031

(Phone Number) (Fax Number)

West Virginia Ethics Commission
Disclosure of Interested Parties to Contracts

(Required by W. Va. Code § 6D-1-2)

Name of Contracting Business Entity: _____

Address: _____

Name of Authorized Agent: _____ Address: _____

Contract Number: _____ Contract Description: _____

Governmental agency awarding contract: _____

Check here if this is a Supplemental Disclosure

List the Names of Interested Parties to the contract which are known or reasonably anticipated by the contracting business entity for each category below (*attach additional pages if necessary*):

1. Subcontractors or other entities performing work or service under the Contract

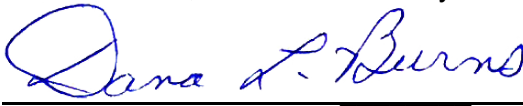
Check here if none, otherwise list entity/individual names below.

2. Any person or entity who owns 25% or more of contracting entity (not applicable to publicly traded entities)

Check here if none, otherwise list entity/individual names below.

3. Any person or entity that facilitated, or negotiated the terms of, the applicable contract (excluding legal services related to the negotiation or drafting of the applicable contract)

Check here if none, otherwise list entity/individual names below.

Signature: 

Date Signed: _____

Notary Verification

State of _____, County of _____:

I, _____, the authorized agent of the contracting business entity listed above, being duly sworn, acknowledge that the Disclosure herein is being made under oath and under the penalty of perjury.

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


Notary Public's Signature

To be completed by State Agency:

Date Received by state agency: _____

Date submitted to Ethics Commission: _____

Governmental agency submitting Disclosure: _____

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

CONSTRUCTION CONTRACTS: Under W. Va. Code § 5-22-1(i), the contracting public entity shall not award a construction contract to any bidder that is known to be in default on any monetary obligation owed to the state or a political subdivision of the state, including, but not limited to, obligations related to payroll taxes, property taxes, sales and use taxes, fire service fees, or other fines or fees.

ALL CONTRACTS: 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: (1) for construction contracts, the vendor is not in default on any monetary obligation owed to the state or a political subdivision of the state, and (2) for all other contracts, 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: Dana L. Burns 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

Jessie A. Koloski

