



The following documentation is an electronically-submitted vendor response to an advertised solicitation from the *West Virginia Purchasing Bulletin* within the Vendor Self-Service portal at wvOASIS.gov. As part of the State of West Virginia's procurement process, and to maintain the transparency of the bid-opening process, this documentation submitted online is publicly posted by the West Virginia Purchasing Division at WVPurchasing.gov with any other vendor responses to this solicitation submitted to the Purchasing Division in hard copy format.


Header 3

List View

General Information | Contact | Default Values | Discount | Document Information | Clarification Request

Procurement Folder: 937308

Procurement Type: Central Master Agreement

Vendor ID: 000000112893 


Legal Name: CAMDEN MATERIALS LLC

Alias/DBA:

Total Bid: \$0.00

Response Date: 11/30/2021 

Response Time: 9:56

Responded By User ID: Camden202 

First Name: Matthew

Last Name: Campbell

Email: matt.campbell@na.crh.cc

Phone: 304-720-6432

SO Doc Code: CRFQ

SO Dept: 0803


SO Doc ID: DOT2200000084

Published Date: 11/18/21

Close Date: 11/30/21

Close Time: 13:30

Status: Closed

Solicitation Description: ADDENDUM NO_1 Asphalt Materials, Pick Up by Agency 

Total of Header Attachments: 3

Total of All Attachments: 3

| Line | Comm Ln Desc | Qty | Unit Issue | Unit Price | Ln Total Or Contract Amount |
|------|--------------|---------|------------|------------|-----------------------------|
| 1 | Asphalt | 0.00000 | TON | 0.000000 | 0.00 |

| Comm Code | Manufacturer | Specification | Model # |
|-----------|--------------|---------------|---------|
| 30121601 | | | |

Commodity Line Comments:

Extended Description:

Asphalt



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

State of West Virginia
 Centralized Request for Quote
 Highways

| | | | |
|--|----------------------------|-------------------------|--|
| Proc Folder: 937308 | | | Reason for Modification: ADDENDUM NO_1 Vendor Questions and Responses |
| Doc Description: ADDENDUM NO_1 Asphalt Materials, Pick Up by Agency | | | |
| Proc Type: Central Master Agreement | | | |
| Date Issued | Solicitation Closes | Solicitation No | Version |
| 2021-11-18 | 2021-11-30 13:30 | CRFQ 0803 DOT2200000084 | 2 |

BID RECEIVING LOCATION

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

VENDOR

Vendor Customer Code: 000000112893
Vendor Name : Camden Materials, LLC
Address : 2950 Charles Ave.
Street :
City : Dunbar
State : WV **Country :** US **Zip :** 25064
Principal Contact : Matthew Campbell
Vendor Contact Phone: 304-768-9733 **Extension:** 4003

FOR INFORMATION CONTACT THE BUYER
 John W Estep
 304-558-2566
 john.w.estep@wv.gov

Vendor Signature X  **FEIN#** 20-4662043 **DATE** November 30,2021

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

ADDITIONAL INFORMATION

ADDENDUM NO_1

Addendum No_1 issued to publish and distribute the attached information to the Vendor Community.

REQUEST FOR QUOTATION:

The West Virginia Purchasing Division is soliciting bids on behalf of the West Virginia Division of Highways, to establish an open-end Asphalt Materials, Pick Up by Agency contract for use by WVDOH and the West Virginia Parkways Authority upon their request, on preventive maintenance and repair projects throughout the state of West Virginia, from the Vendor's plant. Contract pricing shall be made available to other public agencies upon their request and with the approval of the West Virginia Purchasing Division. Per the Bid Requirements, Specifications, Terms and Conditions attached to this solicitation.

INVOICE TO**SHIP TO**

VARIOUS AGENCY
LOCATIONS
AS INDICATED BY ORDER

VARIOUS AGENCY
LOCATIONS
AS INDICATED BY ORDER

No City WV
US

No City WV
US

| Line | Comm Ln Desc | Qty | Unit Issue | Unit Price | Total Price |
|------|--------------|---------|------------|------------|-------------|
| 1 | Asphalt | 0.00000 | TON | | |

Comm Code**Manufacturer****Specification****Model #**

30121601

Extended Description:

Asphalt

SCHEDULE OF EVENTS

| <u>Line</u> | <u>Event</u> | <u>Event Date</u> |
|-------------|-------------------------------|-------------------|
| 1 | Tech Questions due by 10:00am | 2021-11-18 |

| | Document Phase | Document Description | Page |
|---------------|----------------|--|------|
| DOT2200000084 | Final | ADDENDUM NO_1 Asphalt Materials, Pick Up by Agency | 3 |

ADDITIONAL TERMS AND CONDITIONS

See attached document(s) for additional Terms and Conditions

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: CRFO DOT220000084

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 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.

Camden Materials, LLC

Company



Authorized Signature

November 30, 2021

Date

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

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.

Matthew Campbell Managing Member
(Name, Title)



Matthew Campbell Managing Member
(Printed Name and Title)

2950 Charles Ave. Dunbar WV 25064
(Address)

304-768-9733 304-768-9351
(Phone Number) / (Fax Number)

matt.campbell@na.crh.com
(email address)

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.

Camden Materials, LLC
(Company)



Managing Member
(Authorized Signature) (Representative Name, Title)

November 30, 2021
(Printed Name and Title of Authorized Representative)

304-768-9733 304-768-9351
(Date)

304-768-9733 304-768-9351
(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: Camden Materials, LLC Address: 2950 Charles Ave
Dunbar WV 25064

Name of Authorized Agent: Matthew Campbell Address 2950 Charles Ave.
Dunbar WV 25064

Contract Number: CRFQ 0803 DOT2200000084 Contract Description: Asphalt Materials, Pick Up by Agency

Governmental agency awarding contract: Finance & Administration Division of Highways

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.

***See Attchement B

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: [Handwritten Signature] Date Signed: November 30, 2021

Notary Verification

State of West Virginia, County of Kanawha:

I, Matthew Campbell, 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 30th day of November, 2021

Beverly Agee
Notary Public's Signature

To be completed by State Agency:

Date Received by State Agency: _____

Date submitted to Ethics Commission: _____

Governmental agency submitting Disclosure: _____



CAMDEN MATERIALS, LLC

1. Camden Materials, LLC of 2950 Charles Avenue Dunbar, WV 25064 is a Limited Liability Company. West Virginia Paving, Inc. of 2950 Charles Avenue Dunbar, WV 25064 owns 50% of Camden Materials, LLC and is the managing member of that entity. Kelly Paving, Inc. of P.O. Box 366, Williamstown, WV 26187 owns 50% of Camden Materials, LLC.
2. West Virginia Paving, Inc. of 2950 Charles Avenue Dunbar, WV 25064 is a wholly owned subsidiary of The Shelly Holding Company of 80 Park Drive, Thornville, OH 43076.
3. The Shelly Holding Company is a wholly owned subsidiary of CRH Americas Materials, Inc. of 900 Ashwood Parkway, Suite 700, Atlanta GA 30338.
4. CRH Americas Materials, Inc. is a wholly owned subsidiary of Oldcastle Finance, Inc., 900 Ashwood Parkway, Suite 600, Atlanta GA 30338.
5. The ultimate parent company of Oldcastle Finance, Inc. is CRH plc of Stonemason's Way, Rathfarnham, Dublin 16, D16 KH51, Ireland. CRH plc is a publicly traded entity and has American Depository Receipts listed on the New York Stock Exchange under symbol "CRH."

ATTACHMENT B



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/15/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | | | |
|--|--|---|--|
| PRODUCER Mountain State Insurance Agency 1206 Kanawha Blvd. E. Suite 100 Charleston WV 25301-2949 | | CONTACT NAME: Kathryn Arthur PHONE (A/C, No, Ext): (304) 720-2000 FAX (A/C, No): (304) 720-2002 E-MAIL ADDRESS: karthur@mountainstateinsurance.com | |
| INSURED Camden Materials, LLC 2950 Charles Avenue Dunbar WV 25064 | | INSURER(S) AFFORDING COVERAGE INSURER A: Westfield INSURER B: INSURER C: INSURER D: INSURER E: INSURER F: | |
| | | NAIC # 24112 | |

COVERAGES**CERTIFICATE NUMBER:** 21-22 Master**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSD | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS | |
|----------|--|-----------|----------|---------------|-------------------------|-------------------------|---|--------------|
| A | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER: | Y | | TRA3223998 | 09/01/2021 | 09/01/2022 | EACH OCCURRENCE | \$ 2,000,000 |
| | | | | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) | \$ 100,000 |
| | | | | | | | MED EXP (Any one person) | \$ 5,000 |
| | | | | | | | PERSONAL & ADV INJURY | \$ 2,000,000 |
| | | | | | | | GENERAL AGGREGATE | \$ 4,000,000 |
| | | | | | | | PRODUCTS - COMP/OP AGG | \$ 4,000,000 |
| | | | | | | | | \$ |
| A | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY | Y | | TRA3223998 | 09/01/2021 | 09/01/2022 | COMBINED SINGLE LIMIT (Ea accident) | \$ 2,000,000 |
| | | | | | | | BODILY INJURY (Per person) | \$ |
| | | | | | | | BODILY INJURY (Per accident) | \$ |
| | | | | | | | PROPERTY DAMAGE (Per accident) | \$ |
| | | | | | | | | \$ |
| | UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$ | | | | | | EACH OCCURRENCE | \$ |
| | | | | | | | AGGREGATE | \$ |
| | | | | | | | | \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below | Y/N | N/A | | | | PER STATUTE | OTH-ER |
| | | | | | | | E.L. EACH ACCIDENT | \$ |
| | | | | | | | E.L. DISEASE - EA EMPLOYEE | \$ |
| | | | | | | | E.L. DISEASE - POLICY LIMIT | \$ |

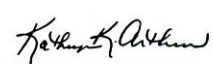
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

As required by written contract or agreement

WVDOT West Virginia Division of Highways is Additional Insured.

Project: CRFQ 0803 DOT2200000084 Asphalt Materials, Pick Up by Agency

CERTIFICATE HOLDER**CANCELLATION**

| | |
|---|--|
| West Virginia Division of Highways 1900 Kanawha Blvd E. Bldg 5 Room A737 Charleston WV 25305 | SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE  |
|---|--|

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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 exceed 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: Camden Materials, LLC

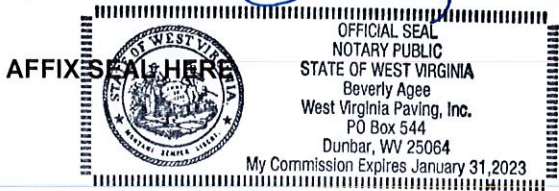
Authorized Signature: *[Signature]* Date: November 30, 2021

State of West Virginia

County of Kanawha, to-wit:

Taken, subscribed, and sworn to before me this 31st day of November, 2021.

My Commission expires January 31, 2023



NOTARY PUBLIC *[Signature]*

REQUEST FOR QUOTATION
Asphalt Materials, Pick Up by Agency

11.4 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: MATTHEW CAMPBELL
Telephone Number: 304 - 768 - 9733
Fax Number: 304 - 768 - 9351
Email Address: matt.campbell@nq.oh.com

Vendor shall inform the Agency in writing of any changes to the information provided above within ten (10) calendar days of such changes. Failure to comply may be grounds for cancellation of this contract.

Camden Materials, LLC
2950 Charles Ave.
Dunbar, WV 25064

November 23, 2021

To whom it may concern:

Camden Materials, LLC is a supplier of materials only for the State of West Virginia.

There will be no labor provided, therefore we are not required to carry Workers Compensation.

Sincerely,



Matthew Campbell
Managing Member

Asphalt Materials Pick Up by Agency
ATTACHMENT A PRICING PAGE (ATT A)

VENDOR INSTRUCTIONS:

Vendor shall complete Parts I, II and III below in their entirety. Failure to provide the Asphalt Plant Name and Asphalt Plant Location will result in the disqualification of corresponding Contract Items. Vendor must complete a separate Pricing Page (ATT A) for EVERY sourced Asphalt Plant providing Contract Items for pick up by WVDOH forces.

PART I: VENDOR & ASPHALT PLANT INFORMATION (Required)

| | |
|--------------------------------|-----------------------|
| Vendor Name: | Camden Materials, LLC |
| Asphalt Plant Name: | Camden Materials, LLC |
| Asphalt Plant Location: | 202 Hickory Street |
| (911 Address) | Parkersburg, WV 26101 |
| | |

PART II: WVDOH DISTRICTS SERVED BY ABOVE ASPHALT PLANT (Required). Mark all Districts which include one or more counties served by the Asphalt Plant listed above in Part I.

- | | |
|---|---|
| x | District 1: Boone, Clay, Kanawha, Mason and Putnam counties |
| x | District 2: Cabell, Lincoln, Logan, Mingo and Wayne counties |
| x | District 3: Calhoun, Jackson, Pleasants, Ritchie, Roane, Wirt and Wood counties |
| x | District 4: Doddridge, Harrison, Marion, Monongalia, Preston and Taylor counties |
| x | District 5: Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral and Morgan |
| x | District 6: Brooke, Hancock, Marshall, Ohio, Tyler and Wetzel counties |
| x | District 7: Barbour, Braxton, Gilmer, Lewis, Upshur and Webster counties |
| x | District 8: Pendleton, Pocahontas, Randolph and Tucker counties |
| x | District 9: Fayette, Greenbrier, Monroe, Nicholas and Summers counties |
| x | District 10: McDowell, Mercer, Raleigh and Wyoming counties |

PART III: ENTER PRICE PER UNIT OF MEASURE FOR CONTRACT ITEMS BID.

| Contract Item # | Contract Item Description | Unit of Measure | List Price |
|-----------------|---|-----------------|------------|
| A | Asphalt Section 401 - Base I | TON | 67.50 |
| B | Asphalt Section 401 - 25mm Superpave | TON | 71.50 |
| C | Asphalt Section 401 - Base II | TON | 69.75 |
| D | Asphalt Section 401 - Patch and Level | TON | 69.75 |
| E | Asphalt Section 401 - Wearing IV | TON | 72.00 |
| F | Asphalt Section 402 - Wearing IV | TON | 82.25 |
| G | Asphalt Section 401 - 19mm Superpave | TON | 70.50 |
| H | Asphalt Section 401 - Scratch Course | TON | 72.50 |
| I | Asphalt Section 402 - 9.5mm Superpave | TON | 82.00 |
| J | Asphalt Section 401 - Wearing 1 | TON | 72.50 |
| K | Asphalt Section 402 - Wearing 1 | TON | 82.00 |
| L | Asphalt Section 401 - 4.75mm Superpave | TON | 85.00 |
| M | Asphalt Section 402 - 4.75mm Superpave | TON | 84.50 |
| N | Asphalt Section 401 - Wearing III | TON | 84.50 |
| O | Asphalt Section 402 - Wearing III | TON | 85.00 |
| P | Asphalt Section 401 - 12.5mm Superpave | TON | 75.00 |
| Q | Asphalt Section 402 - 12.5mm Superpave | TON | 86.00 |
| R | Asphalt Plant Run | TON | 74.50 |
| S1 | Surcharge for PG Binder - 70 minus 22 | TON | 5.00 |
| S2 | Surcharge for PG Binder - 76 minus 22 - ordered in 400 ton increments | TON | 15.00 |
| T1 | Off-Season Plant Opening - First Day | DAY | 2500.00 |
| T2 | Off-Season Plant Opening - Each Additional Day | DAY | 500.00 |

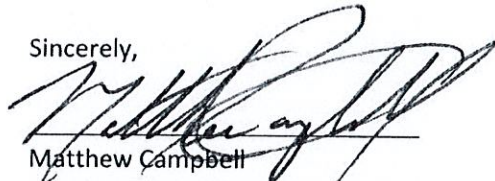
November 26, 2021

Camden Materials, LLC
2950 Charles Ave.
Dunbar, WV 25064
304-768-9733

To whom it may concern:

Southern West Virginia Asphalt, Inc. is the operating company for Camden Materials, LLC., therefore the attached EEO Policy applies to the employees of Southern West Virginia Asphalt, Inc.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Campbell", written over a horizontal line.

Matthew Campbell
Camden Materials, Managing Member

Appalachian Materials Region Dedicated

To Quality

Manual of Safety Practices and

Procedures An Equal Opportunity

Employer

Revised January 2017

Appalachian Materials Region and its subsidiaries expect all employees to maintain the highest safety standards on our projects. Safety is not chance occurrence; it results from careful attention to operations by everyone in our organization. Employees at every level must strive to maintain a safe and healthy environment in all of our operations.

Willie Crane AMR President

An Equal Opportunity Employer

SAFETY COMMITTEE FLOW DIAGRAM

SAFETY COMMITTEE

DUTIES:

1. Establish Safety Policies
2. Arrange Safety Training
3. Maintain Safety Manual
4. Appoint Subsidiary Safety Representative
5. Investigate Major Accidents and Fatalities
6. Advise Board of Directors
7. Audit Subsidiaries Safety Procedures
8. Administer Substance Abuse Program

ROAD PAVING OPERATIONS

Subsidiary Safety Representative:

As Listed

Road Foremen Directed by Subsidiary Safety Representative:

DUTIES:

1. Maintain SAFE Worksite
2. Conduct Safety Meetings
3. Report Accidents
4. Attend Required Safety Training
5. Distribute Safety Information
6. Complete Required Documentation

QUALITY CONTROL LABORATORY

DUTIES:

1. Maintain Master SDS File
2. Supply Safety Signs
3. Maintain Safety Library
4. Supply Electrical Safety Equipment
5. Supply Container Labels

ASPHALT/CANCRETE PLANT OPERATIONS

Subsidiary Safety Representative
Plant Superintendents

DUTIES:

1. Maintain SAFE Worksite
2. Conduct Safety Meetings
3. Report Accidents
4. Attend Required SAFE Training
5. Maintain Safety Equipment
6. Distribute Safety Information
7. Complete Required Documentation

OFFICE OPERATIONS

Subsidiary Safety Representative
Appointed By Safety Committee

DUTIES:

1. Conduct Safety Meetings
2. Report Accidents
3. Attend Required Safety Training
4. Distribute Safety Information
5. Complete Required Documentation

AGGREGATE OPERATIONS

Subsidiary Safety Representative
Plant Superintendents

DUTIES:

1. Maintain SAFE Worksite
2. Conduct Safety Meetings
3. Report Accidents
4. Attend Required Safety Training
5. Distribute Safety Information
6. Complete Required Documentation

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I. PREFACE

Appalachian Materials Region and its subsidiaries' tradition and reputation for professionalism has been earned over the years by the dedicated efforts of our employees. The responsibility for maintaining this reputation of excellence lies with all of us. It is a challenge that demands hard work and adherence to our safety practices.

This manual has been prepared for Appalachian Materials Region and all its subsidiaries and is intended to be a reference for job safety in all company operations. It is intended to help prevent accidents which could result in property damage or injury to you, your fellow employees, the public, and/or our customer. Very simply, this guide is a tool to assist and protect you in your work.

Our employees and customers have been, and always will be, our greatest resource. Appalachian Materials Region is dedicated to protecting its employees, customers, and the public from loss of life, limb, and property caused by unsafe acts. These guidelines are designed to help us achieve the ultimate in job safety and proficiency. Any comments or suggestions are welcome and encouraged for future revisions so that we may achieve our goals together in the safest way possible.

Remember "SAFETY IS AN ATTITUDE."

II. SCOPE

The basic safety guidelines in this manual are general and may not include or be applicable to all situations or conditions encountered. No reference such as this can cover in detail all conditions that may arise on the job. So be alert and exercise good judgment when circumstances arise that are not specifically discussed herein.

Whenever a statement contained in this manual conflicts with any governmental codes, regulations, laws, standards, or procedures, such government guidelines will take precedence. All local, state, and federal regulations and laws must be followed even though they may not be included in these guidelines.

Every effort has been made to make this information as accurate as possible. It has been attained from many governmental and professional sources believed to be reliable. The contents have been edited and approved by Appalachian Materials Region officers and the Safety Committee. All have exercised reasonable care to insure its accuracy. However, safety regulations and standards are subject to periodic modification and revision and cannot be applied uniformly to all situations. Common sense and good judgment in safety practices must be used.

III. STATEMENT OF SAFETY POLICY

It is the policy of Appalachian Materials Region, Inc. and its Subsidiaries to strive for the highest safety standards on our projects. Safety does not occur by chance. It is the result of careful attention to all company operations by those who are directly and indirectly involved. Employees at all levels must work diligently to execute the company's policy of maintaining safety and occupational health.

Accidents occur because of either unsafe acts of people or unsafe conditions within the work area. The objective of this Safety Program is to eliminate and/or control these two basic accident causes.

Each supervisor and subcontractor is responsible for the safety and security of employees and work areas under their control. Appalachian Materials Region, Inc. demands that OSHA and MSHA regulations be observed and maintained as a minimum standard in all cases.

Regard for the safety of the general public and our own employees is a top priority of all levels of our organization. By working together we can prevent employee accidents, fires, property damage and protect the general public insofar as they come into contact with our company. It is, therefore, of utmost importance that all aspects of our safety program are followed to the letter.

IV. SUPERVISORY SECTION

a. Subsidiary Safety Representative Responsibilities

Each subsidiary will have a safety representative appointed by the safety committee. Each representative will be responsible to the safety committee. The duties of the safety representative are:

1. Conduct Safety Meetings
2. Report Accidents to The Safety Committee
3. Attend Required Safety Training
4. Distribute Safety Supplies and Information
5. Complete Required Documentation
6. Monitor Work Sites

b. Supervisor Responsibilities

It shall be the responsibility of each supervisor to plan and conduct safe operations. It shall be the duty and responsibility of each supervisor to fully orient and instruct all employees in safe practices and procedures. Supervisors shall immediately take necessary corrective action to prevent accidents and initiate such action as deemed necessary to correct any unsafe act or condition reported or observed.

Supervisors are responsible for the safety of those individuals under their supervision, the protection of the public, and the protection of the property of the company, customer, and public.

Supervisors must be familiar with acceptable safety practices of the company and government safety rules, ensuring compliance with such practices and rules by all.

Supervisors are responsible for job safety of their employees. Supervisors must report and investigate all accidents.

All supervisors must know the potential hazard of the job and communicate this information to each individual under their supervision. The supervisor must communicate this information to the workers in an effective manner.

Supervisors are to advise all individuals that (1) they are responsible for their own and their fellow worker's safety (2) for the protection of the public and (3) for protecting company and customer property.

V. EMPLOYEE SECTION

a. It shall be the responsibility of each employee to abide by all company rules and regulations and to comply with all laws pertaining to employee safety and health. Unsafe acts or conditions observed by an employee shall be reported immediately to the responsible supervisor.

b. CARDINAL RULES

These offenses may be grounds for dismissal:

- Failure to report an incident (accidents, injuries, and near misses) immediately
- Possession or use of illicit drugs or alcohol
- Malicious destruction of company property
- Fighting or horseplay.
- Theft of company property
- Falsification of company safety documents

c. GENERAL SAFETY RULES

- Learn and follow all safety rules, codes, standards, and practices.
- Obey all traffic laws.
- Know that employees violating safety rules or practices are subject to disciplinary measures.
- Keep physically and mentally fit to perform your job safely. Report to work rested and fit.
- Know your job, the hazards involved with it, the job site, and your equipment.
- Be alert for hazards and report unsafe conditions to your supervisor immediately. If you do not understand any rule or work operation, rely on your supervisor's knowledge and experience.
- Use care, good judgment and experience to avoid accidents regardless of whether or not a rule is contained in this manual.
- Report all accidents, injuries, and illnesses. Get prompt first aid for injuries.
- Give wholehearted support to safety activities. Preventing accidents depends on you.
- Wear protective equipment as directed or required by company, customer, or government rules.
- Wear appropriate protective clothing and footwear on the job
- Avoid practical jokes and horseplay. They can cause accidents and are prohibited.
- Know that using alcohol, narcotics, or other drugs or intoxicants is prohibited during work or meal hours. Employees reporting to work under their influence will not be allowed to work and are subject to disciplinary measures.
- Keep your mind on your job and your emotions under control. Keep the work area free of clutter. Good housekeeping is the responsibility of every employee. Protect yourself before entering or working in potentially gaseous or toxic environments. (See confined space program.).
- Familiarize yourself with fire hazards, fire prevention rules, fire protection procedures and the location and use of fire-fighting equipment. Learn first aid procedures and the location of first aid kits.
- Be considerate of company tools and equipment. Keep them in safe operating condition and protect them from theft and vandalism.
- DO NOT USE DEFECTIVE TOOLS OR EQUIPMENT.

- Operate power tools and equipment only if authorized to do so and if you are familiar with their operation.
- Do not move, remove, make inoperative, or bypass safety devices. They are designed for your protection.
- Seat belts must be worn at all times when required.
- Do not permit unauthorized persons to ride in company equipment or to be on the job site.
- Do not ride on equipment not designed for passengers.
- Keep clear of operating equipment. Make sure the operator sees you.
- Do not work under loads handled by power equipment. Obey all warning, safety, and regulatory signs.
- Do not use flammable liquids for cleaning.
- Always lift correctly - get help if necessary. Locate underground utilities before digging.
- When working in areas of railroad tracks. Precautions must be taken for the protection of employees, the public and equipment.
- Always be on the alert for overhead hazards in the workplace, especially wires and low clearance areas.
- Be alert and knowledgeable. Think safety and act safely. It's your responsibility.

d. ATTITUDES AND JUDGMENT

Have a safe attitude. Safety is in your hands. Use it wisely.

Be careful when upset, in a hurry, or angry.

Set a good example for others to follow.

Be a team player-work safely with others.

Play by the rules-they are for your protection.

Treat others the way you want them to treat you.

Correct unsafe situations when you see them.

Do not take unsafe risks. Do the job the safe way.

Be alert for hazards.

Know at least the basic first aid procedures.

Know and apply safety rules and practices.

Know how to use fire prevention and safety devices. Protect your health and wellbeing - lift properly.

Use safety guards and protective equipment. Develop good safety habits, abilities, and skills.

Know your limitations and use common sense.

Ask for help when you need it.

Plan ahead and practice safety at all times.

e. PERSONAL PROTECTIVE EQUIPMENT

Use suitable protective equipment and apparel whenever there is an exposure to physical or health hazards. This also applies to visitors.

Check your equipment regularly. It must be in good condition, sanitary and appropriate to do the work to be done. Do not deface it.

Dress properly in protective clothing, taking into consideration weather, job assignment, and job site characteristics such as insects, brush, snakes, poisonous vegetation, animals, and exposure to sunburn or sparks.

HEAD PROTECTION: Head injuries are caused by falling or flying objects, or by bumping the head against a fixed object. Head protection, in the form of protective hats, must do two things: resist penetration and absorb the shock of a blow. Head protection is required at all plants, jobsites, and quarry locations.

EYE AND FACE PROTECTION: Eye and face protection is required where there is a reasonable probability of preventable injury when such equipment is used. These stipulations apply to supervisors, management personnel, and visitors while they are in hazardous areas. Over the years many types and styles of eye and face protective equipment have been developed to meet the demands for protection against a variety of hazards. This includes goggles, safety spectacles, and hard hats or non-rigid helmets which are designed with face and eye protection. Eye protection shall be worn whenever there is a risk of injury to the eye such as grinding, drilling or sawing, and when operating various power tools or machines. (e.g. weed eaters, power or concrete saws, drills, chippers, jackhammers, etc.) which may throw particles.

EAR PROTECTION: Exposure to high noise levels can cause hearing loss or impairment. It can create physical and psychological stress. There is no cure for noise induced hearing loss, so the prevention of excessive noise exposure is the only way to avoid hearing damage. Some earplugs are disposable, to be used one time and then thrown away. Preformed or molded ear plugs should be individually fitted by a professional. Waxed, cotton, foam, or fiberglass wool earplugs are self-forming, and when properly inserted they work as well as most molded earplugs. Earmuffs need to make a perfect seal around the ear to be effective. For extremely noisy situations, earplugs should be worn in addition to earmuffs. Plain cotton is ineffective as protection against hazardous noise.

RESPIRATORY PROTECTION: Proper protection should be taken to control those occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases smokes, sprays, or vapors. Selection of a respirator should be made according to the guidelines in American National Standard Practices for Respiratory Protection. Respiratory protection shall be worn when required by the product label or the SDS.

TORSO PROTECTION: Many hazards can threaten the torso. A variety of protective clothing is available such as vests, jackets, aprons, coveralls, and full body suits. No shorts or cut-offs. Shirts or tops must be worn at all times.

ARMS AND HAND PROTECTION: Examples of injuries to arms and hands are burns, cuts, electrical shock, amputation, and absorption of chemicals. Protective devices should be chosen which are selected to include sleeves, and wristlets for protection from various hazardous situations.

FOOT AND LEG PROTECTION: For protection of feet from falling or rolling objects, molten metal, hot surfaces, and wet slippery surfaces, workers should use appropriate foot guards, safety shoes, or boots. Legs must be covered at all times to protect from burns from materials or equipment.

GENERAL LIFE-THREATENING HAZARDS: A Coast Guard-approved life jacket or buoyant work vest shall be used if there is danger of falling into water while working.

Workers and flagmen who might be struck by moving vehicles need vests designed to reflect light.

In jobs involving potential fall hazards, lifelines, body harnesses, and/or lanyards shall be used.

Personal protective equipment can be effective only if the equipment is selected based on its intended use and the equipment is properly tested, maintained, and worn. Teaming the correct personal protective equipment can give the worker a large measure of safety where other controls are inadequate or impossible. Any questions regarding the use of proper personal protective equipment should be directed to your supervisor. Clothing that is inappropriate and not to be worn include: shorts, tank tops, sandals, or canvas shoes.

f. MAJOR CAUSES OF ACCIDENTS

Accidents do not "just happen." They are the result of unsafe conditions or unsafe practices, usually a combination of both. Statistics show that over 90% of accidents are due to human error.

SOME EXAMPLES OF UNSAFE CONDITIONS ARE:

- Improper Guarding of Machinery and Hazards
- Insufficient, Improper Warning and Protection
- Use of Defective Material, Equipment, and Tools
- Poor Housekeeping
- Improper Planning For Safety
- Improper Ventilation in Confined Spaces
- Improper Clothing and Protective Equipment
- Improper Illumination
- Unsafe Design and Construction

SOME EXAMPLES OF UNSAFE ACTS ARE:

- Operating Without Authority
- Failure to Place Proper Warning Signs
- Failure to Block or Guard Equipment Against Moves
- Operating At Unsafe Speeds
- Bypassing Safety Devices
- Using Unsafe Equipment or Using It Improperly
- Taking On Unsafe Position or Posture by Not Using Proper Lifting Techniques
- Working On Equipment Without Proper Precautions
- Horseplay on The Job
- Poor Physical or Mental Condition or Attitude
- Not Using Protective Equipment and Safe Apparel
- Not Following Safety Rules and Practices

VI. FIRST AID AND MEDICAL ATTENTION

First aid is the immediate, temporary care given a victim of an accident or sudden illness until medical services can be obtained.

Try to take a first-aid course and learn the basics of first-aid so you can provide emergency treatment to those in need.

Refer to first aid manuals for treatment details.

Know the location and contents of first-aid kits, inspect them regularly, and replace used items. Contact your Subsidiary Safety Representative for needed supplies.

Know how to get prompt medical services.
Report all injuries and illnesses immediately.
Get appropriate first aid for all injuries.
Begin first aid with reassurance and encouragement to the victim.
Do not move a victim of a serious injury until it can be done without compounding the injury or unless a serious hazard exists.
Know how to restore breathing, stop bleeding, treat for shock, and prevent mishandling of the victim.

VII. JOBSITE PRECAUTIONS

a. Fire Prevention and Protection

Investigate and follow government rules and regulations. Know location and use of firefighting equipment.
Check for fire hazards before starting the job. Have an action plan. Keep firefighting equipment accessible in your work area.
Check fire protection and prevention equipment regularly, keep it in good working condition, and report defective items immediately.
Know who to alert in case of a fire.
Practice good housekeeping. Do not permit combustible materials to accumulate in work areas. Store combustible materials away from heaters and open flames in containers in a safe area.
Use approved containers with appropriate labels for the storage of flammable liquids
Keep direct exhaust or catalytic converters from flammable materials.
Do not overload or overheat motors.
Use approved solvents to wash parts.

b. Housekeeping

Make good housekeeping part of the job. Keep work areas and equipment free of clutter.
Stack materials neatly to prevent shifting or capsizing.
Do not block traffic lanes or fire exits.
Keep tools and equipment neat, clean, and stored properly.
Eliminate or protect against the causes of tripping and slippery hazards, especially in walking areas.
Clean up oil and grease - they can take you for a ride.
Remove trash from the job site regularly and place it in safe containers.
Plan safe collection, storage, and disposal of flammable liquids.
Remove or clinch all exposed nails. Sharp points or edges can injure. Keep them out of the work area.
Protect openings, excavations, and hazardous areas.
Keep materials, debris, and tools away from equipment, walkways, manholes, or excavation edges.
Make certain projecting material, hanging ropes, lines or wires do not present a hazard.
Keep electric cables away from moving parts or hot metal.
Keep debris and loose tools out of company equipment or vehicles. They can be dangerous in case of sudden stops and can interfere with safe operation.
Keep the job site well lighted.
Burning of trash is prohibited unless proper permits are obtained.

VIII. TOOLBOX MEETINGS AND SAFETY TALKS

To ensure that safety practices and policies are followed, safety meetings on the job are necessary. At construction sites, we call these meetings Toolbox Meetings. The purpose of these meetings is to

remind employees of safety concerns the company (the Safety Committee) has. Also it is a time when employees can discuss concerns and needs with their supervisor.

The supervisor shall encourage employee participation and discussion and never overlook an employee question or problem.

Information concerning Toolbox Meetings will be forwarded to you through the Subsidiary Safety Representative. Feel free to request discussion of subjects of interest to you or your crew. Toolbox safety meetings shall be held each work week.

The supervisor shall conduct these meetings. Review and discuss with the crew all safe operating procedures that relate to the work being performed.

Describe and show the work zone traffic control setup.

IX. ACCIDENT/INCIDENT

a. Any time damage occurs to vehicles, property or people, an accident has occurred. This includes within the confines of the project, or on the way to or from the site and involving the company, or the public. It should be reported immediately to a supervisor.

b. The subsidiary safety representative must be notified immediately of an accident/incident requiring medical treatment.

c. ACCIDENT-INCIDENT INVESTIGATION

The detection and elimination of sources of loss through investigation is one of the most effective methods of improving the loss control record of an organization.

Once the accident sequence is set in motion, little can be done to control the degree of severity. The difference between a "fender-bender" and major property damage is usually a matter of chance. Whether an employee turns an ankle or merely trips is largely fortuitous. For this reason, ALL ACCIDENTS and "NEAR MISSES" should be investigated.

Accident investigation is based upon the logic that:

1. All accidents and losses have causes... eliminate the causes and prevent the accident. You must determine and correct the underlying cause of the accident.
2. Accidents and loss causes can be determined and corrective action developed and applied which will help eliminate the causes, and prevent similar accidents or losses.

In investigating accidents or losses, the following points shall be focused upon:

1. How was the injury, damage or loss incurred, exactly WHAT happened and where?
2. Under what circumstances did the accident occur; in other words, why?
3. Once the details have been reconstructed, WHAT can be done to prevent a similar accident, damage or loss from recurring?
4. Take corrective actions to prevent a reoccurrence of the accidents.

d. INVESTIGATION

An investigation must be done as soon as possible. Accident investigation should be promptly completed because:

1. Facts are fresh in the minds of witnesses and those involved.
2. Witnesses have not had a chance to talk and influence each other's thinking.
3. All physical conditions remain the same.
4. People are still available.
5. Quick response shows management's concern for reporting, investigating, and taking corrective action.

A thorough accident investigation involves exploring. There are a number of weaknesses in accident investigations. One primary weakness is that too often the investigator looks only at the obvious condition and facts; often many related causative factors go unnoticed. Investigation should include:

1. The physical condition, e.g. site conditions, weather, equipment, and photographs.
2. The employee, e.g. emotions, health, and attitudes.
3. Other factors, e.g. rush jobs, overtime, shorthanded operations, and previous near misses.
4. Unsafe conditions caused by other employees and/or equipment. Unsafe acts of others causing another employee direct injury.
5. A look at management's failure to provide necessary guidance in jobsite orientation for new employees, and employee training (initial and continued).

The first step in a normal accident investigation is to interview the person(s) involved. Generally, the interview should be conducted according to the following steps:

1. Put the person at ease, emphasize prevention as your goal, not fault finding.
2. Conduct the interview at the scene of the accident if possible.
3. Ask employees' or witnesses' version of the accident. Let each person tell the story without interruption.
4. Ask any necessary questions. Avoid the "why" questions at this point, as they tend to make employees defensive.
5. Repeat the employee's or witness's story as you understand it.

Great care should be taken not to question an upset person who has just sustained an injury or emotional shock. Wait until the person calms down, or the doctor or other medical personnel indicates it is all right. An accident investigation report form should be completed and forwarded to the Subsidiary Safety Representative and Safety Committee.

Once the "immediate" and "basic cause(s)" of the accident have been discovered through investigation, the problem can be analyzed, then a solution can be developed which will help avoid accidents in the future. Efficient analysis can be achieved by:

1. Assembling information taken from accident investigation forms and accident records.
2. Grouping similar information, and trying to determine if there is a pattern of accident cause trends.
3. Identify source of loss, areas, etc., on which to concentrate your efforts.
4. Study possible solutions to the problem(s).
5. Determine alternatives that can be applied to prevent recurrence of this type of accident.

6. Select the most appropriate alternative.

Preparing a good report is important because it provides both the details and recommendations. The report affords an opportunity to tell management what actions are needed and provides the information necessary to justify the expense associated with the remedies. Applying the proper remedies will decrease the possibility of similar accidents occurring in the future.

e. PREVENTION of recurrence is always the most important goal of an investigation. Fault finding or placing blame serves no useful purpose, and is not part of accident prevention. Prevention of future, similar occurrences is accomplished through corrections, procedures and conditions, as well as through training. In the event an accident or loss occurs, a Subsidiary Safety Representative should investigate because they:

1. Have a personal interest in identifying incident causes (the supervisor views accidents and incidents as affecting "my" workers and operation).
2. Are able to take immediate action to prevent an accident or incident from recurring.
3. Are responsible for the existence of safe operating methods and work conditions.

X. SAFETY POLICY VIOLATIONS

In order to attain our goals in safety and reduce human suffering and injury, safety rules will be strictly enforced. Any unsafe act or condition shall be reported to the safety committee by an employee, supervisor, and/or safety representative.

Appalachian Materials Region, Inc., and its Subsidiaries expect employees to be responsible for making the safety of themselves and their fellow workers a daily priority. Should any employee choose to disregard the rules, without just cause, then the following progressive disciplinary steps will be taken to reinforce the importance of adhering to the rules.

1. First Offense: Employee will receive a written warning notice.
2. Second Offense: Employee will receive a written warning notice and the employee will be directed to "punch-out" for the balance of the work shift and not report for work the next day.
3. Third Offense: Employee will receive a written warning notice and the employee will be directed to "punch-out" for the balance of the work shift and their employment is terminated. The employee will not be eligible to work until one year from their date of termination and a review by the safety committee.
4. For any offense considered a "willful" or "knowing" or "negligent" disregard of the safety rules or policy, on employee will receive a written warning notice, the employee will be directed to "punch-out" for the remainder of the work shift, and, at the discretion of corporate and local management, will be directed not to report to work for a minimum of three days, but not exceed five days, or may be terminated if the offense is deemed to have been performed with disregard as to create a clear and imminent danger to the employee and/or fellow employees. Upon such termination, the employee will not be eligible to work for our companies until one year from their date of termination and a review by the safety committee.

This Safety Disciplinary Policy is effective on a calendar year basis. Infractions will not be carried over from one year to the next. However, employees who exhibit evidence as being habitual offenders will be handled as if they performed a willful or knowing or negligent disregard of the safety rules and policies as described under explanation number 4.

In keeping with the employer's employment-at-will policy, an employee's supervisor after consultation with the appropriate general supervisor and the safety committee has the discretion to discharge the employee after any safety violation.

XI. SUMMARY

Loss control is achieved by the attitude and action taken by all levels of management. The influence of top management, middle management, and foremen on reducing accident and injury costs was part of a study conducted by the Department of Engineering, Stanford University. A brief recap of this study may help you assign responsibilities and actions expected by management when implementing our loss control program.

Top Management Should:

1. Know the safety record of all field managers and use this knowledge in evaluating them for promotion or salary action.
2. Communicate about safety on job visits in the same way you communicate about costs and schedule.
3. Require detailed work planning to ensure that equipment or material needed to perform work safely are at hand when required.

Middle Management And Foremen Can Reduce Losses By:

1. Showing concern and report with workmen.
2. Actively supporting job safety policies, for example: a.) Include job safety as part of job planning. b.) Give positive support to toolbox meetings.
3. Accepting the responsibility of eliminating unsafe conditions and unsafe activities from the job site.

XII. SUBSTANCE ABUSE POLICY

PURPOSE: The purpose of this policy is to provide employees with the company's position regarding alcohol and drug usage situations. It is the intention of Appalachian Materials Region, Inc., and its subsidiaries to provide a safe work environment, and to improve an employee's health and job performance when affected by substance abuse.

POLICY:

1. Use of Alcohol and Drugs

- a. Employees shall not possess, sell or use controlled substances, or illegal drugs, while on the job, on company property or in company vehicles or machinery.
- b. Employees shall not work or report to work under the influence of alcohol, controlled substances, or illegal drugs.
- c. Employees shall not operate company owned vehicles or machinery while under the influence of alcohol, controlled substances, or illegal drugs.

d. If an employee is taking a medication prescribed by a physician and is having a reaction to such medication which could affect his/her performance on the job, he/she should report this to his/her supervisor.

e. Anyone involved in the trafficking of illegal drugs or controlled substances whether on or off the premises will be subject to disciplinary action. Trafficking includes the actual sale or distribution of drugs or controlled substances, or possessing a quantity of drugs that is more than would be expected for personal use. Trafficking also includes having in possession illegal drugs or controlled substances that are packaged in a way which indicates intent to distribute.

2. Dependency Treatment

a. Employees are urged to request assistance with any drug or alcohol problem before disciplinary action becomes necessary. If an employee seeks assistance with such a problem from his/her supervisor, that employee will be offered every opportunity to receive treatment or counselling. Any costs of such treatment not covered by company health insurance or that of a Union health insurance policy will be the responsibility of the employee.

b. All requests for assistance will be confidential. However, the company cannot prevent disclosures by outside sources of an employee's dependency or treatment.

3. Testing Procedures

Drug and/or alcohol tests will be conducted according to pertinent U.S. D.O.T. rules and regulations (as set out in 49 CFR Parts 40, 382, 391, and 395). Tests are required as follows:

a. Pre-employment company physical, including alcohol and/or controlled substance screening, may be required if deemed necessary by the company management.

b. If a regulatory agency or company requires alcohol and/or controlled substance screening prior to the admission of company employees on their property or work site.

c. When there is reasonable suspicion that an employee is using or possessing illegal drugs, controlled substances or alcohol at work or is working under the influence of said substances, that employee will be required to consent to a drug/alcohol test immediately. Reasonable suspicion may be based upon, but not limited to, substantiated reports that the employee uses, or is under the influence of alcohol or drugs during work, the odor of alcoholic beverages or marijuana on an employee, or unusual behavior such as slurred speech or lack of coordination.

d. Every employee shall submit to random alcohol and controlled substance screening.

Employees will be drug and/or alcohol tested if the following conditions occur (where permitted by applicable law):

a. there is a reasonable possibility that drug/alcohol use may have been a contributing factor to the reported injury or accident in that the employee took or failed to take particular action or step that may have contributed to the injury or accident, and the injury or accident resulted in medical treatment beyond first aid; or

b. the company determines, in its sole discretion, that the employee violated safety precautions or standards, including accidents which result in property damage of \$200 or more.

All employee injuries will be treated prior to any testing being performed.

Drug testing under this section will be applied in a neutral fashion to foster a safe work environment, and will not be undertaken to retaliate against employees for reporting workplace injuries.

Any time an employee is requested to take a drug and/or alcohol test, he/she will be required to sign an authorization form permitting the physician or lab to conduct the test and release the results to the employer. Refusal to sign the authorization form or to submit immediately to a requested test will be considered insubordination and could result in the discharge of said employee.

All drug test samples will be collected by a licensed facility or doctor's office chosen by the company. Test samples will be collected using the split sample method. All alcohol tests will be administered by a Breath Alcohol Technician (BAT). All test results will be treated confidentially and will be distributed within company management on a need to-know basis.

Any positive test result will result in suspension and further disciplinary action. Company management will discuss the problem with the employee and may offer a plan to reinstate the employee which will require further testing.

4. Disciplinary Action

Disciplinary action is defined as action by the Safety Committee and approved by the employee's immediate supervisor which may include but is not limited to: 1.) dismissal; 2) suspension without pay until provisions of Section 5 of this policy are met and results evaluated.

Disciplinary action is appropriate in the following instances:

- a. The employee violates the company policy on substance abuse as described in Section 1 of this policy.
- b. Any employee who has returned to work and is subject to retesting provision of this policy shall be disciplined if he/she fails a random drug/alcohol test within one year of a previous positive test result.
- c. Refusal to sign the authorization form associated with a drug/alcohol test or refusal to take a requested drug/alcohol test immediately is considered insubordination and shall subject the employee to disciplinary action.

Any employee whose employment is subject to a union agreement shall have recourse to the appropriate grievance procedure in the event he/she disagrees with the application of this policy.

Employees may appeal action taken by the company under this policy directly to the Safety Committee and Division Manager.

This plan will be distributed and made available to all employees, both salaried and hourly.

5. POLICY FOR PERSONNEL VIOLATING THE COMPANY SUBSTANCE ABUSE POLICY.

Company Rule: Any employee violating Section 1 of the company's substance abuse policy is subject to disciplinary action including immediate discharge. After suspension or discharge, the individual may be eligible for reinstatement if the individual:

- a. Receives the assistance of a Substance Abuse Professional (SAP);
- b. Satisfactorily follows and completes the recommendations for treatment of the SAP;

- c. Agrees with the SAP, the drug treatment agency or individual conducting the drug treatment program to release to the Safety Committee pertinent information concerning the individual's consultation, treatment, recommendations, and participation in any drug treatment program.
- d. Agrees to follow up drug and/or alcohol screening for one year in the event the individual is reinstated.

The rehabilitation of an employee suspended or discharged as a result of a positive test must be to the satisfaction of the Safety Committee before the individual can be considered for reinstatement by the company.

If an employee is suspended as a result of a violation of the substance abuse policy and does not seek the assistance of a SAP within 30 days of his/her suspension, he/she will be terminated.

Nothing in this policy shall be construed to mean that Appalachian Materials Region, Inc., and/or its subsidiaries is anything other than an at-will employer.

XIII. HAZARD COMMUNICATION PLAN

The HAZARDOUS COMMUNICATION STANDARD was developed by the Occupational Safety and Health Administration (OSHA) to inform employees of chemical identity, so that employees know what they are exposed to, and how to protect themselves from this exposure. This program was written by Appalachian Materials Region, Inc., in compliance with the standard and for the safety and well-being of our employees.

A. HAZARD DETERMINATION

1. Appalachian Materials Region, Inc. and its Subsidiaries rely on Safety Data Sheets from material suppliers to meet hazard determination requirements and to update the SDS when new and significant health information is found.

B. LABELING

- 1 The foreman is responsible for seeing that all containers coming in are properly labeled. They shall be updated when necessary.
2. All incoming labels shall be checked for identity, and appropriate hazard warnings.
3. Each foreman is responsible for seeing that all secondary containers used in their work area are labeled with identity, hazard warning, and that no unmarked containers are left in the work area.

C. SAFETY DATA SHEETS (SDS)

1. The Safety Committee is responsible for compiling the master SDS file. It is kept in the Central Quality Control Lab at Dunbar, WV. Each subsidiary maintains a copy. Each subsidiary representative coordinates with the main office and subsidiary.
2. SDSs are available for safety review to employees during regular business hours. If an SDS is not available for a particular material, the employee shall contact the foreman.
3. The Safety Committee shall make requests for SDS on all purchase orders, and orders received without an SDS.
4. The Safety Committee shall provide foremen with the required OSHA Right To Know poster and labels.
5. Plant and road foremen shall possess a duplicate list of the master SDS file.

D. EMPLOYEE INFORMATION AND TRAINING

1. The Subsidiary Safety Representative (SSR) coordinates and maintains records of training conducted by Appalachian Materials Region, Inc. and its Subsidiaries.

2. Each new employee attends a toolbox safety class and will have access to a SDS handbook which will have information on:

Employee Right-To-Know law

How to lessen or prevent exposure to hazardous chemicals by using information in the SDS

How to read and interpret labels and SDSs used in Appalachian Materials Region Inc. and its Subsidiaries
Where to get fire, explosion, and first aid information

After attending the toolbox safety meeting, each employee signs a form stating that they attended the safety meeting.

As any new hazardous chemicals are introduced, each employee is given information in the same manner as during the toolbox safety meeting. The foreman is responsible for seeing that the SDS on the new chemical is available.

E. EMERGENCY RESPONSES

The foreman and the SSR shall be notified at once of any spill and/or overexposure of a hazardous chemical.

F. HAZARDS OF NON-ROUTINE TASKS

Supervisors will inform employees of any possible exposure that may occur in dealing with hazardous chemicals while performing a non-routine task.

G. INFORMING CONTRACTORS

The foreman will be responsible for providing information to outside contractors on chemicals to which his/her employees may be exposed. He/she will inform the contractor where they can find the company's written program, location of SDS's, the labeling system in use, and standard and emergency operating procedures.

XIV. LOCKOUT/TAGOUT PROCEDURE

A. PURPOSE

This procedure establishes the minimum requirements for the lockout of energy isolating devices. It shall be used to isolate equipment from the energy source before performing any maintenance activities. This will prevent an injury to our employees from the unexpected startup of any equipment while they are performing maintenance duties.

B. RESPONSIBILITY

The SAFETY COMMITTEE shall arrange for training for appropriate employees on the significance of the lockout procedure. New employees who operate or maintain machinery will also be instructed on the purpose and use of the company's lockout program by the foreman.

C. PREPARATION FOR LOCKOUT/TAGOUT

Each foreman will be familiar with the location of all switches, valves or other devices that need to be locked out while performing maintenance on any equipment. This applies to electrical, mechanical, or any other source of energy that could cause injury to an employee.

D. SEQUENCE FOR LOCKOUT/TAGOUT PROCEDURE

1. Notify all exposed employees that the lockout procedure will be utilized. The authorized employee shall know the types, magnitude, and hazards of energy the particular machine uses.
2. If the machine is operating, shut it down by normal operating procedure.
3. Operate the switch, valve or other energy isolating device so that the energy source is isolated from the equipment to be worked on. Stored energy (springs, gas, hydraulics, rotating flywheels, etc.) needs to be blocked, dissipated, or restrained by appropriate methods.
4. Use lockout equipment on energy isolating devices.
5. After ensuring that no personnel are in danger, check to see if the lockout program is working. Operate the start switch to "on" to make sure the machine is not running and isolated from the energy source.
6. Return switch to "off" after the test. The machine is now locked out.

E. RETURNING EQUIPMENT TO NORMAL OPERATING CONDITIONS

1. After maintenance is complete, guards shall be replaced, tools removed from the equipment, and the area shall be cleared from personnel.
2. Remove lockout devices and restore energy to the machine.

F. PROCEDURE INVOLVING MORE THAN ONE PERSON

In the preceding steps, if more than one person is required to lockout/tagout the equipment to be worked on, the individuals will place their own lock/tag on the energy isolating device. As each individual completes their work, they can remove their lock/tag. If the device does not allow more than one lockout device, then the individuals will communicate with each other and will not remove the lockout/tagout device until they have checked with each other.

G. SUMMARY

All equipment shall be locked or tagged out before starting any maintenance to protect personnel from an injury due to inadvertent or unexpected start-up of machinery. Do not attempt to operate any tagged or locked energy isolating devices.

XV. CONFINED SPACE ENTRY PROCEDURE

Pertinent updates may be obtained from a Subsidiary Safety Representative.

XVI. ALCOHOL AND DRUG TESTING COMMERCIAL MOTOR VEHICLE DRIVERS.

Alcohol and drug testing requirements for commercial motor vehicle drivers are effective January 1, 1995. Pertinent updates if any will be available from Subsidiary Safety Representative.

NOTE: Changes in the law after the date of this publication will supersede this policy. For current revisions, contact your Safety Representative.

XVII. Hard Hat Policy

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HEAD PROTECTION

Appalachian Materials Region, Inc. and its Subsidiaries are hardhat companies. Hardhats shall be worn at all locations at all times. The only exception is when an employee is inside a building or inside a closed cab of a vehicle or piece of equipment.

Personnel will not modify, paint or otherwise alter their company issued hardhat in any way. Stickers are acceptable.

INSPECTION and MAINTENANCE

Inspect ALL personal protective equipment following manufacturer's procedures:

1. Prior to Each Use
2. After Any Event That May Impair The Effectiveness of PPE

If applicable, any repairs must be performed in accordance with manufacturer's specifications.

REMOVAL / DESTRUCTION OF PPE

Defective, damaged and/or PPE that has afforded protection to the wearer, as the result of an incident must be removed from service immediately.

Return all PPE that has been removed from service to your immediate supervisor for disposal. This action will prevent others from accidentally and/or unintentionally retrieving and using defective equipment.

Individuals found in violation of this policy will be reprimanded in accordance to the Appalachian Materials Group's Manual of Safety Practices and Procedures.