



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

Request for Quotation

RFQ NUMBER
DEFK6182

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
**CHUCK BOWMAN
 304-558-2157**

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE

SHIP TO

**DIV ENGINEERING & FACILITIES
 CAMP DAWSON ARMY TRAINING SITE
 240 ARMY ROAD
 KINGWOOD, WV
 26537-1077 304-329-4417**

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
04/05/2006				

BID OPENING DATE: **04/25/2006** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		675-90		
<p>HERBICIDE APPLICATION</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, ON BEHALF OF THE AGENCY, THE WEST VIRGINIA ADJUTANT GENERAL'S DIVISION OF ENGINEERING AND FACILITIES, IS SOLICITING BIDS TO ESTABLISH A LONG-TERM ERADICATION PROGRAM AIMED TOWARDS ERADICATING TREE-OF-HEAVEN (AILANTHUS ALTISSIMA) AND OTHER INVASIVE PLANTS FROM THE VOLKSTONE TRACT (180 ACRES). THE OBJECTIVE, THROUGH HERBICIDE APPLICATION, IS TO GREATLY REDUCE AND/OR ELIMINATE INVASIVE PLANT SPECIES FROM THE VOLKSTONE TRACT, ALLOWING FOR THE RESTORATION OF NATIVE PLANTS, SHRUBS, AND TREES TO REFOREST THE AREA AND INCREASE THE ECOLOGICAL AND ECONOMIC VALUE OF THE AREA.</p> <p>COMPLETE DESCRIPTION OF THE PROJECT, INCLUDING OBJECTIVES, SITE DESCRIPTION, METHODS OF APPLICATION, HERBICIDES, AND OTHER INFORMATION ARE PROVIDED IN THE ATTACHED INVASIVE SPECIES CONTROL PLAN (ISCP) PAGES NUMBERED (1-8), AND THE CONTRACTOR SCOPE OF WORK PAGES NUMBERED (1-12).</p> <p>PLEASE ENTER A LUMP SUM PRICE FOR THE PROJECT IN THE SPACE PROVIDED ABOVE.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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**GENERAL TERMS & CONDITIONS
(REQUEST FOR QUOTATION) RFQ AND (REQUEST FOR PROPOSAL) RFP**

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. All quotations are governed by the **West Virginia Code** and the **Legislative Rules** of the Purchasing Division.
4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$45 fee.
5. All services performed or goods delivered under State Purchase Orders/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
6. Payment may only be made after the delivery and acceptance of goods or services.
7. Interest may be paid for late payment in accordance with the **West Virginia Code**.
8. Vendor preference will be granted upon written request in accordance with the **West Virginia Code**.
9. The State of West Virginia is exempt from Federal and State taxes and will not pay or reimburse such taxes.
10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
11. The laws of the State of West Virginia and the **Legislative Rules** of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
12. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
13. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, this contract is automatically null and void, and is terminated without further order.
14. **HIPAA Business Associate Addendum** - The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (<http://www.state.wv.us/admin/purchase/vrc/hipaa.htm>) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Covered Entity (45 CFR ü160.103) and will be disclosing Protected Health Information (45 CFR ü160.103) to the vendor.

INSTRUCTIONS TO BIDDERS

1. Use the quotation forms provided by the Purchasing Division.
2. **SPECIFICATIONS:** Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Complete all sections of the quotation form.
4. Unit prices shall prevail in cases of discrepancy.
5. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
6. **DUPLICATE BIDS:** All quotations must be delivered by the bidder to the respective offices listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications.

ORIGINAL SIGNED BID TO:

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

DUPLICATE BID TO:

State Auditor's Office
Bid Observer
Building 1 Room W114
1900 Kanawha Boulevard, East
Charleston, WV 25305-0230



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<p>VENDOR PREFERENCE CERTIFICATE</p> <p>CERTIFICATION AND APPLICATION* IS HEREBY MADE FOR PREFERENCE IN ACCORDANCE WITH WEST VIRGINIA CODE, 5A-3-37 (DOES NOT APPLY TO CONSTRUCTION CONTRACTS).</p> <p>A. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED:</p> <p>() BIDDER IS AN INDIVIDUAL RESIDENT VENDOR AND HAS RESIDED CONTINUOUSLY IN WEST VIRGINIA FOR FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION; OR</p> <p>() BIDDER IS A PARTNERSHIP, ASSOCIATION OR CORPORATION RESIDENT VENDOR AND HAS MAINTAINED ITS HEAD-QUARTERS OR PRINCIPAL PLACE OF BUSINESS CONTINUOUSLY IN WEST VIRGINIA FOR FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION; OR 80% OF THE OWNERSHIP INTEREST OF BIDDER IS HELD BY ANOTHER INDIVIDUAL, PARTNERSHIP, ASSOCIATION OR CORPORATION RESIDENT VENDOR WHO HAS MAINTAINED ITS HEADQUARTERS OR PRINCIPAL PLACE OF BUSINESS CONTINUOUSLY IN WEST VIRGINIA FOR FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION; OR</p> <p>() BIDDER IS A CORPORATION NONRESIDENT VENDOR WHICH HAS AN AFFILIATE OR SUBSIDIARY WHICH EMPLOYS A MINIMUM OF ONE HUNDRED STATE RESIDENTS AND WHICH HAS MAINTAINED ITS HEADQUARTERS OR PRINCIPAL PLACE OF BUSINESS WITHIN WEST VIRGINIA CONTINUOUSLY FOR THE FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION.</p> <p>B. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED:</p>						

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<p>() BIDDER IS A RESIDENT VENDOR WHO CERTIFIES THAT, DURING THE LIFE OF THE CONTRACT, ON AVERAGE AT LEAST 75% OF THE EMPLOYEES WORKING ON THE PROJECT BEING BID ARE RESIDENTS OF WEST VIRGINIA WHO HAVE RESIDED IN THE STATE CONTINUOUSLY FOR THE TWO YEARS IMMEDIATELY PRECEDING SUBMISSION OF THIS BID;</p> <p>OR</p> <p>() BIDDER IS A NONRESIDENT VENDOR EMPLOYING A MINIMUM OF ONE HUNDRED STATE RESIDENTS OR IS A NONRESIDENT VENDOR WITH AN AFFILIATE OR SUBSIDIARY WHICH MAINTAINS ITS HEADQUARTERS OR PRINCIPAL PLACE OF BUSINESS WITHIN WEST VIRGINIA EMPLOYING A MINIMUM OF ONE HUNDRED STATE RESIDENTS WHO CERTIFIES THAT, DURING THE LIFE OF THE CONTRACT, ON AVERAGE AT LEAST 75% OF THE EMPLOYEES OR BIDDERS' AFFILIATE'S OR SUBSIDIARY'S EMPLOYEES ARE RESIDENTS OF WEST VIRGINIA WHO HAVE RESIDED IN THE STATE CONTINUOUSLY FOR THE TWO YEARS IMMEDIATELY PRECEDING SUBMISSION OF THIS BID.</p> <p>BIDDER UNDERSTANDS IF THE SECRETARY OF TAX & REVENUE DETERMINES THAT A BIDDER RECEIVING PREFERENCE HAS FAILED TO CONTINUE TO MEET THE REQUIREMENTS FOR SUCH PREFERENCE, THE SECRETARY MAY ORDER THE DIRECTOR OF PURCHASING TO: (A) RESCIND THE CONTRACT OR PURCHASE ORDER ISSUED; OR (B) ASSESS A PENALTY AGAINST SUCH BIDDER IN AN AMOUNT NOT TO EXCEED 5% OF THE BID AMOUNT AND THAT SUCH PENALTY WILL BE PAID TO THE CONTRACTING AGENCY OR DEDUCTED FROM ANY UNPAID BALANCE ON THE CONTRACT OR PURCHASE ORDER.</p> <p>BY SUBMISSION OF THIS CERTIFICATE, BIDDER AGREES TO DISCLOSE ANY REASONABLY REQUESTED INFORMATION TO THE PURCHASING DIVISION AND AUTHORIZES THE DEPARTMENT OF TAX AND REVENUE TO DISCLOSE TO THE DIRECTOR OF PURCHASING APPROPRIATE INFORMATION VERIFYING THAT</p>						

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<p>BIDDER HAS PAID THE REQUIRED BUSINESS TAXES, PROVIDED THAT SUCH INFORMATION DOES NOT CONTAIN THE AMOUNTS OF TAXES PAID NOR ANY OTHER INFORMATION DEEMED BY THE TAX COMMISSIONER TO BE CONFIDENTIAL.</p> <p>UNDER PENALTY OF LAW FOR FALSE SWEARING (WEST VIRGINIA CODE 61-5-3), BIDDER HEREBY CERTIFIES THAT THIS CERTIFICATE IS TRUE AND ACCURATE IN ALL RESPECTS; AND THAT IF A CONTRACT IS ISSUED TO BIDDER AND IF ANYTHING CONTAINED WITHIN THIS CERTIFICATE CHANGES DURING THE TERM OF THE CONTRACT, BIDDER WILL NOTIFY THE PURCHASING DIVISION IN WRITING IMMEDIATELY.</p> <p>BIDDER: -----</p> <p>DATE: -----</p> <p>SIGNED: -----</p> <p>TITLE: -----</p> <p>* CHECK ANY COMBINATION OF PREFERENCE CONSIDERATION(S) IN EITHER "A" OR "B", OR BOTH "A" AND "B" WHICH YOU ARE ENTITLED TO RECEIVE. YOU MAY REQUEST UP TO THE MAXIMUM 5% PREFERENCE FOR BOTH "A" AND "B". (REV. 12/00)</p> <p>NOTICE</p> <p>AN ORIGINAL, SIGNED BID MUST BE SUBMITTED TO:</p> <p>DEPARTMENT OF ADMINISTRATION</p>						

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PROBING

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CONTACT PERSON (PLEASE PRINT CLEARLY):						

***** THIS IS THE END OF RFQ DEFK6182 ***** TOTAL:						

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Invasive Species Eradication Plan

**Volkstone Tract
Army Training Site Camp Dawson
West Virginia Army National Guard
240 Army Road
Kingwood, WV 26537**

In

Preston County, WV

On

243 acres woodland

Prepared By

Philip D. Pannill, Forester
WV Registered Professional Forester No. 164
WV Licensed Pesticide Consultant No. C015

Potomac Forestry Services
17323 Bakersville Road
Sharpsburg, MD 21782
301-739-7743

March 2006

Objective

Through herbicide application, greatly reduce and/or eliminate invasive plant species from the Volkstone Tract. Reducing the proliferation and dominance of these species will allow the preservation or restoration of native forest vegetation of greater ecological and economic value.

Background

This plan is to provide information on specific control activities recommended for control of invasive species on the Volkstone Tract in 2006.

Invasive species generally display several or all of the following:

- Rapid growth and establishment
- Produce prolific numbers of seed
- Reproduce aggressively by vegetative reproduction
- Long flowering and fruiting period
- Tolerates a wide range of environmental conditions, especially disturbed soils

In 2004 a major effort was undertaken in Stands 1 – 5 of the Volkstone Tract to control, by herbicide injection and basal bark treatment, the tree-of-heaven (*Ailanthus altissima*) that had become established on the tract. Follow-up treatments were applied in 2005 in order to treat any target tree-of-heaven trees that may have been overlooked, those pre-existing seedling and small sapling-sized trees that were too small to be efficiently treated by the injection or basal bark methods, and any regeneration from root suckers or from seed that may have occurred following the initial treatment. Since this follow-up treatment involved foliar spray application, and since other invasive exotic shrubs, forbs, and grasses were also found on the site – often in the same areas as the tree-of-heaven were present – it was deemed practical and efficient to treat all invasive exotic species at the same time. The treatments were primarily by foliar application, though some larger tree-of-heaven trees were injected.

In 2006 there will be two sections to the control of invasive plant species on the Volkstone Tract.

1. Control of most invasive exotic species and grapevines on certain portions of the Volkstone Tract not previously treated, Stands 7 & 8.
2. Re-treatment of Stands 1 – 5 of the Volkstone Tract to complete the eradication of the species treated in 2004 and 2005. Included here is the treatment of grapevines in certain areas and re-opening up access trails blocked by fallen trees.

The Target Species

The invasive exotic plants that are targeted for control on this tract are, in approximate order of frequency:

Multiflora Rose, *Rosa multiflora*
 Tree-of-Heaven, *Ailanthus altissima*
 Autumn Olive, *Elaeagnus umbellata*
 Japanese Barberry, *Berberis thunbergii*
 Japanese Knotweed, *Polygonum cuspidatum*
 Japanese Stilt grass, *Microstegium vimineum*
 European Privet, *Ligustrum vulgare*

Japanese Honeysuckle, *Lonicera japonica*
 Morrow's honeysuckle, *Lonicera morrowii*
 Oriental bittersweet, *Celastrus orbiculatus*
 Winged Burning Bush, *Euonymus alata*
 Creeping Euonymus, *Euonymus fortunei*
 Canada Thistle, *Cirsium arvense*
 Mugwort, *Artemisia vulgaris*
 Bull Thistle, *Cirsium vulgare*
 Plumeless Thistle, *Carduus acanthoides*
 Musk Thistle, *Carduus nutans*
 Spotted Knapweed, *Centaurea maculosa*
 Daylily, *Hemerocallis fulva*
 English Ivy, *Hedera helix*

Other Invasive Exotic Plants known to be present that will not be targeted in 2006 include:
 Ground Ivy, *Glechoma hederacea*
 Garlic Mustard, *Alliaria petiolata*
 Reed Canary grass, *Phalaris arundinacea*

Terrain at the Volkstone Tract

The portion of the Volkstone Tract that is on the uphill side of Rt. 72 is steep and rocky and is crossed by several small stream valleys. Portions of the upper slope were previously surface mined, resulting in extremely steep (near vertical) headwalls and narrow level areas. The slope ranges from nearly level in some sections near the highway and on benches and the tops of hills, to very steep, over 100% slope (45 degrees) in other areas. The average slope of the principle areas to be treated is 25% (11 degrees). Some areas have numerous small boulders on the surface, and some areas (mostly those infested by ailanthus) have a good deal of multiflora rose in the understory, making walking difficult. The parts of the tract between Rt. 72 and the Cheat River are generally less steep, but include short sections of steep slopes, gullies and riverbanks.

Access through the Volkstone Tract

A number of former logging roads and access roads for mining exist, and have been opened up for access. There is vehicular access along the entire tract along Rt. 72 at the bottom of the hill, and there are 7.4 miles of trails that were mapped and improved in 2005 to allow access for ATVs, and by foot. Falling trees (mostly dead tree-of-heaven trees) are currently blocking many of these trails. Prior to, or during herbicide application the contractor should re-open these to access by ATV, or foot traffic, as designated. The former railroad right-of-way is open and passable by motor vehicles. Most areas of the Volkstone Tract are within 100 yards of some type of trail, even if only a cleared footpath. In many cases the trails can be used to bypass the steeper areas to access the more level benches and ridge tops. A map of these roads and trails and a description of their current condition have been prepared and are available. Periodic work will be needed to keep the trails cleared of re-growth or trees and shrubs, fallen trees and debris, and maintain control of erosion.

Location and Extent of Target Species on the Volkstone Tract

The area covered under this plan is about 243 acres in size. The new areas to be treated, Stands 7 and 8 are near the southern part of the Volkstone Tract, in the areas between the

Cheat River and Rt. 72 south of the "Mag Plant", near Morgan Run, along the power line right-of way, and in a wetland area. These new areas total approximately 36 acres. The invasive exotic plants present here as of October 2005 were estimated by sample or 100% tally measurement, and information is included in the Appendix.

In the portion of the tract already treated, Stands 1 - 5, which contain approximately 207 acres, the greatest concentration of invasive plants was formerly found in the south-central portion of the tract near the Armed Forces Reserve Center (AFRC). In this section multiflora rose and tree-of-heaven made up the dominant species, with few trees or shrubs of desirable species present. In the areas on the upper slopes where mining occurred, and along the highway and the railroad, rose and tree-of-heaven had also become well established. Some of the less common and the herbaceous target plants are found in Stand 5, especially near the river, and along Rt. 72. The amount of invasive plants generally decreases – and the amount of native forest trees generally increases proportionally – in the more northerly and westerly (uphill) portions of the tract.

In the previously-treated Stands 1 – 5, in addition to any target plants missed in previous treatments and new growth from seed of the target plant species, there is expected to be a small but unknown amount of tree-of-heaven re-growth from basal sprouts and root suckers, and some multiflora rose re-sprouting from the base. There is no good way to measure or estimate this new growth or re-growth at this time. It is felt that the previous treatments were very effective, and the amount of new growth or regrowth to be treated is much less than before.

Control Recommendations

Research and experience have shown the impracticality of manual or mechanical cutting. Ailanthus re-sprouts and root suckers extensively and with great vigor. The target shrub and vine species would also re-sprout after cutting. The only practical control in the circumstances found at the Volkstone Tract is the judicious use of chemical herbicides. All herbicide applications should be made according to label requirements under the supervision of a certified pesticide applicator (either contractor or contractor's employee).

The herbicide products to be used in 2006 are, in approximate order of area treated:

Garlon 3A – triclopyr (amine)

Escort XP – metsulfuron methyl

Accord Concentrate – glyphosate

Vantage – sethoxydim

Pathfinder II – triclopyr (ester)

Garlon 3A mixed with Escort XP will be the herbicide solution applied for general purposes on most of the treatment area. Escort has been shown to be particularly effective on tree-of-heaven and multiflora rose, and is somewhat effective on most other woody plants; and Garlon 3A has been found to be effective on ailanthus, autumn olive, oriental bittersweet, multiflora rose and Japanese barberry, and is somewhat effective on most other woody plants. This Garlon-Escort mix is different from the Accord-Escort mix applied in 2005, due to the greater number of autumn olive in the new areas, and the fact that the previous mix was ineffective on climbing euonymus and oriental bittersweet. Rotating the chemicals being

used is generally a good practice, since it prevents a buildup of plant species or biotypes that show resistance to a particular chemical.

Of the target species, the only one the Garlon-Escort mix will not work at all on is Japanese stiltgrass. It is likely to be weaker on daylily, Japanese knotweed, the bush honeysuckles, privet and creeping euonymus, so these species should receive extra coverage. Since Escort may not be used where it is likely to enter the water, Japanese knotweed growing directly on the stream banks or riverbank should be treated with a mix of Garlon 3A (1.5%) plus Accord Concentrate (0.75%). The banks within 30 feet of the Cheat River in Stand 5 and the area directly across the river adjacent to the golf course are a special management project for Japanese knotweed, so these areas are not to be treated. Accord Concentrate would be used on any Japanese stilt-grass that may be encountered, except on the roadside of Rt. 72, where Vantage would be applied so as not to kill off the established perennial grasses.

These products are intended to move through the plant, including the root system, to kill the plant and control root suckering. Escort, Accord, Vantage and Pathfinder II have a "Caution" signal word, an indication of very low toxicity. Garlon 3A has a "Danger" signal word, indicating higher toxicity, and Garlon is an eye irritant that can cause irreversible damage, so PPE, including protective eyewear and gloves is especially important. Detailed information is provided in the product label and material safety data sheet (MSDS). A high-quality non-ionic surfactant such as ChemSurf 90 or Clean Cut Plus Pine should be added to the spray mix to improve dispersion, adhesion and penetration. Accurate measurement and very thorough mixing will be needed due to the tiny but potent amounts of Escort XP used, and the need to get and keep the Escort XP in suspension.

The foliar treatment must be made when the foliage is dry, and should not be applied when significant rainfall is expected within two hours. The foliar treatment should be made during the period from June 1 to September 1.

Post-treatment effects of foliage deformation and necrosis should be visible within four days of application, the foliage should drop within three weeks of application, and in the following spring the target plants should fail to leaf out or will leaf out sparsely with defective foliage that will soon drop.

Conventional Volume "Spray to Wet" Foliar

The method of invasive exotic plant control to be used on the most accessible and heavily infested parts of the tract is a high-volume foliar spray. The volume rate used here should be approximately 50 gallons of solution per sprayed acre, but will vary considerably depending on target plant height and density. The foliage of all target plants up to 12 feet in height should be thoroughly wet, but not to the point of runoff. The application may be made using vehicle-mounted sprayer, ATV-mounted sprayer, or backpack sprayer. This method has the advantage of being able to quickly treat taller stems and larger areas that are dominated by undesirable plants. This method has the disadvantage of the need to carry larger volumes of solution in a spray tank or backpack sprayer, which is difficult on the steep and rocky slopes of this tract. Excessively steep areas (typically over 50% slope [22.5 degrees]) do not need to be treated. The high-volume application should be used on the most accessible areas:

Stand 1 - Within 50 feet of the existing 4WD vehicle or ATV access trails, within 50 feet of the AFRC parking lot, and the approximately 5 acre section dominated by multiflora rose and tree-of-heaven that lies uphill of the AFRC.

Stand 2 – Within 50 feet of Rt. 72 and the existing or newly opened up 4WD vehicle or ATV access trails, and the approximately 2 acre gently-sloping section dominated by multiflora rose that lies at the southwest corner of the stand near the AFRC.

Stand 3 – Within 50 feet of Rt. 72.

Stand 4 – Within 50 feet of Rt. 72.

Stand 5 – Within 50 feet of Rt. 72 or the former railroad track. (Note – the Japanese knotweed in Stand 5 along the banks of the Cheat River is not to be treated, as this is part of a separate plan).

Stand 7 – Within 50 feet of Rt. 72 or the former railroad track.

Stand 8 – The entire stand, most of which is accessible from the trails, fields, or power line right-of-way.

The rate of herbicide application in this method should be on a "spray to wet" basis. The foliage and twigs of the target plants should be thoroughly wet, but not dripping off. The spray solution should be made up of 1 ounce (by weight) of Escort XP herbicide, 1.5 gallons of Garlon 3A herbicide, and 2 quarts of ChemSurf 90 surfactant in enough water to make 100 gallons. Re-stated in another manner the mix is 1 oz. (by weight) of Escort XP per 100 gallons, 1.5% Accord Concentrate, and 0.5% ChemSurf 90. A dye such as Hi-Light or Bullseye may be added.

Low-Volume "Spray to Speckle" Foliar Application

The method of invasive exotic plant control to be used on the less accessible parts of the tract, and the areas where the target plants are more scattered, is a low-volume foliar spray. The volume rate used here should be approximately 10 gallons of solution per sprayed acre. The foliage of all target plants up to 10 feet in height should be covered in a light but uniform spray, with droplets showing on most leaves, especially at the top of the plant. The application may be made using a backpack sprayer. This method has the advantage of being more maneuverable than vehicle-based spray systems, and the lower volume used means that a 3.5 gallon backpack will treat a much larger area. This method has the disadvantage requiring greater care in the rate and coverage of application, and still requires the carrying of a loaded backpack sprayer on the steep and rocky slopes of this tract. The high-volume application should be used on the bulk of the tract, including follow-up treatment in the high-volume areas, but areas with slopes over 50% will be too steep to walk on with a backpack.

The application should be done using a backpack sprayer operated at about 15-20 psi –and may be done with a hand-held wand and a 25.03 flat fan nozzle where taller and denser stands of tree-of-heaven are found, or a 40.02E flat fan nozzle where scattered low shrubs, grasses and forbs are found. Alternatively, as is common with many commercial applicators, a Gunjet handgun with a rollover valve may be used with two nozzles attached, such as a 15.03 and a 40.04E nozzle, to be alternated as needed.

The rate of herbicide application in this method should be on a "spray to speckle" basis. The foliage and twigs of the target plants should be barely wet, with most leaves, especially those at the top of the plant, showing droplets present. The rate of herbicide application in this

method should be 10 gallons of solution per acre of sprayed area. Prior to application the spray rate should be calibrated on a sample area. The spray solution should be made up of 4 ounces (by weight) of Escort XP herbicide, 5 gallons of Garlon 3A, and 1 gallon of ChemSurf 90 surfactant in enough water to make 100 gallons. Re-stated in another manner, the mix is 4 oz. (by weight) of Escort XP per 100 gallons, 5% Garlon 3A, and 1% ChemSurf 90. A dye such as Hi-Light or Bullseye may also be added.

Basal Bark Application

The third, and much less extensive, method of controlling tall tree-of-heaven, autumn olive, and multiflora rose, and grape vines to be used on this tract should be basal bark application of herbicide onto the individual stems of the target plants. This method would be used on any live tree-of-heaven trees or autumn olive or multiflora rose shrubs that are too tall to be foliar treated – either ones that were missed in 2005, were treated by did not die, or are located in the as-yet untreated Stands 7 and 8, and the area along the riverbank near the golf course. Grape vines in Stands 7 and 8 and the riverbank golf course area are also to be treated. Excessively steep areas (typically over 50% slope) do not need to be treated.

The application should be done using a backpack sprayer and a narrow-angle even flat fan nozzle such as a 40.02E nozzle. On shrubs and vines the spray treatment should be 12-24 inches in height from the ground line, depending on stem size, and on tree-of-heaven the treatment should be at a height of 2 times the diameter plus 10, expressed in inches.

The product to be used for basal bark treatment is Pathfinder II herbicide, a pre-mixed ready to use combination of triclopyr (ester) and a vegetable oil carrier.

The basal bark application may be made regardless of weather conditions or expected rainfall as long as the bark is not wet at the time of treatment. The basal bark treatment should be applied during the time period of June 1 to September 1.

Grape Vines

All grape vines in Stands 7 and 8 are to be treated by basal bark application of Pathfinder II, to a height of 12 to 24 inches, depending on vine diameter. Where vines are layered, all parts of the stem in contact with the ground need to be sprayed to a height of 12 to 24 inches. In Stand 1-5 all grapevines within 50 feet (unless excessively steep) of a trail accessible by truck, 6WD ATV or 4WD ATV (but not foot trails) are also to be treated by basal bark treatment as above. In areas where grape vines have been previously cut, as along cleared trails or near Rt. 72 where vines were cut prior to removal of hazard trees, the re-growth of grape vines should be sprayed with a foliar spray at the same time, and with the same product, as other invasive plants in that area.

Trail Clearing

There are approximately 7.5 miles of trails mapped through the parts of the Volkstone Tract, which are shown on the attached map. Most of these were previously cleared in 2005. In order to allow efficient control and continued monitoring of invasive plants, there is a need to open up a few short areas of new trail and many trails have fallen trees and re-growth of previously cut trees that need to be removed. The contractor should clear or re-clear these areas using a chainsaw. While some trails need drainage work or grading, this will be done by Camp Dawson Natural Resources staff when time allows. As of January 2006, of the 7.5

miles of trails, 1.7 miles needs little or no chainsaw work, 5.7 miles need minor chainsaw work, and 0.1 mile needs major saw work. A detailed map showing the trails needing various treatments will be provided to the contractor. While there will be an ongoing need to remove fallen trees from the roads, the contractor should not be required to clear the trails more than once during the duration of the contract. Also, allowance must be made for a drastic change in the amount of saw work that would be created by a severe storm blowing down many trees.

Materials, Tools, and Equipment

Herbicide, surfactant, and dye will be purchased by WVARNG, stored in a secure location at the nearby Camp Dawson site, and made available to the contractor as needed. Any unused products will remain the property of WVARNG. Empty containers would be returned to the Camp Dawson pesticide storage site. The contractor would provide other materials, including personal protective equipment, and tools and equipment needed for this project.

Project Management

WVARNG has designated a Project Manager, Philip Pannill, Potomac Forestry Services, to oversee the implementation of this plan. The contractor is to cooperate and coordinate activities with the Project Manager, and provide information as needed.

Work Procedure and Scheduling for 2006

A. Beginning within 30 days after award of contract, and at least 10 days prior to beginning work, meet with Project Manager and WVARNG staff to review physical arrangements, material needs, work techniques, and develop a tentative schedule of work activities.

B. Immediately prior to commencement of work, jointly with Project Manager, provide training to any workers involved on the project on target plant identification, work techniques, mixing and spray rates, precautions, etc.

C. Beginning on or after May 15th 2006 and completed no later than September 1st 2006, all mapped and previously cleared trails should be cleared of re-growth of trees and shrubs, fallen trees, and debris.

D. Beginning on or after June 1st 2006 and completed no later than July 15th 2006, the first work to be completed should be conventional volume foliar treatment and the basal bark treatment of all invasive exotic species and grape vines in Stands 7 and 8.

E. Beginning on or after July 15th 2006 and completed no later than September 1st 2006, the next work to be completed should be the foliar treatment (conventional volume or low volume) and basal bark treatment of all invasive exotic plants (and grapevines in certain areas) in Stands 1 – 5.

F. Beginning on or after June 1st 2006 and continuing through completion of project, complete daily records of pesticide application, and provide copies to the Project Manager weekly or upon request. An example of a Daily Pesticide Application Record is included in this plan.

G. Upon completion of the herbicide application, and prior to September 20th 2006, there should be a meeting with the contractor, Project Manager and WVARNG Natural Resources staff to review the project.

Environment and Human Health

The products recommended in this plan have been approved by the U.S. Environmental Protection Agency, and are determined to be safe for the environment, public health and the health of the applicators when used as directed. All application is to be made in full accordance with the product label, by trained persons under the direct supervision of a certified pesticide applicator. No trash is to be left on site, but must be packed out and disposed of properly. Any chemical spills or other incidents are to be reported to the Project Manager, as well as other agencies as required.

Worker Safety

All practical measures should be taken to provide for the safety of those engaged in the work on this project. Potential hazards include scratches, falls, sprains, insect bites, snakebites, chemical exposure, cuts, heat exhaustion and dehydration.

Workers must be trained in safe pesticide handling and work procedures. Workers should wear shoes or boots with good traction, long pants and long-sleeved shirts. Protective eyeglasses, non-latex rubber gloves and other personal protective equipment (PPE), will be required for mixing and spray application. Drinking and washing water and first-aid supplies must be readily available. The supervisor and other key persons must be aware of emergency procedures, emergency medical response and transport, hospital location, etc. Any significant personal injury accidents should be reported to the Project Manager, as well as other agencies as required.

Appendix A Daily Pesticide Application Record

Business Name: _____

Certified Pesticide Applicator: _____ WV Cert. #: _____

Applied By (Applicator or Crew Leader): _____

Date: _____ Day of Week (circle) – Mon, Tues, Wed, Thurs, Fri, Sat, Sun

Location - Volkstone Tract, Camp Dawson, just South of Rt. 7, Kingwood WV.
Owner – WV Army National Guard, Camp Dawson, 240 Army Road, Kingwood, WV 26537.

Section or Stand Number or Identifier: _____

Pests Treated – Tree-of-Heaven (*Ailanthus altissima*), Multiflora Rose (*Rosa multiflora*),
Japanese Barberry (*Berberis thunbergii*), Autumn Olive (*Elaeagnus umbellata*), Japanese
Knotweed (*Polygonum cuspidatum*) and other invasive exotic plants.

Method of Application – (circle one or both) Foliar Spray, Basal Bark Spray

Herbicides Used (check all that apply and circle relevant concentration used):

- Garlon 3A (EPA Reg. # 62719-37) (circle one) 1.5% or 5%.
- Escort XP (EPA Reg. # 352-439) (circle one) 1 oz./100 gal. or 4 oz./100 gal.
- Accord Concentrate (EPA Reg. # 62719-324) (circle one) 0.75% or 4%
- Vantage (EPA Reg. # 7969-88-51036) 1.5%
- Pathfinder II (EPA Reg. # 62719-176) pre-mixed, ready to use (13.6% triclopyr)
- Other: _____

Amount of Spray Volume Used: _____

Amount of Herbicide Product Used:

Product _____	Amount _____	Product _____	Amount _____
Product _____	Amount _____	Product _____	Amount _____
Product _____	Amount _____	Product _____	Amount _____

Approximate Acres Treated: _____

Time Started: _____

Time Ended: _____

Weather

<u>Time</u>	<u>Temp F</u>	<u>Wind Speed</u>	<u>Direction</u>	<u>Atmospheric (circle)</u>
_____	_____	_____	_____	Sun, PtlyCldy, Cldy, Rain
_____	_____	_____	_____	Sun, PtlyCldy, Cldy, Rain
_____	_____	_____	_____	Sun, PtlyCldy, Cldy, Rain

Comments: _____

Completed By: _____

Appendix B

Invasive Alien Plants on Volkstone Tract

Species in Bold font are of high or moderate priority, and will be targeted in 2006.

<u>Species Name</u>	<u>Common Name</u>	<u>Also Known As</u>	<u>Type of Plant</u>	<u>Occurrence Rating on Site</u>	<u>Priority Rating</u>
<i>Allanthurus altissima</i>	Tree-of-Heaven	Allanthurus	Tree	high	high
<i>Allaria petiolata</i>	Garlic Mustard		annual broadleaf	high	low
<i>Artemesia vulgaris</i>	Mugwort		perennial broadleaf	low	moderate
<i>Berberis thunbergii</i>	Japanese Barberry		shrub	moderate	high
<i>Carduus acanthoides</i>	Plumeless Thistle		biennial broadleaf	low	moderate
<i>Carduus nutans</i>	Musk Thistle		biennial broadleaf	low	moderate
<i>Celastrus orbiculatus</i>	Oriental Bittersweet		perennial vine	low	high
<i>Centaurea maculosa</i>	Spotted Knapweed		annual broadleaf	low	moderate
<i>Cirsium arvense</i>	Canada Thistle	(C. biebersteinii?)	perennial broadleaf	low	high
<i>Cirsium vulgare</i>	Bull Thistle		biennial broadleaf	low	moderate
<i>Elaeagnus umbellata</i>	Autumn Olive		shrub	moderate	high
<i>Euonymus alata</i>	Winged Burning Bush		shrub	low	high
<i>Euonymus fortunei</i>	Creeping Euonymus	Climbing Euonymus	perennial vine	low	high
<i>Glechoma hederacea</i>	Ground Ivy	Gill-over-the ground	perennial vine	high	low
<i>Hedera helix</i>	English Ivy		perennial vine	low	high
<i>Hemerocallis fulva</i>	Daylily	Common Daylily	perennial broadleaf	low	moderate
<i>Ligustrum spp.</i>	Privet		shrub	low	high
<i>Lonicera japonica</i>	Japanese Honeysuckle		perennial vine	low	high
<i>Lonicera maackii</i>	Amur Honeysuckle		shrub	low	high
<i>Lonicera tartarica</i>	Tartarian Honeysuckle		shrub	low	high
<i>Microstegium vimineum</i>	Japanese Stiltgrass	Nepalese Browntop	annual grass	low	high
<i>Perilla frutescens</i>	Beefsteak Plant	Perilla, Chiso	annual broadleaf	low	low
<i>Phalaris arundinacea</i>	Reed Canary Grass		perennial grass	low	low
<i>Polygonum cuspidatum</i>	Japanese Knotweed	Mexican bamboo, Falloplia jap.	perennial broadleaf	moderate	high
<i>Rosa multiflora</i>	Multiflora Rose		shrub	high	high
<i>Rubus phoenicolasius</i>	Wineberry		shrub	low	low
<i>Vinca minor</i>	Periwinkle	Myrtle	perennial vine	low	low

Appendix C

Estimate of Invasive Species Populations at Volkstone Stands 7 & 8

Summary of Estimated Invasive Plant Populations to Control

Stand #	Acres	Ail. < 10'		Ail. 10-20'		Ail. > 20'		Rose		Jap. Knot		Aut. Ol.		Stand Total*		Grape #	Method of Sample
		#	%	#	%	#	Av. dbh	%	%	#	%	#	%	#	%		
7	16.5	413	1	275	2	138	8	9	0	2	1513	11	2339	22	1	12 plots	
8	19.5	19	1.6	3	0.25	11	4.6	29	2.5	3	173	19	206	25	200	100% tally	
Total Ac.	36																
Total # of Stems		432		278		149					1686		2545		201		
Av. # Stems/Ac		12		8		4					47		70.7				
Av. DBH							6.3										
Av. % Cover		1		1		1		19	1	3	15		23				
Acres Covered		0.5		0.4		0.4		7	0.5	0.9	5		8				

Notes % Cover is an estimate of the area that would need to be sprayed to effectively treat the target plants

* Stand Total % is cumulative, and due to species overlap indicates a slightly higher proportion of the area than actually needs to be treated
 Japanese Barberry, Privet, Burning Bush, Bush Honeysuckle were found, but were less than 1 stem per acre and less than 0.1% cover

<u>Abreviation</u>	<u>Common Name</u>	<u>Scientific Name</u>
Ail.	Tree-of-Heaven	<i>Ailanthus altissima</i>
Rose	Multiflora Rose	<i>Rosa multiflora</i>
Jap. Hon.	Japanese Honeysuckle	<i>Lonicera japonica</i>
Jap. Knot	Japanese Knotweed	<i>Polygonum cuspidatum</i>
Aut. Ol.	Autumn Olive	<i>Elaeagnus umbellata</i>

CONTRACTOR

SCOPE OF WORK

FOR
INVASIVE SPECIES CONTROL PLAN FOR VOLKSTONE
APPLICATION OF HERBICIDE
TO ERADICATE INVASIVE PLANTS

In Support of
THE INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN
At The
CAMP DAWSON COLLECTIVE TRAINING CENTER
Preston County
Kingwood, West Virginia 26537

CONTRACT NUMBER DEFK6182

Prepared by:
Natural Resources Staff
West Virginia Army National Guard
ATS Natural Resources Office
Camp Dawson, 240 Army Road
Kingwood, West Virginia 26537

March 2006

**Application of Herbicide
to Eradicate Invasive Species
on the Volkstone Tract
Camp Dawson, Preston County, West Virginia**

1.0 INTRODUCTION

The Camp Dawson Natural Resources Office (NRO) is responsible for managing the West Virginia Army National Guard (WVARNG) forest. The NRO is responsible for the development and execution of all forest related activities including Invasive species eradication. According to the Camp Dawson Forest Management Plan, and the Invasive Plant Inventory, Assessment and Management Plan, the Volkstone Tract forest stand contains an unacceptable amount of woody and herbaceous invasive plant species. An Invasive Species Eradication Plan (ISEP) has been developed and is being implemented. The Volkstone Tract is located 1 mile east of Kingwood West Virginia, from route 7, turn south on route 72, the tract is parallel to route 72 (tract located mostly west and east of route 72) from route 7 to Morgan Run. The majority of the tract is forested. The dominant timber species include tree-of-heaven, yellow buckeye, red and American elm.

2.0 PROJECT DESCRIPTION

The WVARNG is implementing a long-term eradication program aimed towards eradicating most invasive plant species on the Volkstone Tract. *The list of invasive species found on the Volkstone Tract is located in the ISEP attached to this Scope of Work.*

The project goal is to eradicate most invasive plant species on the Volkstone Tract by herbicide application. The project will concentrate on the most dominant invasive exotic woody plants, which include tree-of-heaven, multiflora rose, autumn olive, Japanese barberry, oriental bittersweet, privet, burning bush, as well as certain herbaceous plants, including Japanese knotweed, Japanese stiltgrass, and thistles. In some areas grapevines are also to be controlled by herbicide application. A list of the invasive exotic plants to be targeted and an estimate of their population is included in the attached ISEP. The herbicide types, method of application, and the appropriate time to apply herbicide are also outlined in the attached ISEP. In order to facilitate the control work, opening of some blocked access trails is also needed.

The project area contains 243 acres (more or less). The method of eradication will be the application of herbicide. The herbicide application work will begin June 1, 2006, and end on or before September 1, 2006. The Volkstone Tract is divided into seven Stands that will receive treatment in 2006. A more complete description of the project, including objectives, site description, and methods of application, herbicides, timeline, and other information is provided in the attached ISEP.

3.0 TASK DEFINITION

The contractor shall perform the following tasks.

TASK 1. Meet with Camp Dawson Natural Resource personnel and Project Manager once the contract has been awarded, to review strategy, methodology, and scheduling fieldwork activities on the Volkstone Invasive Species Eradication Plan (ISEP).

TASK 2. Upon commencement of fieldwork, jointly with Project Manager and WVARNG Natural Resources staff, provide training on work techniques and precautions to any workers involved with the project.

TASK 3. Implement the trail improvement and herbicide application as set forth in the ISEP, under the guidance of the Project Manager.

TASK 4. Contractor is to complete and provide to the Project Manager a daily record of pesticide application, including products, amounts, approximate acres, weather conditions, and other pertinent information.

TASK 5. At the conclusion of fieldwork, the contractor will meet with the Project Manager and WVARNG Natural Resources staff for project debriefing.

4.0 WVARNG FURNISHED INFORMATION AND MATERIAL

The WVARNG will provide:

- a. Aerial photography maps with the boundary lines (all boundary lines and corners were updated and marked with blue paint and signage during 2003 for the Volkstone Tract) and the seven Stands requiring treatment will be clearly marked and provided to the contractor. Maps will also be provided that show the location and types of access trails.

The WVARNG will also provide assistance to the Project Manager and contractor in working with the Camp Dawson Facilities and Engineering and Range Operations Offices to gain access to any restricted parts of the Volkstone Tract.

- b. Herbicides and surfactants will be provided by WVARNG and stored at Camp Dawson, and will be made available to the contractor as needed. Any unused materials remain the property of WVARNG.

5.0 MEETINGS AND REVIEWS

Prior to initiation of work the Camp Dawson Natural Resources personnel shall meet with the contractor and Project Manager to coordinate the eradication plan.

At the conclusion of fieldwork the contractor will meet with the Project Manager and WVARNG Natural Resources staff for project debriefing.

6.0 CONTRACTOR REQUIREMENTS

1. Upon submission of bid, vendor must comply with the following requirements and provide evidence to WVARNG:

- Contractor shall have prior experience in pesticide application for timber stand improvement or similar uses.
- Contractor shall possess, or employ a person who possesses, certification as a West Virginia Commercial Certified Pesticide Applicator in Category 3 (Forest Pest Control) or Category 13C (Hardwood Tree Release), or demonstrate ability to obtain this certification by providing evidence of previous certification of this type in West Virginia or current or previous certification of this type in another State.

2. Prior to commencement of work, vendor must comply with the following requirements and provide evidence to WVARNG:

- Contractor shall be a West Virginia Licensed Vendor. Information on Vendor Registration can be obtained from WV Purchasing Division, Vendor Registration, State Capitol Complex, 2019 Washington Street East, PO Box 50130, Charleston, WV 25305-0130, phone 304-558-2306, and is available online at www.state.wv.us/admin/purchase. The fee for Vendor Registration is \$45.00.
- Contractor shall provide a certificate of insurance.

- Contractor shall be a Registered Business in West Virginia. Information on registering as a business in West Virginia can be obtained from the West Virginia Tax Department, Office of Business Registration, PO Box 11425, Charleston, WV 25339-1425, phone 304-558-3333 or 800-982-8297, or online at www.state.wv.us/taxdiv , or at various regional offices of the West Virginia State Tax Department. Contractor shall be a West Virginia Licensed Pesticide Application Business, and possess, or employ a person who possesses, certification as a West Virginia Certified Pesticide Applicator in Category 3 (Forest Pest Control) or Category 13C (hardwood tree release). A West Virginia Certified Applicator, either contractor or person employed by contractor, is to perform or supervise all pesticide application activities, and is to be present on the work site or in contact with workers on site and be within a 1 hour response time of the site while pesticide mixing or application work is in progress. Any pesticide mixing or application not performed by a Certified Applicator is to be performed by a Registered Technician operating under the supervision of a Certified Applicator, or by an employee pending training as a Registered Technician working under the supervision of a Certified Applicator present at the time and place of application.

Information on Pesticide Business and Certification can be obtained from WV Department of Agriculture, Pesticide Regulatory Programs, 1900 Kanawha Blvd., Charleston, WV 25305-0190, phone 304-558-2209, and is available online at www.kellysolutions.com/wv. Examinations, given monthly at various locations around the State, are required for both Licensed Pesticide Application Businesses and Certified Pesticide Applicators. Application and test requires a \$10 fee. The fee for a

Licensed Pesticide Application Business is \$50, and insurance in the form of Comprehensive General Liability coverage of \$300,000 for bodily injury or death and \$100,000 for property damage is required. The insurance company providing liability coverage must be registered and licensed through the West Virginia Insurance Commission to do business in the State. Certification in each category as a Commercial Pesticide Applicator requires a fee of \$10.

It is the contractor's responsibility to conduct all field activities in a manner that ensures the safety of the general public and field crewmembers and avoids damage to vehicles and property of the WVARNG.

7.0 PERIOD OF SERVICE

All work under this contract shall be conducted and completed during the period from May 15, 2006 to September 20, 2006.

8.0 POINTS OF CONTACT

WVARNG:

Mr. Mike Plevich, Natural Resource Technician
WVARNG, Camp Dawson
Natural Resources Office
240 Army Road
Kingwood, WV 26537
Phone 304-791-4417 or 304-791-4360
Fax # 304-7914378

PROJECT MANAGER:

Mr. Philip Pannill, Forester
Potomac Forestry Services
17323 Bakersville Road
Sharpsburg, MD 21782
Phone 301-739-7743

9.0 PAYMENT INFORMATION AND DELIVERABLE SCHEDULE

There shall be two equal payments allowed under this scope of work. The first payment will be available for issue upon satisfactory completion of the herbicide application in Stands 7 and 8. The second payment will be available upon satisfactory completion of the remainder of the tract and fulfillment of any other responsibilities of the contractor. The contractor will request payment by submitting detailed invoices, *in quintuplicate*, to HQ WVARNG, ATTN: JFHQ-WV-FMO-E, 1703 Coonskin Drive, Charleston, WV 25311-1085

DELIVERABLES	DATE	PAYMENT SCHEDULE
Project Start Date	May 15, 2006	
Daily Pesticide Application Records	Provided weekly or upon request	
Completion of Stands 7 & 8	No later than July 15, 2006	50%
Completion of Stands 1-5	No later than September 1, 2006	
Completion of Project	No later than September 15, 2006	50%

- Upon completion of the project, all non-expended field supplies that were purchased with funds provided by Camp Dawson Collective Training Center will become the sole property of the CDCTC.

Prepared By: Natural Resources Staff, WVARNG, Camp Dawson

A F F I D A V I T

027

West Virginia Code §5A-3-10a states:

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 the debt owned is an amount greater than one thousand dollars in the aggregate.

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.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions.

"Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities.

"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.

EXCEPTION:

The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this 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.

LICENSING:

The vendor must be licensed in accordance with any and all state requirements to do business with the state of West Virginia.

CONFIDENTIALITY:

The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures and rules. Vendors should visit www.state.wv.us/admin/purchase/privacy for the Notice of Agency Confidentiality Policies.

Under penalty of law for false swearing (West Virginia Code, §61-5-3), it is hereby certified that the vendor acknowledges the information in this said affidavit and are in compliance with the requirements as stated.

Vendor's Name: _____

Authorized Signature: _____ Date: _____