



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 |
| DEP14906 |

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| PAGE |
| 1 |

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

RFQ COPY
 TYPE NAME/ADDRESS HERE

REPLY TO

SHIP TO

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

| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
|--------------|---------------|----------|--------|---------------|
| 04/07/2010 | | | | |

BID OPENING DATE: 04/21/2010 BID OPENING TIME 01:30PM

| LINE | QUANTITY | UOP | CAT. NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|----------|----------------------------------|------------|--------|
| 0001 | 1 | JB | 962-73 | RECLAMATION: RESTORATION OF LAND | | |
| ***** ADDENDUM NO. 1 ADDENDUM ISSUED FOR THE BUFFALO COAL CO. PROJECT TO DISTRIBUTE THE PRE-BID SIGN-IN SHEETS AND THE Q/A RESULTING FROM THE MANDATORY PRE-BID OF 03/25/10. BID OPENING DATE AND TIME REMAIN UNCHANGED AS 04/21/10 AT 1:30 PM. ***** NO OTHER CHANGES ***** | | | | | | |
| ***** THIS IS THE END OF RFQ DEP14906 ***** | | | | | TOTAL: | _____ |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

| | | |
|-----------|-----------|-----------------------------------|
| SIGNATURE | TELEPHONE | DATE |
| TITLE | FEIN | ADDRESS CHANGES TO BE NOTED ABOVE |

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

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. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
4. All services performed or goods delivered under State Purchase Order/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.
5. Payment may only be made after the delivery and acceptance of goods or services.
6. Interest may be paid for late payment in accordance with the *West Virginia Code*.
7. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
8. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
9. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
10. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern the purchasing process.
11. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
12. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, the State may deem this contract null and void, and terminate such contract without further order.
13. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, is available online at www.state.wv.us/admin/purchase/vrc/hipaa.htm and is hereby made part of the agreement. Provided that the Agency meets the definition of a Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
14. **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. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.
15. **LICENSING:** Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, and the West Virginia Insurance Commission. The vendor must provide all necessary releases to obtain information to enable the director or spending unit to verify that the vendor is licensed and in good standing with the above entities.
16. **ANTITRUST:** In submitting a bid to any agency for the State of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the State of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the State of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the State of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership, or person or entity submitting a bid for the same material, supplies, equipment or services and is in all respects fair and without collusion or Fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.

INSTRUCTIONS TO BIDDERS

1. Use the quotation forms provided by the Purchasing Division. Complete all sections of the quotation form.
2. 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. Unit prices shall prevail in case of discrepancy. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
4. All quotations must be delivered by the bidder to the office 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: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130
5. Communication during the solicitation, bid, evaluation or award periods, except through the Purchasing Division, is strictly prohibited (W.Va. C.S.R. §148-1-6.6).

**Addendum #1 - Questions During Pre-Bid Conference
For DEP 14906
Buffalo Coal Company, Inc.
Permit # S-2018-88**

The following questions were identified at the Pre Bid Conference (PBC). The answers provided herein take precedence over verbal answers at the PBC should there be any conflicts between the two.

- 1.) Q. Do you have to go back as far as you need to – to get material on top (for backfilling the pit)?
A. Yes, use what you need, and what you don't need you must regrade and seed over.
- 2.) Q. Will the pond be eliminated in this job, or later?
A. Yes, pond #6 will be eliminated after a minimum of 70% of the vegetation has been established.
- 3.) Q. Is this going to be filled from down here (standing out in front of the pit area) to the top of that highwall, or is the area above the highwall going to be pushed down?
A. No, do not disturb area above the highwall. You will match the existing backfilled slope to the south of the pit.
- 4.) Q. The disturbed area (above the highwall) is up there where that brush starts then, is that correct?
A. Yes.
- 5.) Q. (Standing on the flat area out in front of the pit) does this area need to be sloped to?
A. No, you are beyond the sloped area of the backfill here. The slope on the south side of the pit is 4H:1V, and the slope toward the north side of the pit is 2.5H:1V.
- 6.) Q. There is no compaction specification with any of that (backfilling the pit)?
A. No, much of the pit area may have a lot of shot rock to use as backfill. Just track in material as it is placed in the backfill.
- 7.) Q. What about the topsoil, is it just the best we can find here?
A. Yes, as you are working through the spoil stockpile, hold back any good material to place on top. Use the rock first to place in the pit area. Also, any boulders left along the access road may be used to reclaim pond #5, or may be placed into the pit.
- 8.) Q. The only access to this site, is it through the guard shack (at Mettiki Coal's Load-Out Facility)?
A. Yes, plan on accessing the site through the Mettiki Coal active permitted site. There is another road that has recently been established through the site for the TRAILS high voltage electric line project, which is a private access road. The DEP does not authorize use of this road.
- 9.) Q. What we don't use (spoil stockpile material), do we dress in place?
A. Yes, and revegetate it.

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Buffalo Coal Company, Inc.
Permit # S-2018-88**

- 10.) Q. How deep is the pond (pond #6)?
A. Not sure, but we believe it is not more than 6 feet deep.
- 11.) Q. To eliminate pond #6, do we just fill it up, or do we pull the outer sides in?
A. No, we want you to bring the outer embankments back in and regrade it. The pond has to be pumped out first.
- 12.) Q. Do you want the area below the spoil stockpile to be regraded along with the spoil area?
A. Yes, regrade areas that have been previously disturbed by dozers. You may have to work around rock outcrops, and do not disturb areas that have only been cleared of trees, but have not been disturbed with dozers.
- 13.) Q. Is this area included with your seeding now (the disturbed area below the existing spoil stockpiles)?
A. Yes, 10 acres covers the pit area, the spoil stockpile areas, and ponds. The 17 acres of vegetative enhancement should cover the south of the pit area.
CLARIFICATION: If the 10 acres of Revegetation does not cover the regrade areas below the spoil stockpile, we will use some of the Vegetative Enhancement 17 acres of seeding to cover this first. Then we will use the rest on the south side of the pit area.
- 14.) Q. Are there any problems with coming back to the site to survey it?
A. You can come back to the site as long as you check in and out at the Mettiki site guard house.

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

RFP # : DEP14906 Bid Date: 04/21/2010
 Project: Buffalo Coal Co., Inc. Pre-Bid Date: 03/25/10
S-2018-88

Name : Ann Wagonwall
 Company: EASTERN ARROW
 Address: PO Box 4108
CHARLESTON WV
25364
 Phone #: 304-414-0255
 Fax #: 0256
 Email : _____

Name : LES BOLEN
 Company: ASPEN CORP.
 Address: 2400 RIVER DR
DANIELS WV 25832
 Phone#: 304 763 4591
 Fax # : 304 763 4573
 Email : lboLEN@aspen-golf.com

Name : Kevin Bradford
 Company: Pineville Paving & Grading, Inc.
 Address: P.O. Box 1290
Pineville, WV 24874
 Phone #: 304-732-8303
 Fax # : 304-732-7855
 Email : KDBPPI@aol.com

Name : DAVID H. BOWMAN
 Company: GREEN MOUNTAIN CU
 Address: 511 50th STREET
CHAS, WV
25304
 Phone#: 304 925 0253
 Fax # : 925 9230
 Email : Webby.Mayer.AOL.Com

Name : MIKE FURLONG
 Company: ATC ASSOC.
 Address: 3 TERRA MALE
DUNELTON, NJ
 Phone #: 330-620-1232
 Fax # : 609-386-7951
 Email : MICHAEL.FURLONG
@ATCASSOCIATES.COM

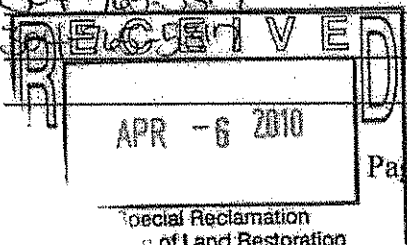
Name : Robert Forman
 Company: Mountaineer Contractors Inc.
 Address: P.O. Box 606
Kingwood W.Va 26537 W.Va
 Phone#: 304-329-2129
 Fax # : 304-329-2206
 Email : _____

Name : Brian Howard
 Company: Breakaway Const.
 Address: 1095 Old Turnpike Rd
Sutton WV 26041

Name : Sand Hill Trampus Jennings
 Company: Sand Hill LLC
 Address: 1190 Evansville Pike
Pharman WV 26442

Phone #: 304-765-5317
 Fax # : _____
 Email : _____

Phone#: 304 892-2901
 Fax # : 304 892-3333
 Email : hydro sealing subcontractor



MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

RFO # : DEP14906 Bid Date: 04/21/2010
 Project: Buffalo Coal Co., Inc. Pre-Bid Date: 03/25/10
S-2018-88

Name : Gary Stanley
 Company: Stanley Ind Inc.
 Address: 7 Maple Lake
Bridgport WV
26330
 Phone #: 304-842-8560
 Fax #: 304-842-8609
 Email : GStanley@ma.r.l.com

Name : Kenneth Hines
 Company: Nelson Tree Removal
 Address: RT 4 B 577 C
Keyser WV 26226
304-355-2085
 Phone #: _____
 Fax #: _____
 Email : _____

Name : Steve Swazo
 Company: Pao Contracting Inc
 Address: P.O. Box 2442
Clarksburg wv
 Phone #: 304 622-2400
 Fax #: 304 622-2410
 Email : pswazo.53@ma.r.l.com

Name : MICHAEL BONNER
 Company: RED CREEK ENTERPRISES
 Address: HC 66 Box 58
Dry Fork, WV 26263
 Phone #: 304-227-4451
 Fax #: 304-227-4451
 Email : BONNERP@frontier.com

Name : Steve Jurasko
 Company: Polivo Contracting, Inc.
 Address: Po Box 230
Elkins WV 26241
 Phone #: 304-636-3886
 Fax #: 304-636-5108
 Email : JBrown@Polivo.com

Name : Phill Jeffries
 Company: D.F.I. Diggers Transport
 Address: PO Box 909
Redington WV 26250
 Phone #: 304-823-1267
 Fax #: 304-823-3397
 Email : _____

Name : Russell Nelson
 Company: Nelson Tree Removal
 Address: RT 4 B 577 C
Keyser WV
 Phone #: 304-355-2083
 Fax #: _____
 Email : _____

Name : Scott Braschert
 Company: J.E. Allen Co
 Address: Po Box 2049
Beckham WV 26201
 Phone #: 304-472-8890
 Fax #: 304-472-8897
 Email : Sbraschert@JFALLENCO.COM

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

RFQ # : DEP14906 Bid Date: 04/21/2010
Project: Buffalo Coal Co., Inc. Pre-Bid Date: 03/25/10
S-2018-88

Name : Chris M. Wolff
Company: Cow Run Coal LLC
Address: P.O. Box 104
Martinsburg WV 26101
Phone #: (204) 669-1722
Fax #: (204) 454-1662 Fax
Email : cm.wolff73@ppd.com

Name :
Company:
Address:
Phone#:
Fax #:
Email :

Name : JACOB MARTEL
Company: Anderson Excavating
Address: 343 Williams Rd
Morgantown WV 26501
Phone #: 304-983-2296
Fax #:
Email : Randerson@andersonexcavatingllc.com

Name :
Company:
Address:
Phone#:
Fax #:
Email :

Name : BRIAN SCHROEDER
Company: BYCO ENTERPRISES
Address: 11746 BITINGER RD
GRANTSVILLE MD 21536
Phone #: 301 245 4322
Fax #: 301 245 4364
Email : bwsbyco@net.com

Name :
Company:
Address:
Phone#:
Fax #:
Email :

Name : Spencer Woodell
Company: Cowgirl Up Inc
Address: PO Box 243
Simpson WV 26435
Phone #: 304 739 4391
Fax #: 304 739 4601
Email : sew_cowgirlup@earthlink.net

Name : David McLoyn
Company: WV DEP
Address: 105 S. Railroad St.
Philippi, WV
Phone#: 457-3219
Fax #:
Email :