



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:
DEP14908

PAGE:
1

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

**RFQ COPY
 TYPE NAME/ADDRESS HERE**

VENDOR

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: **04/20/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
	*****			ADDENDUM NO. 1	*****	
	ADDENDUM ISSUED FOR THE TYGART VALLEY MINING CO. PROJECT TO DISTRIBUTE THE PRE-BID SIGN-IN SHEETS AND THE Q/A RESULTING FROM THE 03/23/10 MANDATORY PRE-BID MEETING.					
	BID OPENING DATE AND TIME REMAIN UNCHANGED AS 04/20/10 AT 1:30 PM.					
	*****			NO OTHER CHANGES	*****	
0001	1	JB		962-73		
	RECLAMATION: RESTORATION OF LAND					
	***** THIS IS THE END OF RFQ DEP14908 ***** 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 14908
Tygart Valley Mining Company, Inc.
Permit # U-2002-95**

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. Are the power lines staying in?
A. No, the power lines shall be removed to the last pole by the road, and can be salvaged. The landowner would like to keep the poles, they shall be pulled and stored on site. This item will be paid with the structure and debris removal line item.
- 2.) Q. Is the power disconnected?
A. Per the landowner, the power should be off. That will be for the contractor to verify with the power company.
- 3.) Q. Does the 4' ditch start here (where the gas line crosses the road) and go up?
A. The 4' ditch goes down to where the pond exit crosses the road, and follows the uphill side of the access road all the way up to where it ties in with the gas well road.
- 4.) Q. Is that pond the pond that needs to be cleaned (referring to lower pond)?
A. The exit of the lower pond needs to be cleaned out, not the entire pond.
- 5.) Q. Your 16' channel says it ties to the natural ditch, do you have a place where that is?
A. They will tie in with a sump where excavation of spoil material under the roadbed ends, essentially anywhere there is disturbance.
- 6.) Q. How far back here are we going, where is the regrade going to start (on access road hillside)?
A. The spoil pile material is essentially where most of your material is for backfilling the pit; the regrading will go as far as you need to go to bring this road down to get the pit and highwalls back to a 2 to 1 grade.
- 7.) Q. [At the pit] Do you want the material down there to be removed?
A. Yes, that will have to be pulled out and mixed with lime, and set on a pad.
- 8.) Q. So you're going to drain the water back into the mine?
A. Yes, there are drains on the other side of the hill at the down dip end of the mine. The surface drainage shall be directed via the 16' trapezoidal ditch down to the pond. The underdrain is basically a precaution for water that seeps down into the backfill.
- 9.) Q. You're going to lay the underdrain just on the floor (of the pit)?
A. There's portions you'll have to excavate, and you'll have to pull out that black material, and you'll have to create a bench for it to drain towards a common point to go into the portal.

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Permit # U-2002-95

- 10.) Q. Are we taking out all the mess down there (in the pit)?
A. Not all of it, just the black material which shall be suspended off the floor in the backfill. [CLARIFICATION: Portal structure and any other debris shall also be removed from the pit, as well as any organic material (cattails, etc.) which should not be in the backfill.]
- 11.) Q. Does the mine get stone back in it like a regular seal, or just run the pipe back into it?
A. The pipe will need to run at least 40' into the mine, with fill pushed in around it just like a dry seal.
- 12.) Q. Does this trapezoidal ditch stay along the upper side?
A. No, it will run right down the center of the hollow and connect up in the middle of where the natural drain is.
- 13.) Q. That's going to dump into our V-ditch?
A. No, that will dump into the natural drain that's feeding the pond. Not the V-ditch on the uphill side of the road.
- 14.) Q. You're wanting to get (backfill) to the top of those highwalls?
A. Yes, to the topmost disturbance you can see, including regrading the current diversion ditch.
- 15.) Q. So the (trapezoidal) ditch is one constant grade from the start down to where it ties in?
A. Yes, it shall be a constant grade, with a sump where the 16' trapezoidal ditch ties into the existing natural drain.
- 16.) Q. Do you believe there's sufficient material out there (to backfill the pit and regrade the highwalls)?
A. Yes, we believe that between the spoil pile and where the road is benched up there is sufficient material.
- 17.) Q. Can you go above the highwall any for material?
A. No, there is a gas well, gas line, and road up there that can't be disturbed, plus we don't believe you'll need any more material than is in the spoil pile and road base. We will not be disturbing above the highwall.
- 18.) Q. Where is the soil cover?
A. We'll have to go with best available material for topsoil. We believe there's some in the spoil pile, as well as potentially just underneath this black material on the pad.
- 19.) Q. There is no designated topsoil pile here?
A. No.

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- 20.) Q. For these two big piles of wood up here?
A. The big piles of wood, as well as any clearing and grubbing, can be burned. If required, burn permits shall be acquired beforehand. That will be paid under the structure and debris removal line item.
- 21.) Q. Your big ditch goes all the way to the pond, right?
A. No, that should only go as far as we need to tie into this natural stream channel. We'll take it as far as we need to disturb material under the road for backfilling the pit.
- 22.) Q. How big is the sump?
A. There's a specification for the sump in the requisition. It's just a sediment sump, 10' long and 2 feet wider (and deeper) than the ditch itself.
- 23.) Q. So are you guys saying you want a continuous slope from the natural drain to the woodline, or can it be up on a 2 to 1 slope?
A. We want a 2 to 1 slope at the steepest, it may be less than that in places.
- 24.) Q. And we're regrading out to where the grass is there now?
A. That will depend on how far down we need to go to get material to bring back into the pit. We don't want to go much past where it's already revegetated, that's been reclaimed.
- 25.) Q. What are you going to do about the ditch (gas well road)?
A. That's actually the gas well road. We want to leave one road for gas well access, and regrade and revegetate everything else.
- 26.) Q. Is there anything in the drawings for the ditch to cross the gas well access road?
A. No, the V-ditch will stay on the uphill side of the road all the way up to where we tie in to the existing gas well road, and down to where the culvert and gas line currently cross the road.
- 27.) Q. Do we leave the culvert that crosses the road?
A. Yes, that's where the gas line crosses the road, and some riprap will be used at the outlet of that culvert as it flows down to the natural drain. V-ditch will also continue along the uphill side of the road below that culvert.
- 28.) Q. Will the tank stay on the end of the pipe (culvert)?
A. Yes, that acts as a filter for the culvert, and will stay there as is.
- 29.) Q. How much of this power line has to come out?
A. It can come out to the last power pole by the road.
- 30.) Q. It can or it has to?
A. It has to. It shall come out.
- 31.) Q. Will this gate remain open if we need to come back?
A. Yes, the gate will not be locked. It will be closed but not locked.

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

RFQ # : DEP14908 Bid Date: 04/20/2010
 Project: Tygart Valley Mining Co. Pre-Bid Date: 03/23/10
U-2002-95

Name : DAVID H. BOWMAN
 Company: GREEN MOUNTAIN CO
 Address: 511 50th STREET
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25304
 Phone #: 304 925 0253
 Fax # : 925 9230
 Email : Jody.Mayer.ADL.com

Name : Matt Adams
 Company: Kelli Corp
 Address: 3075 Point Marion Rd
MORRISTOWN WV 26505
 Phone #: 304 292 8102
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 Email : adamsmka@comcast.net

Name : Mick Jones
 Company: Bermont Const.
 Address: PO Box 10 Point WV
25164
 Phone #: 304. 548-7004
 Fax # : 548-7133
 Email : bermontconst@yahoo.com

Name : GEORGE FRESHOUR
 Company: EAGLE EXCAVATION INC
 Address: P.O. BOX 218
KENNA WV
25249
 Phone #: (304) 372-4378
 Fax # : (304) 372-4378
 Email : ~~#####~~

Name : Junior Stanley
 Company: Stanley Industries, Inc
 Address: 7 Maple Lake
Bridgeport WV 26330
 Phone #: 304-842-8560
 Fax # : 304-842-8609
 Email : gstanley@ma.rr.com

Name : Robert L. Barnes
 Company: BARNES EXC. INC.
 Address: P.O. BOX 13384
Sissonville
WV. 25360
 Phone #: 304-984-1725
 Fax # : 304-984-0074
 Email : BARNES EXC. @ AOL.COM

Name : Steve Jurasko
 Company: Polino Contracting, INC.
 Address: PO Box 230
Elkins WV 26241
 Phone #: 304-636-3886
 Fax # : 304 636-5108
 Email : JBrown@polino.com

Name : Mark A. Stout
 Company: Mark's Dozer Service
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Flemington WV. 26347
 Phone #: 304-677-1734
 Fax # :
 Email : voipmark59@yahoo.com

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

RFQ # : DEP14908 Bid Date: 04/20/2010
 Project: Tygart Valley Mining Co. Pre-Bid Date: 03/23/10
U-2002-95

Name : Jeffrey S. Laurita
 Company: SCJL Co-Leasing Corp Inc
 Address: 8 Hunter Lane Rd
Fairmont WV 26554
 Phone #: 304-290-4608
 Fax #: 304-290-8252
 Email : JS LAURITA (AT) Yahoo.com

Name : Ashley Alkins
 Company: Aspen Corporation
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Daniels WV 25832
 Phone#: 304-763-4573
 Fax #: 304-763-4591
 Email : jadkins@aspen-golf.com

Name : Steve Szabo
 Company: PRO CONTRACTING INC.
 Address: P.O. Box 2442
Clarksburg, WV 26302
 Phone #: 304 622-2400
 Fax #: 622-2410
 Email : procon.sjs@ma.rr.com

Name : Chris M. Wolfe
 Company: Love Ban Co., LLC
 Address: P.O. Box 104
Madison, WV 26405
 Phone#: (304) 669-1722
 Fax #: (304) 457-1662
 Email : cm Wolfe 73 @ yahoo.com

Name : GARY LONG
 Company: McCourt & Son Const.
 Address: 2790 Centralia Rd
Sutton WV 26601
 Phone #: 304 765-5288
 Fax #: 304 765-5293
 Email : _____

Name : DENNIS C. ELBOW
 Company: COWGIRL UP INC
 Address: PO Box 243
SIMPSON WV 26435
 Phone#: 304-739-4397
 Fax #: 304-739-4401
 Email : DCE-COWGIRLUP@EARTHWINK.NET

Name : MIKE FURLOW
 Company: ~~ATC~~ AR ASSOC.
 Address: 3 TERRI LANE
BURLINGTON, WV
 Phone #: 330-620-1232
 Fax #: 609-386-7951
 Email : MICHAEL.FURLOW@
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Name : JAMES ALLEN
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 Address: PO Box 2049
Buckhannon WV 26201
 Phone#: 304 472 8890
 Fax #: 304 472 8897
 Email JAMES.ALLEN@JFALLENCO.COM

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

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RFQ # : DEP14908 Bid Date: 04/20/2010
 Project: Tygart Valley Mining Co. Pre-Bid Date: 03/23/10
U-2002-95 LANDOWNER

Name : Harris Mitchell
 Company: Eastern Acreage Corp Inc
 Address: P.O. Box 4108
Charleston WV
25364
 Phone #: 304-414-0255
 Fax # : 304-414-0256
 Email : easternAcre@hotmial.com

Name : Brian Wentz
 Company: Land owner
 Address: Rt 1 Box 325
Bridges & WV
 Phone# : 304 457-5370
 Fax # :
 Email : NOT A BIDDER

Name : Thane Ryder
 Company: RBS Inc.
 Address: PO Box 490
White Sulphur Springs
WV 24986
 Phone #: 304-645-2277
 Fax # : 304-645-2597
 Email : ton @ RBS Inc. com

Name : Phill Hries
 Company: A.T.I. Digest Transpact
 Address: PO Box 909
Clayton WV 26250
 Phone# : 1
 Fax # :
 Email :

Name : Doug Vincent
 Company: Breakaway Inc
 Address: 1675 old Turnpike rd
Sutton WV 26060
 Phone #: 765-5317
 Fax # : 765-5389
 Email :

Name : Trampus Jennings
 Company: Sand Hill LLC
 Address: 1190 Evansville Pike
Thornton WV 26440
(Hydroseeding subcontractor)
 Phone# : 304 892 2901
 Fax # :
 Email :

Name : Robert Collins Jr
 Company: Collins Building & Contracting Inc.
 Address: 3404 Curtis Creek Rd
Flaxwoods, WV
26021
 Phone #: 304-705-3521
 Fax # : 304-705-3521
 Email : Collins Building & Contracting.net

Name : David McCoy
 Company: WV DEP
 Address: 105 S. Railroad
Philippi, WV 26416
 Phone# : 304-457-3219
 Fax # :
 Email :