



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
DEP15061

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
11/22/2010				

BID OPENING DATE: **12/02/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>***** ADDENDUM NO.1 *****</p> <p>ADDENDUM ISSUED FOR THE FREEPORT MINING CORP RECLAMATION PROJECT TO DISTRIBUTE THE PRE-BID SIGN-IN SHEET AND THE Q/A RESULTING FROM THE MANDATORY PRE-BID MEETING ON 11/04/2010.</p> <p>BID OPENING DATE AND TIME REMAIN UNCHANGED AS 12/02/10 AT 1:30 PM.</p> <p>***** NO OTHER CHANGES *****</p>						
0001	1	JB		962-73		
<p>RECLAMATION: RESTORATION OF LAND</p>						
<p>***** THIS IS THE END OF RFQ DEP15061 ***** TOTAL: _____</p>						

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)

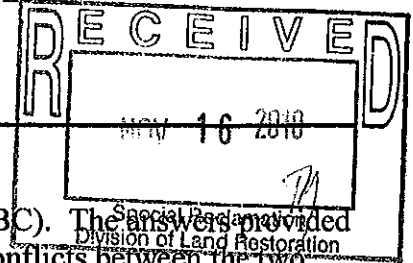
1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
4. All services 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).

For DEP 15061
 Freeport Mining Corporation
 Permit # S-1019-87, S-1004-88



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.

Permit S-1004-88

- 1.) Q. Does it all have to drain this direction (towards the embankment)?
 A. There will be a break point near our location on top where some water will flow to the ditch by the property line, and some to the ditches flowing towards the road.
- 2.) Q. This 8 foot ditch is going to run from here down?
 A. Yes, there's a pond down over the hill it runs to.
- 3.) Q. Are you saying you have to go down there, or you don't have to go down there (to cut the embankment down to original ground)?
 A. You do not have to bring the embankment down to the bottom, but you do have to have a smooth, natural 2 to 1 minimum slope on everything backfilled and regraded, from the top of the highwall to the ditch.
- 4.) Q. If any of this slope (on the embankment) is not 2 to 1, do we have to regrade it?
 A. If you disturb it, it shall be brought to a 2 to 1 slope.
- 5.) Q. Do you have control points to work off of?
 A. Yes, we can show those to the winning bidder or anyone interested in pre-surveying.
- 6.) Q. The grassy field over there, how far are you bringing that in to the site?
 A. There shall be a smooth transition from that field onto our reclamation, with a minimum 2 to 1 slope.
- 7.) Q. You're going to mix all that (refuse) up with lime and just put it back in the hole?
 A. Whatever is left yes, and it shall be placed on a pad off the pit floor to isolate it from water.
- 8.) Q. You can't take this down any lower (the top area above the highwall)?
 A. You can take the mound on top, which is likely topsoil storage, but undisturbed rock shall be left in place.
- 9.) Q. You want us to start with that grade on top (regrading the topsoil stockpile next to the cemetery)?
 A. Yes, the regrading shall tie in smoothly with the hillside on top, the cemetery on one side, the driveway on the other, and the road on the bottom.
- 10.) Q. Can all this brush be burned?
 A. Yes, you'll have to get any appropriate permits from the county and/or state, but normally all of that is ok to burn, except occasionally for large stumps.
- 11.) Q. Do we put a drive-thru through the ditch (coming out of the road culvert)?

**Addendum #1 - Questions During Pre-Bid Conference
For DEP 15061
Freeport Mining Corporation
Permit # S-1019-87, S-1004-88**

A. No, all of this gravel road will be taken up and regraded and revegetated.

12.) Q. Do we re-grade all the way to that guy's barn and equipment?

A. Yes, all of the road along this embankment shall be taken up and regraded and revegetated, even beyond that.

13.) Q. So you're not doing anything with this outer slope?

A. No, the top of the slope is the edge of the permit; we aren't doing anything down that slope except for the ditch going down to pond.

Permit S-1019-87

14.) Q. Does the 8 foot ditch get the liner underneath as well?

A. Yes, all of the ditches on this permit do.

15.) Q. Are the conveyance pipes a part of the seep collector bid item?

A. **Clarification:** Yes, they shall be incidental to the bid item –not as a part of the 100 feet of actual seep collector, which has rock and liner around the perforated pipe, but there is no separate bid item for conveyance pipe. Conveyance pipe will not be paid by the foot, but as incidental to the completion of the seep collectors.

16.) Q. Where are you getting material for the highwall (by the road)?

A. The berm itself, above the highwall, will be your material to backfill the highwall. There should be enough there, but if there is not, you will have to truck material up from the embankment of pond #2.

17.) Q. Is there any access to this site from this side?

A. No, the entrance is where we walked in.

18.) Q. Is there only one property owner here?

A. This whole permit is owned by two brothers, who both live just over on the north side of the road.

19.) Q. The ditch (at pond 4B), where's it going to end up at?

A. The ditch ends in the pond, there is no exit ditch. All of the ditch leading into the pond is to be regraded for positive drainage.

20.) Q. Is the pond (pond #1) filled?

A. There is some water in the pond, it's not full.

21.) Q. How much of this hillside (above pond #1) needs to be cleared?

A. There's a point at which the hillside drops off and becomes much steeper, the hillside shall be cleared to there. Anything flat enough to be mowed shall be cleared.

22.) Q. Whatever material here (in the road berm) is good enough to backfill?

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A. There is 20 tons of lime to mix in with the backfilling. We don't know the consistency of the soil in the berm, we're assuming it's suspect.

Clarification: All bid items specified by ACRE on this project in the Bid Schedule shall require the submittal of a final survey to verify final acreages. This submittal shall include a copy of all field notes, a map to scale in paper and electronic form. The final survey must be conducted under the direct supervision of and certified by a Professional Surveyor or Professional Engineer licensed in the state of West Virginia. Partial payments may be made for estimated acreages that are field verified and agreed upon with the DEP onsite representative. Partial payments may not exceed 75% of bid item prior to final survey. This shall be paid from the Construction Stakeout bid item.

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

RFQ # : DEP15061
 Project: Freeport Mining Corp.
S-1019-87 & S-1004-88

Bid Date: Dec. 2, 2010
 Pre-Bid Date: Nov. 4, 2010

Name : Donald Vincent
 Company: Breck Kaway, Inc
 Address: 1075 Old Turnpike Rd.
Sutton W.V. 26601

Phone #: 304-765-5317
 Fax #: 304-765-5389
 Email : dkv@breckawaywv.com

Name : David H. Bowman
 Company: GREEN MOUNTAIN CO
 Address: 511 50th STREET
Charleston WV
25304

Phone #: 304-925-0253
 Fax #: 304-925-9230
 Email : JodyMayer@OL.com

Name : BRT TRANSIT INC
 Company: JAMES BUCKLAND
 Address: Box 720 BRAYER WV
25803 25858

Phone #: 304-255-2505
 Fax #: 304-253-4533
 Email :

Name : DENNIS C. ELBON
 Company: COWGIRL UT INC
 Address: PO Box 243
SIMPSON WV 26435

Phone #: 304-739-4347
 Fax #: 304-739-4401
 Email : DC@COWGIRLUT@EARTHLINK.NET

Name : Robert Barnes
 Company: BARNES EXC. INC.
 Address: P.O. Box 13384
Sissonville
WV 25360

Phone #: 304-984-1725
 Fax #: 304-984-0074
 Email : BARNES EXC (A) AOL.COM

Name : GEORGE FRESHOUR
 Company: EAGLE EXCAVATION INC
 Address: P.O. Box 218
KENNA, WV
25248

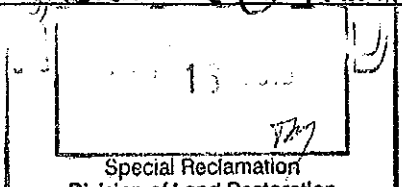
Phone #: (304) 372-4378
 Fax #: (304) 372-4378
 Email : 7070

Name : MAX ELLIOTT
 Company: JBY SEAS LLC
 Address: 10043 BRANDENVILLE PIKE
AL BRIGHT, W.Va
26519

Phone #: 304-329-0818
 Fax #: 304-329-0818
 Email :

Name : Patrick Weimer
 Company: SCSL Co Leasing Corp Inc.
 Address: 8 Hunter Lane Rd
Fairmont WV
26554

Phone #: 304-290-4608
 Fax #: 304-296-8252
 Email : PSLaurita@yahoo.com



MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

RFQ # : DEP15061
Project: Freeport Mining Corp.
S-1019-87 & S-1004-88

Bid Date: Dec. 2, 2010
Pre-Bid Date: Nov. 4, 2010

Name : JAMIE Pretzel
Company: JL Pretzel Contracting
Address: 274 Horseshoe Dr.
Bruceston Mills WV 26525

Phone #: 304-379-7789
Fax # : 304-379-7788
Email : Cpretzel@AOL.com

Name : GARY Long
Company: McCourt & Son Const.
Address: 2790 Centralia Rd
Sutton WV 26601

Phone# : 304 765-5288
Fax # : 304 765-5293
Email : glong@wirefire.com

Name : RYAN DOM
Company: Excavating Associates
Address: PO Box 434
Ellerslie, MD 21529

Name : JAMES ALLIEN
Company: JF ALLIEN CO
Address: PO Box 2049
Buckhannon WV
26201

Phone #: 301-777-0444
Fax # : 301-777-5301
Email : rdom@excavatingassociates.com

Phone# : 304 472 8896
Fax # : 304 472 8897
Email JAMES. ALLIEN@JFALLIENCO.COM

Name : Bruceston Farm Serv
Company: Charles H Moyer's
Address: PO Box 107
Bruceston Mills
WV 26525

Name : Chad Bilotta
Company: Anderson Excavating LLC
Address: 343 Williams Rd
Morgan town WV 26501

Phone #: 304-379-2691
Fax # : 304-379-2645
Email : charlie.moyer@SScoop.com

Phone# : 304-983-2296
Fax # : 304-983-4755
Email : cbilotta@AndersonExcavatingLLC.com

Name : IES BOLEN
Company: ASPEN CORP
Address: 2400 RIVER DR
Daniels WV 25832

Name : TYLER DODD
Company: BEAR CONTRACTING
Address: 112 STATE ST
BRIDGEPORT WV 26350

Phone #: 304-763-4573
Fax # : 304-763-4591
Email : aspenestimating@yahoo

Phone# : 304 842 3002
Fax # : 304 842 9433
Email : TDODD@BEAR-CONTRACTING.COM

END - END
David McCoy WV DEP