



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

Purchase Order

PURCHASE ORDER NO.
 ABATMNT07B

PAGE
 1

BLANKET RELEASE
 00

CHANGE ORDER
 2

CORRECT PURCHASE ORDER NUMBER
 MUST APPEAR ON ALL PACKAGES,
 INVOICES, AND SHIPPING PAPERS.
 QUESTIONS CONCERNING THIS PUR-
 CHASE ORDER SHOULD BE DIRECTED
 TO THE BUYER AS NOTED BELOW.

SEE REVERSE SIDE FOR
 TERMS AND CONDITIONS

INVOICE TO

ALL STATE AGENCIES
 AND POLITICAL SUBDIVISIONS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

AGENCY COPY

VENDOR TO

*823000850 304-292-1659
 AMI
 192 VISTA DEL RIO DRIVE

 MORGANTOWN WV 26505

SHIP TO

ALL STATE AGENCIES
 AND POLITICAL SUBDIVISIONS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED		TERMS OF SALE		FEIN/SSN		FUND	
05/18/2007		NET 30		550646435			
SHIP VIA		F.O.B.		FREIGHT TERMS		ACCOUNT NUMBER	
BEST WAY		DESTINATION		PREPAID		MUL-MUL	
LINE	QUANTITY	UOP	VENDOR ITEM NO.		UNIT PRICE	AMOUNT	
	DELIVERY DATE	CAT. NO.	ITEM NUMBER				
			CHANGE ORDER #02				
			TO CANCEL THIS CONTRACT EFFECTIVE MAY 3, 2007 PER THE ATTACHED LETTER.				
			*****NO ADDITIONAL CHANGES*****				
			PREVIOUS PO TOTAL==>		OPEN END		
			PO NET CHANGE (+)==>				
						PURCHASING DIVISION CERTIFIED ENCUMBERED MAY 22 2007 <i>Beverly Toler</i>	
						OPEN END	
						TOTAL	

IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE

Daune Wayfield

APPROVED AS TO FORM BY
 ASSISTANT ATTORNEY GENERAL

BY *Ann Adkins* 5/18/07
 JO ANN ADKINS 304-558-8802
 PURCHASING DIVISION AUTHORIZED SIGNATURE

**GENERAL TERMS & CONDITIONS
PURCHASE ORDER/CONTRACT**

1. **ACCEPTANCE:** Seller shall be bound by this order and its terms and conditions upon receipt of this order.
2. **APPLICABLE LAW:** 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.
3. **NON-FUNDING:** All services performed or goods delivered under State Purchase Orders/Contracts are to be continued for the terms of the Purchase Order/Contract, 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.
4. **COMPLIANCE:** Seller shall comply with all Federal, State and local laws, regulations and ordinances including, but not limited to, the prevailing wage rates of the WV Division of Labor.
5. **MODIFICATIONS:** This writing is the parties final expression of intent. No modification of this order shall be binding unless agreed to in writing by the Buyer.
6. **ASSIGNMENT:** Neither this Order nor any monies due, or to become due hereunder may be assigned by the Seller without the Buyer's consent.
7. **WARRANTY:** The Seller expressly warrants that the goods and/or services covered by this order will: {a} conform to the specifications, drawings, samples or other description furnished or specified by the Buyer {b} be merchantable and fit for the purpose intended and/or {c} be free from defect in material and workmanship.
8. **CANCELLATION:** The Director or Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
9. **SHIPPING, BILLING & PRICES:** Prices are those stated in this order. No price increase will be accepted without written authority from the Buyer. All goods or services shall be shipped on or before the date specified in this Order.
10. **LATE PAYMENTS:** Payments may only be made after the delivery of goods or services. Interest may be paid on late payments in accordance with the *West Virginia Code*.
11. **TAXES:** The State of West Virginia is exempt from Federal and State taxes and will not pay or reimburse such taxes.
12. **RENEWAL:** 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.



JOE MANCHIN III
GOVERNOR

STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
PURCHASING DIVISION
2019 WASHINGTON STREET, EAST
P.O. BOX 50130
CHARLESTON, WEST VIRGINIA 25305-0130

ROBERT W. FERGUSON, JR.
CABINET SECRETARY

DAVID TINCHER
DIRECTOR

May 3, 2007

Mr. Joseph Jordan
AMI Inc.
192 Vista Del Rio Drive
Morgantown, WV 26507

Re: Contract Release Orders

Dear Mr. Jordan:

As you know, several contract release orders issued by the General Services Division to AMI Inc. were recently canceled by the General Services Division by letter from Daniel Olthaus, Environmental Manager, General Services Division, dated April 17, 2007 (copy attached). No specific written explanation was provided at that time. Please find attached specific information furnished by the General Services Division that details reasoning for these cancellations:

1. Letter dated April 18, 2007 from Daniel Olthaus to David Oliverio, Director, General Services Division.
2. Letter dated April 18, 2007 from David Oliverio, Director, General Services Division, to David Tinchler, Director, Purchasing Division.
3. Letter dated April 27, 2007 from Daniel Olthaus, Environmental Manager, General Services Division to David Tinchler, Director, Purchasing Division.

Upon review of this information, the State of West Virginia is concerned that the information provided by the General Services Division raises sufficient health, safety and/or contract performance issues to the level that may justify additional action taken to prevent future problems. This additional action could include suspension or debarment from doing business with the State of West Virginia for a specified or unspecified period of time.

Mr. Joseph Jordan

May 3, 2007

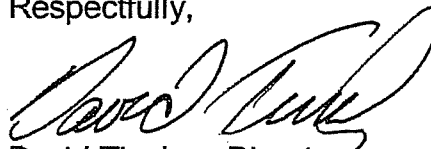
Page 2

Based on this information, the Purchasing Division will cancel your contract ABATMNT07B effective May 3, 2007.

If you desire to respond to this letter, please do so in writing to be received in this office no later than the close of business on May 18, 2007.

If you have any questions, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "David Tincher", written in a cursive style.

David Tincher, Director
Purchasing Division

DT/dw

Attachment

By Certified Mail - Return Receipt Requested

EB-62



STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
GENERAL SERVICES DIVISION
State Capitol
Charleston, West Virginia 25305

Joe Manchin III
Governor

Robert W. Ferguson, Jr.
Cabinet Secretary

David M. Oliverio
Director

April 17, 2007

Mr. Joseph Jordan
AMI Inc.
192 Vista Del Rio Dr.
Morgantown, West Virginia 26507

Dear Mr. Jordan,

This letter is to inform you that the General Services Division has cancelled, effective immediately, the following AMI Inc. release orders:

- Bldg 5 Elevators 1,2,3,4 tile and mastic removal GSD071171
- Bldg 5 11th floor spray on insulation removal GSD071198
- Bldg 6 Room B-531 tile, mastic and carpet removal GSD071311
- Bldg 5 Room A-258 tile, mastic and carpet removal GSD071309
- Bldg 4 Room 604 tile, mastic and carpet removal GSD071310
- Bldg 4 3rd floor (Parole Board Office) tile, mastic and carpet removal GSD071408
- Bldg 1 Room EB-62 tile, mastic, carpet and TSI removal GSD071312

These cancellations have been made due to AMI Inc.'s failure to conform to the specifications of the bid contract.

Sincerely,

Daniel Olthaus
GSD Environmental

cc: David Tincher, Director of the West Virginia Purchasing Division



STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
GENERAL SERVICES DIVISION
State Capitol
Charleston, West Virginia 25305

Joe Manchin III
Governor

Robert W. Ferguson, Jr.
Cabinet Secretary

David M. Oliverio
Director

April 18, 2007

Mr. David Tincher
Director, Purchasing Division
2019 Washington Street, E.
Charleston, West Virginia 25305

RECEIVED
2007 APR 19 AM 9:49
WW PURCHASING
DIVISION

Dear Mr. Tincher:

Please be advised I am concerned about the asbestos work performed for the General Services Division (GSD) by AMI, Inc. As you know, GSD Environmental Coordinator, Dan Olthaus, recently cancelled the AMI release orders for asbestos work at the Capitol Campus. Enclosed is a letter from Dan to me outlining specific areas of concern relative to AMI's work on three abatement projects. After reading Dan's letter, I became alarmed and now wish to inform you of our concerns associated with this particular vendor.

I offer the enclosed documents for your review so you make take any action you deem appropriate.

If you have questions or need additional information, please call me at 558-1301.

Sincerely,

David M. Oliverio
Director

Enclosures

cc: Robert W. Ferguson, Jr., Cabinet Secretary

April 18, 2007

David Oliverio, Director
General Services Division

Dear Mr. Oliverio:

As you know, I have cancelled all release orders for work to be performed by AMI, Inc. ("AMI") due to their failure to conform to the specifications of the bid contract. This letter is intended to further inform you of my concerns and the specific various failures on the part of AMI. To further inform you, I have attached an Asbestos Notification Inspection Report by the Environmental Inspector for the Department of Health and Human Resources ("DHHR").

The following is a chronological list of AMI's repeated failure to conform to the specifications set forth in the Standard Operating Procedures, Personal Protection, and Work-Place Security sections of the bid contract, and perhaps other sections of the bid contract.

2/10/2007 - Building 1, Rooms W-110 and W-110A.

Contrary to Asbestos Project Designer Duties Check List of West Virginia Code Title 64, AMI failed to:

- Provide a schematic floor plan of the containment area which shows the dimensions, entrance, exit, decontamination unit, load-out area, emergency exits, placement of HEPA units, measuring devices, warning signs and barrier tape.
- Provide the number and capacity of HEPA exhaust units and backups.
- Provide the scope of clearance of the work area for re-occupancy, including the number of sample collection points and analytical method employed.
- Provide a schematic for the HVAC system shut-offs, electrical power, water sources, fire extinguishers, fire alarm, telephone, tool and equipment room, supply box, air monitoring station, project office and bathrooms.

The following are violations of OSHA Regulations:

- It was observed that Anthony Jordan did enter and exit the containment area several times without proper personal protective gear and without properly decontaminating by showering or HEPA vacuuming his person.
- AMI did not properly post warning signs at the entrance to the work area, and left the area unguarded several times.

David Oliverio
April 18, 2007
Page 2

These findings were reported and documented by the DHHR Environmental Inspector and noted by the Environmental Coordinator for the General Services Division.

4/5/2007 - Building 1, Room W-500.

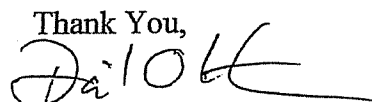
Contrary to OSHA Regulations:

- Material was placed in asbestos labeled disposal bags was not double-bagged or sealed and stored outside the containment area.
- Asbestos warning sign stating "respirators required" was placed at the bottom of the stairs on warning tape, however, the workers and supervisor were in this area without respirators.

4/16/2007 - Building 5, 11th floor Mechanical Room.

Contrary to OSHA regulations, on the 11th floor mechanical room, the workers did not take care to prevent the spread of asbestos material when setting up the containment. Several pieces of asbestos material were found on the floor and were not readily contained or cleaned up by AMI. The workers were wearing respirators but in their street clothing, yet the supervisor was not wearing any protection. No warning signs or barriers were posted to prevent our employees from entering the area. They left the job site and the State had to secure the area and have the material properly cleaned up by a licensed asbestos contractor.

As a result of the above-noted failures, I have serious concerns regarding AMI's ability and willingness to properly perform under the specifications of the bid contract, and clear health and safety concerns regarding any future work performed by AMI on our buildings. Please do not hesitate to contact me if you have any questions, or if I can provide you any further information with regard to AMI's performance.

Thank You,


Daniel Olthaus
GSD Environmental
304-558-3503
304-558-1928 fax

attachment

F A X

State of West Virginia
Department of Health and Human
Resources
Bureau for Public Health
Office of Environmental Health Services
Capitol & Washington Streets
1 Davis Square, Suite 200
Charleston, WV 25301-2981
<http://www.wvdhhr.org/rtia/>

To: Daniel R. Olthaus
Fax number: (304) 558-1928

From: Warren Von Dollen
Fax number: (304)558-0524

Date: 2/23/2007

Regarding:
Asbestos Notification Inspection Report

Phone number for follow-up:
(304) 558-6736

Comments:

Dan,

Here is a copy of the Notification Inspection Report I filed as a result of the inspection I performed on AMI at your site on February 10, 2007.

If you have any questions, I am happy to answer them.

R/ Warren

Warren R. Von Dollen
Environmental Inspector
Radiation, Toxics & Indoor Air Division
<http://www.wvdhhr.org/rtia>
Office: (304) 558-6736
Work Cell: (304) 641-8808



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH
OFFICE OF ENVIRONMENTAL HEALTH SERVICES

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

Asbestos Notification Inspection Report

Date: 2/10/07

Project Location: Capitol Building West Wing

Address: Charleston, WV 25305

Building Owner: State of WV

Address: Charleston, WV 25305

Phone: (304) 558-3503

Contractor: AMI

Address: 192 Vista Del Rio Dr., Morgantown, WV 25305

Phone: (304) 292-1659

License Number: AC001283

Notification

Start Date: 2/10/07

End Date: 2/10/07

Inspector Signature:

W. A. RUDD

Project

Supervisor Signature:

Anthony Co

Person(s) talked to:

Name: 1) Daniel R. Olthaus
Title: Environmental Manager
Phone: (304) 558-3503

Name: 2)
Title:
Phone:

Supervisor: Anthony B. Jordan
License: AS008155
Exp. Date: 6/30/07

Designer: Joe Jordan
License: AD002421
Exp. Date: 9/30/07

Worker: William A. Knotts Jr.
License: AS008334
Exp. Date: 9/30/07

Worker: Carlton H. Hinebaugh II
License: AW003981
Exp. Date: 11/30/07

Worker:
License:
Exp. Date:

Worker:
License:
Exp. Date:

Worker:
License:
Exp. Date:

Worker:
License:
Exp. Date:

Worker:
License:
Exp. Date:

Remarks: Final air clearance sampling was in progress when I arrived. As part of the inspection, I donned my respirator and entered the containment. The supervisor, Anthony Jordon, informed me I did not need to wear PPE. He entered the containment area behind me without a respirator.

ASBESTOS PROJECT DESIGNER DUTIES CHECKLIST-64-63-8

- B.1** A chronological time frame for each facet of the abatement activity
 Yes No
- B.2** The name, address of the building or man-made structure where each asbestos abatement project is to occur
 Yes No
- B.3** The name, address, phone number, and copies of the asbestos-abatement training certificates and licenses of the project designer
 Yes No
- B.4** A schematic floor plan of the abatement project area, including a description of the characteristics of the material
 Yes No
- B.5** A statement identifying the abatement as a repair, removal, encapsulation, or enclosure
 Yes No
- B.6** A schematic floor plan of the containment area which shows the dimensions, entrance, exit, windows, decontamination unit, load-out area, emergency exits, placement of HEPA units, measuring devices, warning signs and barrier tape
 Yes No
- B.7** The specifications for:
- B.7a** The construction of and the amounts of materials needed to build the containment structure, with separation from the uncontaminated environment
 Yes No
- B.7b** The number and capacity of HEPA exhaust units and backups
 Yes No
- B.7c** Air monitoring of personnel
 Yes No
- B.7d** Clearance of the contained work area for re-occupancy, including the number of sample collection points and analytical method employed
 Yes No
- B.8** A schematic for the HVAC system shut-offs, electrical power, water source, fire exits, extinguishers, fire alarm, telephone, tool and equipment room, supply box, air monitoring station, project field office, and bathrooms
 Yes No
- B.9** A description of the work procedures to be used
 Yes No
- B.10** A description of the materials and tools to be used in the project
 Yes No

Comments:

The project design consisted of a single, hand-written page on the inside of a file folder. While essentially all the information required was available in one form or another, the project design did not qualify as a stand alone single point source of information covering all aspects of the job.

Air clearance performed by Pinnacle under state contract.

02
 12/23/07
 JLR

TITLE 64 WU CODE
 - WARREN
 1-304-641-8808

April 27, 2007

David Tincher, Director
Purchasing Division
Building 15
Capitol Complex
Charleston, WV 25305

RECEIVED
MAY 1
2007 ~~APR 31~~ PH 12: 29
WV PURCHASING
DIVISION

Dear Mr. Tincher:

I have noted in bold the specific areas of the Statewide Asbestos Abatement Contract (ABATMNT07A) to which AMI, Inc. has failed to conform:

2/10/2007 - Building 1, Rooms W-110 and W-110A

Contrary to Asbestos Project Designer Duties Check List of West Virginia Code, Title 64, AMI failed to:

- Provide a schematic floor plan of the containment area which shows the dimensions, entrance, exit, decontamination unit, load-out area, emergency exits, placement of HEPA units, measuring devices, warning signs and barrier tape. **(Does not conform to the specifications of the bid and contract at Section XXIV.A.1 - Standard Operating Procedures, Applicable Laws and Section XXIV.A.3 - Standard Operating Procedures, Project Log.)**
- Provide the number and capacity of HEPA exhaust units and backups. **(Does not conform to the specifications of the bid and contract at Section XXIV.A.1 - Standard Operating Procedures, Applicable Laws.)**
- Provide the scope of clearance of the work area for re-occupancy, including the number of sample collection points and analytical method employed. **(Does not conform to the specifications of the bid and contract at Section XXIV.A.1 - Standard Operating Procedures, Applicable Laws.)**
- Provide a schematic for the HVAC system shut-offs, electrical power, water sources, fire extinguishers, fire alarm, telephone, tool and equipment room, supply box, air monitoring station, project office and bathrooms. **(Does not conform to the specifications of the bid and contract at Section XXIV.A.1 - Standard Operating Procedures, Applicable Laws.)**

The following are violations of OSHA Regulations:

- It was observed that Anthony Jordan did enter and exit the containment area several times without proper personal protective gear and without properly decontaminating by showering or HEPA vacuuming his person. **(Does not conform to the specifications of the bid and contract at Section XXIV.A.1 - Standard Operating Procedures, Applicable Laws, and Section XXV.A.3.b - Personal Protection, Personal Protection Procedures.)**
- AMI did not properly post warning signs at the entrance to the work area, and left the area unguarded several times. **(Does not conform to the specifications of the bid and contract at Section XXIV.A.1 - Standard Operating Procedures, Applicable Laws, and Section XXVII.A - Work Place Security.)**

These findings were reported and documented by the DHHR Environmental Inspector and noted by the Environmental Coordinator for the General Services Division.

4/5/2007 - Building 1, Room W-500:

Contrary to OSHA Regulations:

- Material was placed in asbestos labeled disposal bags was not double-bagged or sealed and stored outside the containment area. **(Does not conform to the specifications of the bid and contract at Section XXIV.A.1 - Standard Operating Procedures, Applicable Laws, and Section XXXI.B - Cleanup and Transportation of Asbestos Containing Materials.)**
- Asbestos warning sign stating "respirators required" was placed at the bottom of the stairs on warning tape, however, the workers and supervisor were in this area without respirators. **(Does not conform to the specifications of the bid and contract at Section XXIV.A.1 - Standard Operating Procedures, Applicable Laws.)**

4/16/2007 - Building 5, 11th floor Mechanical Room.

Contrary to OSHA regulations, on the 11th floor mechanical room, the workers did not take care to prevent the spread of asbestos material when setting up the containment. Several pieces of asbestos material were found on the floor and were not readily

contained or cleaned up by AMI, Inc. **(Does not conform to the specifications of the bid and contract at Section XXIV.A.1 - Standard Operating Procedures, Applicable Laws, and Sections IV.H and IV.I - Scope of Work.)** The workers were wearing respirators but in their street clothing, yet the supervisor was not wearing any protection. **(Does not conform to the specifications of the bid and contract at Section XXV.A.3.a.1 - Personal Protection, Respiratory Equipment.)** No warning signs or barriers were posted to prevent our employees from entering the area. **(Does not conform to the specifications of the bid and contract at Section XXVII.A - Standard Operating Procedures, Applicable Laws.)** They left the job site and the State had to secure the area and have the material properly cleaned up by a licensed asbestos contractor. **(Does not conform to the specifications of the bid and contract at Section XXVII.A - Standard Operating Procedures, Applicable Laws, and Section XXVII.A - Work Place Security.)**

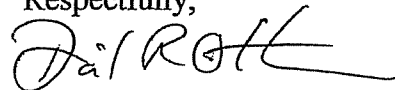
Other areas of the contract that were not followed by AMI Inc.:

Section XXIX - Layout of work area entrance and decontamination structures.
No clean room or equipment rooms were set up at the entrance to the abatement area.

Section XXX.B - Any containment area must have a 1' by 2" Plexiglas window.
Not followed on any job.

Section XXIV.A.3.d. - Copies of the project logs forwarded to the project coordinator/manager and Betty Francisco, Purchasing Division. No copies have been received by the Project Manager or Purchasing for any jobs completed by AMI, Inc.

Respectfully,



Daniel Olthaus

Environmental Manager



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

Purchase Order

PURCHASE ORDER NO:
 ABATMNT07B

PAGE

BLANKET RELEASE
 00

CORRECT PURCHASE ORDER NUMBER
 MUST APPEAR ON ALL PACKAGES,
 INVOICES, AND SHIPPING PAPERS.
 QUESTIONS CONCERNING THIS PUR-
 CHASE ORDER SHOULD BE DIRECTED
 TO THE BUYER AS NOTED BELOW.

CHANGE ORDER
 2

SEE REVERSE SIDE FOR
 TERMS AND CONDITIONS

INVOICE TO

ALL STATE AGENCIES
 AND POLITICAL SUBDIVISIONS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

VENDOR

*823000850 304-292-1659
 AMI
 192 VISTA DEL RIO DRIVE
 MORGANTOWN WV 26505

SHIP TO

ALL STATE AGENCIES
 AND POLITICAL SUBDIVISIONS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED		TERMS OF SALE		FEIN/SSN		FUND	
05/18/2007		NET 30		550646435			
SHIP VIA		F.O.B.		FREIGHT TERMS		ACCOUNT NUMBER	
BEST WAY		DESTINATION		PREPAID		MUL - MUL	
LINE	QUANTITY	UOP	VENDOR ITEM NO.		UNIT PRICE	AMOUNT	
	DELIVERY DATE	CAT. NO.	ITEM NUMBER				
RECEIPT TICKET FOR PURCHASE ORDER: ABATMNT07B							
LINE	CATNO	ITEM NUMBER	DESCRIPTION		QTY	DATE	
0001	962-40		ASBESTOS ABATEMENT		_____	_____	
SIGNATURE _____				DATE _____			
IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE <input type="checkbox"/>							TOTAL

APPROVED AS TO FORM BY
 ASSISTANT ATTORNEY GENERAL

BY _____
 PURCHASING DIVISION AUTHORIZED SIGNATURE