



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

DNR70195

PAGE

1

ADDRESS CORRESPONDENCE TO ATTENTION OF:

BUYER 32
304-558-0492

RFQ COPY

TYPE NAME/ADDRESS HERE

A.J. SMITH INC
dba CAPITAL BUILDERS
4008 5TH STREET ROAD
HUNTINGTON WV 25701

DIVISION OF NATURAL RESOURCES
PARKS & RECREATION SECTION
BUILDING 3, ROOM 719
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV
25305-0662 304-558-2775

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
05/17/2006				

BID OPENING DATE: 06/28/2006 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		968-20	\$27,100.00	\$27,100.00
REMODELING OF ROOMS ON 6TH AND 7TH FLOOR						
LOCATION: CAPITOL COMPLEX, BUILDING 3						
PROJECT: CAPITOL COMPLEX, BLDG. 3 REMODELING						
REMODELING OF CERTAIN ROOMS ON THE SIXTH AND SEVENTH FLOOR OF BUILDING 3 AND OTHER WORK AT THE STATE CAPITOL COMPLEX. THE PROJECT INCLUDES FURNISHING ALL NECESSARY LABOR, MATERIALS, AND EQUIPMENT TO PERFORM THIS WORK AS DESCRIBED IN PLANS AND SPECIFICATIONS AS PREPARED BY THE DIVISION OF NATURAL RESOURCES.						
A MANDATORY ON-SITE PRE-BID WILL BE HELD ON 6/6/06 AT 1:00 PM IN BUILDING 3, ROOM 735. FAILURE TO ATTEND THE PRE-BID WILL RESULT IN DISQUALIFICATION OF THE BID.						
THE PROJECT MANUAL MAY BE OBTAINED BY CONTACTING:						
BRADLEY S. LESLIE, P.E. WEST VIRGINIA DIVISION OF NATURAL RESOURCES PARKS AND RECREATION STATE CAPITOL COMPLEX, BLDG. 3, ROOM 722 1900 KANAWHA BOULEVARD, EAST CHARLESTON, WV 25305-0662 TELEPHONE: 304-558-2775 FAX: 304-558-0077						
THERE IS NO CHARGE FOR THE MANUALS						
PREFERENCE FOR USE OF DOMESTIC STEEL PRODUCTS						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
	(304) 697-5002	JUNE 28, 2006
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
PRESIDENT	55-0735961	

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. 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 registration fee. (Effective June 8, 2006, the fee will change from \$45.00 to \$125.00 pursuant to House Bill 4031.)
 5. All services performed or goods delivered under State Purchase Orders/Contracts are to be continued for the term 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.
 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 §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) 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

NOTICE: Beginning June 8, 2006, there is no need to submit a duplicate bid to the State Auditor's Office pursuant to House Bill 4031.



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1.						
EXCEPT WHEN AUTHORIZED BY THE DIRECTOR OF THE PURCHASING DIVISION PURSUANT TO SUBSECTION 2 BELOW, NO CONTRACTOR MAY USE OR SUPPLY STEEL PRODUCTS FOR A STATE CONTRACT PROJECT OTHER THAN THOSE STEEL PRODUCTS MADE IN THE UNITED STATES. AS USED USED I THIS CONTRACT,						
A. "STATE CONTRACT PROJECT" MEANS ANY ERECTION OR CONSTRUCTION OF, OR ANY ADDITION TO, ALTERATION OF OR OTHER IMPROVEMENT TO ANY BUILDING OR STRUCTURE, INCLUDING, BUT NOT LIMITED TO, ROAD OR HIGHWAYS, OR THE INSTALLATION OF ANY HEATING OR COOLING OR VENTILATING PLANTS OR OTHER EQUIPMENT, OR THE SUPPLY OF AND MATERIALS FOR SUCH PROJECTS, PURSUANT TO A CONTRACT WITH THE STATE OF WEST VIRGINIA FOR WHICH BIDS WERE SOLICITED ON OR AFTER JUNE 6, 2001.						
B. "STEEL PRODUCTS" MEANS PRODUCTS ROLLED, FORMED, SHAPED, DRAWN, EXTRUDED, FORGED, CAST, FABRICATED OR OTHERWISE SIMILARLY PROCESSED, OR PROCESSED BY A COMBINATION OF TWO OR MORE OF SUCH OPERATIONS, FROM STEEL MADE BY THE OPEN HEARTH, BASIC OXYGEN, ELECTRIC FURNACE, BESSEMER OR OTHER STEEL MAKING PROCESS.						
C. "UNITED STATES" MEANS THE UNITED STATES OF AMERICA AND INCLUDES ALL TERRITORY, CONTINENTAL OR INSULAR, SUBJECT TO THE JURISDICTION OF THE UNITED STATES.						
2.						
THE DIRECTOR OF THE PURCHASING DEPARTMENT MAY, IN WRITING, AUTHORIZE THE USE OF FOREIGN STEEL PRODUCTS IF:						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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A. THE COST FOR EACH CONTRACT ITEM USED DOES NOT EXCEED ONE TENTH OF ONE PERCENT (.1%) OF THE TOTAL CONTRACT COST OR TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), WHICHEVER IS GREATER. FOR THE PURPOSES OF THIS SECTION, THE COST IS THE VALUE OF THE STEEL PRODUCT AS DELIVERED TO THE PROJECT OR,						
B. THE DIRECTOR OF THE PURCHASING DIVISION DETERMINES THAT SPECIFIED STEEL MATERIALS ARE NOT PRODUCED IN THE UNITED STATES IN SUFFICIENT QUANTITY OR OTHERWISE ARE NOT REASONABLY AVAILABLE TO MEET CONTRACT REQUIREMENTS.						
3. A CONTRACTOR WHO USES STEEL PRODUCTS IN VIOLATION OF THIS SECTION MAY BE SUBJECT TO CIVIL PENALTIES PURSUANT TO W. VA. CODE SECTION 5A-3-56.						
REV. 10/01/01						
EXHIBIT 5						
NOTICE TO PROCEED: THIS CONTRACT IS TO BE PERFORMED WITHIN 60 CALENDAR DAYS AFTER THE NOTICE TO PROCEED IS RECEIVED. UNLESS OTHERWISE SPECIFIED, THE FULLY EXECUTED PURCHASE ORDER WILL BE CONSIDERED NOTICE TO PROCEED.						
CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE MATERIALS OR WORKMANSHIP SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM WITH THE SPECIFICATIONS OF THE BID AND CONTRACT HERE IN.						
WAGE RATES: THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY						

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THE HIGHER OF THE U.S. DEPARTMENT OF LABOR MINIMUM WAGE RATES AS ESTABLISHED FOR KANAWHA COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET, SEQ. (PREVAILING WAGE RATES APPLY TO THIS PROJECT)						
ARBITRATION: ANY REFERENCES MADE TO ARBITRATION OR INTEREST FOR PAYMENTS DUE (EXCEPT FOR ANY INTEREST REQUIRED BY STATE LAW) CONTAINED IN THIS CONTRACT OR IN ANY AMERICAN INSTITUTE OF ARCHITECTS DOCUMENTS PERTAINING TO THIS CONTRACT ARE HEREBY DELETED.						
WORKERS' COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL.						
ALL OF THE ITEMS CHECKED BELOW WILL BE A REQUIREMENT OF THIS CONTRACT:						
(XX) INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF COMMERCIAL GENERAL LIABILITY INSURANCE PRIOR TO ISSUANCE OF CONTRACT. UNLESS OTHERWISE SPECIFIED IN THE BID DOCUMENTS, THE MINIMUM AMOUNT OF INSURANCE COVERAGE REQUIRED IS \$250,000.						
(XX) BONDS: FIVE PERCENT (5%) OF THE TOTAL AMOUNT OF THE BID PAYABLE TO THE STATE OF WEST VIRGINIA, SHALL BE SUBMITTED WITH EACH BID AS A BID BOND. THE SUCCESSFUL BIDDER SHALL ALSO FURNISH A PERFORMANCE BOND AND LABOR/MATERIAL BOND FOR 100% OF THE AMOUNT OF THE CONTRACT. BONDS MAY BE PROVIDED IN THE FORM OF A CERTIFIED CHECK IRREVOCABLE LETTER OF CREDIT, OR BOND FURNISHED BY A SOLVENT SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE OF WEST VIRGINIA. A LETTER OF CREDIT SUBMITTED IN LIEU OF A PERFORMANCE AND LABOR & MATERIAL BOND WILL ONLY BE ALLOWED FOR PROJECTS UNDER \$100,000. PERSONAL OR BUSINESS CHECKS ARE NOT ACCEPTABLE IN LIEU OF THE						

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QUANTITY

UOP

CAT
NO

ITEM NUMBER

UNIT PRICE

AMOUNT

5% BID BOND, PERFORMANCE BOND, OR LABOR AND MATERIAL
BOND.

REV. 11/00

EXHIBIT 7

DOMESTIC ALUMINUM, GLASS & STEEL IN PUBLIC WORKS
PROJECTS

IN ACCORDANCE WITH WEST VIRGINIA CODE 5-19-1 ET.,
SEQ., EVERY CONTRACT FOR CONSTRUCTION, RECONSTRUCTION,
ALTERATION, REPAIR, IMPROVEMENT OR MAINTENANCE OF
PUBLIC WORKS, WHERE THE COST IS MORE THAN \$50,000 AND,
IN THE CASE OF STEEL ONLY, WHERE THE COST OF STEEL IS
MORE THAN \$50,000 OR WHERE MORE THAN 10,000 POUNDS OF
STEEL ARE REQUIRED, THE STATE WILL ACCEPT ONLY ALUMINUM
GLASS, OR STEEL PRODUCTS PRODUCED IN THE UNITED STATES.
IN ADDITION, ITEMS OF MACHINERY OR EQUIPMENT PURCHASED
FOR USE AT THE SITE OF PUBLIC WORKS SHALL BE MADE OF
DOMESTIC ALUMINUM, GLASS OR STEEL, UNLESS THE COST OF
THE PRODUCT IS LESS THAN \$50,000 OR LESS THAN 10,000
POUNDS OF STEEL ARE USED IN PUBLIC WORKS PROJECTS.

FOREIGN MADE ALUMINUM, GLASS OR STEEL PRODUCTS MAY BE
ACCEPTED ONLY IF THE COST OF DOMESTIC PRODUCTS IS FOUND
TO BE UNREASONABLE. SUCH COST IS UNREASONABLE IF IT IS
20% OR MORE HIGHER THAN THE BID PRICE FOR FOREIGN MADE
PRODUCTS. IF THE DOMESTIC ALUMINUM, GLASS OR STEEL
PRODUCTS TO BE SUPPLIED OR PRODUCED IN A "SUBSTANTIAL
LABOR SURPLUS AREA", AS DEFINED BY THE UNITED STATES
DEPARTMENT OF LABOR, FOREIGN PRODUCTS MAY BE SUPPLIED
ONLY IF DOMESTIC PRODUCTS ARE 30% OR MORE HIGHER IN
PRICE THAN THE FOREIGN MADE PRODUCTS.

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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IF, PRIOR TO THE AWARD OF A CONTRACT UNDER THE ABOVE PROVISIONS, THE SPENDING OFFICER OF THE SPENDING UNIT DETERMINES THAT THERE EXISTS A BID FOR LIKE FOREIGN ALUMINUM, GLASS OR STEEL THAT IS REASONABLE AND LOWER THAN THE LOWEST BID DOMESTIC PRODUCTS, THE SPENDING OFFICE MAY REQUEST, IN WRITING, A REEVALUATION AND REDUCTION IN THE LOWEST BID FOR SUCH DOMESTIC PRODUCTS. ALL VENDORS MUST INDICATE IN THEIR BID IF THEY ARE SUPPLYING FOREIGN ALUMINUM, GLASS OR STEEL.						
REV. 3/88						
EXHIBIT 9						
NOTICE FOR ISSUANCE & ACKNOWLEDGEMENT OF CONSTRUCTION PROJECT ADDENDA						
THE ARCHITECT/ENGINEER AND/OR AGENCY SHALL BE REQUIRED TO ABIDE BY THE FOLLOWING SCHEDULE IN ISSUING CONSTRUCTION PROJECT ADDENDA FOR STATE AGENCIES:						
(1) THE ARCHITECT/ENGINEER SHALL PREPARE THE ADDENDUM AND A LIST OF ALL PARTIES THAT HAVE PROCURED DRAWINGS AND SPECIFICATIONS FOR THE PROJECT. THE ADDENDUM AND LIST SHALL BE FORWARDED TO THE BUYER IN THE STATE PURCHASING DIVISION. THE ARCHITECT/ENGINEER SHALL ALSO SEND A COPY OF THE ADDENDUM TO THE STATE AGENCY FOR WHICH THE CONTRACT IS ISSUED.						
(2) THE BUYER SHALL SEND THE ADDENDUM TO ALL INTERESTED PARTIES AND, IF NECESSARY, EXTEND THE BID OPENING DATE. ANY ADDENDUM SHOULD BE RECEIVED BY THE BUYER WITHIN FOURTEEN (14) DAYS PRIOR TO THE BID OPENING DATE.						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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(3) ALL ADDENDA SHOULD BE FORMALLY ACKNOWLEDGED BY ALL BIDDERS AND SUBMITTED TO THE STATE PURCHASING DIVISION AND THE STATE AUDITOR'S OFFICE. THE SAME RULES AND REGULATIONS THAT APPLY TO THE ORIGINAL BIDDING DOCUMENT SHALL ALSO APPLY TO AN ADDENDUM DOCUMENT. THE ONLY EXCEPTION MAY BE FOR AN ADDENDUM THAT IS ISSUED FOR THE SOLE PURPOSE OF CHANGING A BID OPENING TIME AND/OR DATE.

REV. 11/96

EXHIBIT 10

ADDENDUM ACKNOWLEDGEMENT

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.

ADDENDUM NOS.:

NO. 1

NO. 2

NO. 3

NO. 4

NO. 5

I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF THE BIDS.

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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TELEPHONE

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A.J. SMITH INC dba CAPITAL BUILDERS.....COMPANY						
JUNE 28, 2006.....DATE						
REV. 11/96						
CONTRACTORS LICENSE						
WEST VIRGINIA STATE CODE 21-11-2 REQUIRES THAT ALL PERSONS DESIRING TO PERFORM CONTRACTING WORK IN THIS STATE MUST BE LICENSED. THE WEST VIRGINIA CONTRACTORS LICENSING BOARD IS EMPOWERED TO ISSUE THE CONTRACTORS LICENSE. APPLICATIONS FOR A CONTRACTORS LICENSE MAY BE MADE BY CONTACTING THE WEST VIRGINIA DIVISION OF LABOR CAPITOL COMPLEX, BUILDING 3, ROOM 319, CHARLESTON, WV 25305. TELEPHONE: (304) 558-7890.						
WEST VIRGINIA STATE CODE 21-11-11 REQUIRES ANY PROSPECTIVE BIDDER TO INCLUDE THE CONTRACTORS LICENSE NUMBER ON THEIR BID.						
BIDDER TO COMPLETE:						
CONTRACTORS NAME: A.J. SMITH INC dba CAPITAL BUILDERS.....						
CONTRACTORS LICENSE NO.: WV032728.....						
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT						
APPLICABLE LAW						

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THE WEST VIRGINIA STATE CODE, PURCHASING DIVISION RULES AND REGULATIONS, AND THE INFORMATION PROVIDED IN THE "REQUEST FOR QUOTATION" ISSUED BY THE PURCHASING DIVISION IS THE SOLE AUTHORITY GOVERNING THIS PROCUREMENT.

ANY INFORMATION PROVIDED IN SPECIFICATION MANUALS, OR ANY OTHER SOURCE, VERBAL OR WRITTEN, WHICH CONTRADICTS OR ALTERS THE INFORMATION PROVIDED FROM THE SOURCES AS DESCRIBED IN THE ABOVE PARAGRAPH IS VOID AND OF NO EFFECT.

BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.

REV. 1/2005

NOTICE

AN ORIGINAL, SIGNED BID MUST BE SUBMITTED TO:

DEPARTMENT OF ADMINISTRATION
PURCHASING DIVISION
BUILDING 15
2019 WASHINGTON STREET, EAST
CHARLESTON, WV 25305-0130

THE BID MUST CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPES OR THE BIDS MAY NOT BE CONSIDERED:

SEALED BID

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE

TELEPHONE

DATE

(304) 697-5002

JUNE 28, 2006

TITLE

FEIN

PRESIDENT

55-0735961

ADDRESS CHANGES TO BE NOTED ABOVE

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



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
DNR70195

PAGE
10

ADDRESS CORRESPONDENCE TO ATTENTION OF
BUYER 32 304-558-0492

RFQ COPY

TYPE NAME/ADDRESS HERE

A.J. SMITH INC
dba CAPITAL BUILDERS
4008 5TH STREET ROAD
HUNTINGTON WV 25701

DIVISION OF NATURAL RESOURCES
PARKS & RECREATION SECTION
BUILDING 3, ROOM 719
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV
25305-0662 304-558-2775

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
05/17/2006				

BID OPENING DATE: 06/28/2006 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
BUYER: 32						
REQ. NO.: DNR70195						
BID OPENING DATE AND TIME						
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:						
(304) 697-5004						
PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE:						
R. W. Burgess - President						
***** THIS IS THE END OF RFQ DNR70195 ***** TOTAL:						\$27,100.00

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
	(304) 697-5002	JUNE 28, 2006
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
PRESIDENT	55-0735961	

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

PROPOSAL OR BID

A.J. Smith, Inc. dba Capital Builders

PROJECT: WEST VIRGINIA DIVISION OF NATURAL RESOURCES
CAPITOL COMPLEX, BUILDING 3 REMODELING
KANAWHA COUNTY, WEST VIRGINIA

We, the undersigned, having examined the site and being familiar with the local conditions affecting the cost of the WORK and also being familiar with the general conditions to Bidders, drawings, and specifications, hereby propose to furnish all materials, equipment, and labor to complete all WORK described in the Bidding Documents in a workmanlike manner.

The Bid shall include all necessary materials, labor and equipment to complete all WORK as shown in the Bidding Documents prepared by the Division of Natural Resources.

BASE BID DESCRIPTION: Materials, labor and equipment for the remodeling of certain rooms of Building 3 and other work at the State Capitol Complex.

BASE BID AMOUNT

Twenty-Seven Thousand One Hundred Dollars & no/100-----

----- (\$ 27,100.00)
(Total to be written in words and figures.)

ADDITIVE ALTERNATE NO. 1: Three Thousand Nine Hundred Dollars & no/100 (\$3,900.00)

Install suspended ceiling system with lights in Room 734.

ADDITIVE ALTERNATE NO. 2: Four Thousand Seven Hundred Dollars & no/100 (\$4,700.00)

Install suspended ceiling system with lights in Room 732.

ADDITIVE ALTERNATE NO. 3: Four Thousand Three Hundred Dollars & no/100 (\$4,300.00)

Install suspended ceiling system with lights in Room 733.

**PROJECT: WEST VIRGINIA DIVISION OF NATURAL RESOURCES
CAPITOL COMPLEX, BUILDING 3 REMODELING
KANAWHA COUNTY, WEST VIRGINIA**

In the event of a difference in written amount and the number amount, the written amount shall prevail.

The Bidder understands that to the extent allowed by the West Virginia Code, the OWNER reserves the right to waive any informality or irregularity in any Bid, or Bids, and to reject any or all Bids in whole or in part; to reject a Bid not accompanied by the required Bid security or by other data required by the Bidding Documents; to reject any condition of the Bid by the Bidder that is in any way inconsistent with the requirements, terms and conditions of the Bidding Documents; or to reject a Bid that is in any way incomplete or irregular.

The Bidder, if successful and awarded the Contract, agrees that all WORK is to be complete within 60 consecutive calendar days following receipt of the OWNER's written Notice to Proceed. For each calendar day of delay in achieving completion, the CONTRACTOR shall be liable for, and shall pay the OWNER liquidated damages in the amount of One Hundred Dollars (\$100.00) per day. Allowances may be made for delays due to shortages of materials, subject to proof by documentation, and also for delays due to strikes and other delays beyond the control of the CONTRACTOR. All delays and any claim for extension of the Contract time must be properly documented in accordance with the Contract Documents.

Any WORK performed or any materials contracted for prior to the receipt of the OWNER's written Notice to Proceed shall be at the Bidder's risk.

Upon receipt of the OWNER's written notice of acceptance of this Bid, the Bidder agrees that he shall execute and deliver the Contract along with insurance certificates as set forth in the Bidding Documents to the OWNER within ten (10) consecutive calendar days, or the Bidder shall forfeit the security deposited with this Bid.

PROGRESS PAYMENTS

The CONTRACTOR will make current estimates, in writing, once each month on AIA Forms G702 and G703 on or before the date set by the OWNER at the time of starting the WORK. The progress payments shall be a true estimate of the materials complete in place and the amount of WORK performed in accordance with the Contract during the preceding month and the value thereof figured at the Contract unit prices or based on the approved Schedule of Values. Should there be any doubt by the OWNER as to the integrity of any part of the completed WORK, the estimates for that portion will not be allowed until the cause for such doubt has been removed and the estimate modified by the CONTRACTOR accordingly. CONTRACTOR shall submit evidence to document of the extent of progress payments as required by the OWNER.

PROJECT: WEST VIRGINIA DIVISION OF NATURAL RESOURCES
CAPITOL COMPLEX, BUILDING 3 REMODELING
KANAWHA COUNTY, WEST VIRGINIA

Progress payments will not be made when the total value of the WORK done since the last estimate amounts to less than Five Hundred Dollars (\$500.00). From the total of the amounts ascertained as payable, an amount equivalent to five percent (5%) will be deducted and retained by the OWNER until completion of the entire Contract is in an acceptable manner. The balance, less all previous payments, will be certified for payment by the OWNER.

When the WORK under Contract has been completed and its acceptance is recommended by the OWNER, the retainage shall be released and paid to the CONTRACTOR.

ADDENDUM ACKNOWLEDGMENT

I hereby acknowledge receipt of the following checked addendum and have made the necessary revisions to my proposal.

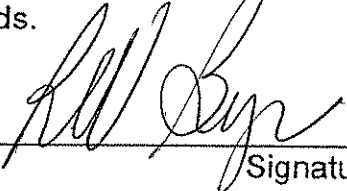
Addendum No. 1 _____

Addendum No. 2 _____

Addendum No. 3 _____

Addendum No. 4 _____

I understand that failure to confirm the receipt of the Addendum is cause for rejection of bids.



Signature

JUNE 28, 2006

Date

RESPECTFULLY SUBMITTED:

DATE: JUNE 28, 2006

WV VENDOR NUMBER: C09123150

WV Contractor's Number: WV032728

BY: 

(Signature in Ink)

R. W. Burgess

TITLE: President

FIRM NAME: A.J. SMITH, INC dba CAPITAL BUILDERS

ADDRESS: 4008 5TH STREET ROAD

HUNTINGTON WV 25701

AGENCY Division of Natural Resources
RFQ/RFP # DNR70195

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Capital
Builders, Inc. of
4008 Fifth Street Road, Huntington, WV 25701, as Principal, and
American Fire and Casualty Company of
11 Brighton Road, Suite 2B, Clifton, NJ 07012, a corporation organized
and existing under the laws of the State of Ohio, with its
principal office in the City of Fairfield as Surety,
are held and firmly bound unto The State of West Virginia, as Obligor, in the penal sum of
Five Percent of Amount of Bid (\$ -----5%-----) for the
payment of which, well and truly to be made, we jointly and severally bind ourselves, our heirs,
administrators, executors, successors and assigns.

The Condition of the above obligation is such that whereas the Principal has submitted to
the Purchasing Section of the Department of Administration a certain bid or proposal, attached
hereto and made a part hereof, to enter into a contract in writing for Remodeling of Rooms
on 6th and 7th Floor, Capital Complex Building 3

NOW THEREFORE,

- (a) If said bid shall be rejected, or
- (b) If said bid shall be accepted and the Principal shall enter into a contract in
accordance with the bid or proposal attached hereto and shall furnish any other bonds and
insurance required by the bid or proposal, and shall in all other respects perform the agreement
created by the acceptance of said bid, then this obligation shall be null and void, otherwise this
obligation shall remain in full force and effect. It is expressly understood and agreed that the
liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal
amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said
Surety and its bond shall be in no way impaired or affected by any extension of the time within
which the Obligor may accept such bid; and said Surety does hereby waive notice of any such
extension.

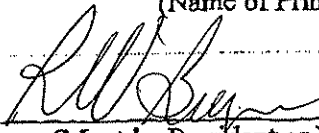
IN WITNESS WHEREOF, Principal and Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be affixed hereto and these presents to be signed by their proper officers, this 28th day of June 20 06.

Principal Corporate Seal

Capital Builders, Inc.

(Name of Principal)

By:



(Must be President or Vice President)

R. W. Burgess
President

Title

Surety Corporate Seal

American Fire and Casualty Company

(Name of Surety)

Countersigned:

N/A

Resident West Virginia Agent

By:



Attorney-In-Fact

Lynn M. Wheelock, Attorney-in-Fact

IMPORTANT – Surety executing bonds must be licensed in West Virginia to transact surety insurance. Corporate seals must be affixed, a power of attorney must be attached, and a West Virginia resident agent must sign or countersign.

**CERTIFIED COPY OF POWER OF ATTORNEY
AMERICAN FIRE AND CASUALTY COMPANY**

No. 39-164

Know All Men by These Presents: That THE AMERICAN FIRE AND CASUALTY COMPANY, an Ohio Corporation, pursuant to the authority granted by Article III, Section 9 of the Code of Regulations and By-Laws of American Fire And Casualty Company, does hereby nominate, constitute and appoint: John P. Follman, Jr., Nancy Nigro, Douglas S. Hansen, Lynn M. Wheelock or Kathleen M. Berkelback of Conshohocken, Pennsylvania its true and lawful agent (s) and attorney (s)-in-fact, to make, execute, seal and deliver for and on its behalf as surety, and as its act and deed any and all BONDS, UNDERTAKINGS, and RECOGNIZANCES, not exceeding in any single instance ONE MILLION (\$1,000,000.00) Dollars, excluding, however, any bond(s) or undertaking(s) guaranteeing the payment of notes and interest thereon

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Fairfield, Ohio, in their own proper persons.

The authority granted hereunder supersedes any previous authority heretofore granted the above named attorney(s)-in-fact.

In WITNESS WHEREOF, the undersigned officer of the said American Fire and Casualty Company has hereunto subscribed his name and affixed the Corporate Seal of the said American Fire and Casualty Company this 16th day of February 2006.



Sam Lawrence

Sam Lawrence, Assistant Secretary

STATE OF OHIO,
COUNTY OF BUTLER

On this 16th day of February, 2006 before the subscriber, a Notary Public of the State of Ohio, in and for the County of Butler, duly commissioned and qualified, came Sam Lawrence, Assistant Secretary of AMERICAN FIRE AND CASUALTY COMPANY, to me personally known to be the individual and officer described in, and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn deposes and says, that he is the officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and the said Corporate Seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at the City of Hamilton, State of Ohio, the day and year first above written.



Cheryl S. Gregory

Notary Public in and for County of Butler, State of Ohio
My Commission expires August 6, 2007.

This power of attorney is granted under and by authority of Article III, Section 9 of the Code of Regulations and By-Laws of American Fire And Casualty Company, extracts from which read:

Article III, Section 9. Appointment of Attorneys-in-Fact. The Chairman of the Board, the President, any Vice-President, the Secretary or any Assistant Secretary of the corporation shall be and is hereby vested with full power and authority to appoint attorneys-in-fact for the purpose of signing the name of the corporation as surety to, and to execute, attach the seal of the corporation to, acknowledge and deliver any and all bonds, recognizances, stipulations, undertakings or other instruments of suretyship and policies of insurance to be given in favor of any individual, firm, corporation, partnership, limited liability company or other entity, or the official representative thereof, or to any county or state, or any official board or boards of any county or state, or the United States of America or any agency thereof, or to any other political subdivision thereof

This instrument is signed and sealed as authorized by the following resolution adopted by the Boards of Directors of the Companies on October 21, 2004:

RESOLVED, That the signature of any officer of the Company authorized under Article III, Section 9 of its Code of Regulations and By-laws and the Company seal may be affixed by facsimile to any power of attorney or copy thereof issued on behalf of the Company to make, execute, seal and deliver for and on its behalf as surety any and all bonds, undertakings or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment. Such signatures and seal are hereby adopted by the Company as original signatures and seal and shall, with respect to any bond, undertaking or other written obligations in the nature thereof to which it is attached, be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATE

I, the undersigned Assistant Secretary of American Fire and Casualty Company, do hereby certify that the foregoing power of attorney, the referenced By-Laws of the Company and the above resolution of its Board of Directors are true and correct copies and are in full force and effect on this date.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Company this 28th day of June A.D., 2006



Mark E. Schmidt

Assistant Secretary

CONTRACTOR LICENSE

Authorized by the

West Virginia Contractor Licensing Board

Number:

WV032728

Classification:

GENERAL BUILDING

CAPITAL BUILDERS
4008 5TH STREET RD
HUNTINGTON, WV 25701-9545

Date Issued

Expiration Date

JULY 09, 2005

JULY 09, 2006

WEST VIRGINIA
CONTRACTOR
LICENSING
BOARD

Roger D. Smith
Authorized Company Signature

Michael A. Carl
Chair, West Virginia Contractor
Licensing Board

This license, or a copy thereof, must be posted in a conspicuous place at every construction site where work is being performed. This license number must appear in all advertisements, on all bid submissions and on all fully executed and binding contracts. This license cannot be assigned or transferred by licensee. Issued under provisions of West Virginia Code, Chapter 21, Article 11.

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LICENSING
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4700 MacCorkle Ave., S.E. Charleston, West Virginia 25304

PRODUCER:

BrickStreet Mutual Insurance Company
4700 MacCorkle Ave., S.E.
Charleston, WV 25304

CERTIFICATE HOLDER:

A J SMITH INC
CAPITAL BUILDERS
4008 FIFTH STREET ROAD
HUNTINGTON WV 25701

INSURED:

A J SMITH INC
CAPITAL BUILDERS
4008 FIFTH STREET ROAD
HUNTINGTON WV 25701

CERTIFICATE OF INSURANCE

The policy of insurance listed below has been issued to the insured named above for the policy period and coverage indicated. This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy below. Coverage is contingent on the insured's compliance with policy conditions and premium payment.

If the policy is canceled before the expiration date, BrickStreet Mutual Insurance Company will endeavor to mail a written notice to the certificate holder within 30 days of cancellation. Failure to mail the notice shall impose no obligation or liability of any kind upon BrickStreet Mutual Insurance Company.

POLICY NUMBER: WC10039658-02

DATE CERTIFICATE ISSUED: 06/26/2006

POLICY EFFECTIVE DATE: 07/01/2006

POLICY EXPIRATION DATE: 01/01/2007

WORKERS COMPENSATION AND EMPLOYERS LIABILITY

LIMITS / COVERAGE

[X] WORKERS COMPENSATION - STATUTORY LIMITS

[X] EMPLOYERS LIABILITY LIMITS:

BODILY INJURY BY ACCIDENT:	\$100,000.00	EACH ACCIDENT
BODILY INJURY BY DISEASE:	\$500,000.00	POLICY LIMIT
BODILY INJURY BY DISEASE:	\$100,000.00	EACH EMPLOYEE

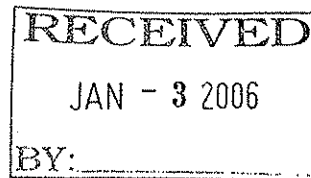
**[] WV BROAD FORM EMPLOYERS LIABILITY ENDORSEMENT -
COVERAGE FOR WV CODE 23-4-2(d)(2)(ii)**

**[] FEDERAL COAL MINE HEALTH AND SAFETY ACT COVERAGE ENDORSEMENT -
COVERAGE FOR WV CODE 23-4b-1 - FEDERAL BLACK LUNG COVERAGE**

SPECIAL PROVISIONS IF ANY:



4700 MacCorkle Ave. S.E. Charleston, West Virginia 25304



12/28/2005

POLICY NUMBER: WC10039658-01

A J SMITH INC
CAPITAL BUILDERS
4008 FIFTH STREET ROAD
HUNTINGTON, WV 25701

Dear BrickStreet Customer:

Welcome to BrickStreet Mutual Insurance Company! We're excited about the changes and opportunities presented by our transition from a state agency to a private employer's mutual company offering workers' compensation insurance coverage. As part of that transition, your policy number has been changed to reflect the shift from the public sector to a private market.

The enclosed Information Pages contain the essential information we used to construct your workers' compensation insurance policy. You can view the coverage forms pertaining to your policy listed on the enclosed Information Pages by visiting our website at www.BrickStreet.com

If you previously purchased Employers' Excess Liability Fund coverage or Coal Workers Pneumoconiosis coverage from the Workers' Compensation Commission, BrickStreet is automatically providing you substantially similar coverage through endorsements to your policy. If the WV Broad Form Employers Liability Endorsement or the Federal Coal Mine Health and Safety Act Endorsements are not listed on your Information Pages, then these coverages are not provided.


If you wish to apply for Federal Coal Mine Health and Safety Act coverage or West Virginia Broad Form Employers Liability coverage, you may do so by submitting to us the application found on our website, or write to us at the above address, or call us at 866-45BRICK to receive an application.

If you have incurred any covered workers' compensation claims with dates of injury falling between July 1 and Dec. 31, 2005, BrickStreet Insurance will assume the liability for and adjust those claims for you. Please contact our customer service department at 866-45BRICK with any questions you may have.

Again, welcome to BrickStreet! We look forward to serving you!

Sincerely,

President and Chief Executive Officer



Your business. Your people. You're covered.

DATE OF ISSUE: 12/28/2005
ISSUING OFFICE: Charleston, WV
PRODUCER: BRICKSTREET MUTUAL INSURANCE COMPANY



4700 MacCorkle Ave S E Charleston, West Virginia 25304

WORKERS COMPENSATION
AND
EMPLOYERS LIABILITY POLICY

INFORMATION PAGE WC 00 00 01 (A)

RENEWAL OF POLICY NUMBER: NEW
POLICY NUMBER: WC10039658-01

INSURER: BRICKSTREET MUTUAL INSURANCE COMPANY

1. INSURED

A J SMITH INC
CAPITAL BUILDERS
4008 FIFTH STREET ROAD
HUNTINGTON, WV 25701

PRODUCER:

Insured is a Corporation

Other work places and identification numbers are shown in the schedule(s) attached.

2. The policy period is from 01/01/2006 to 07/01/2006 12:01 A.M. at the insured's mailing address.
3. A **WORKERS COMPENSATION INSURANCE:** Part One of the policy applies to the Workers Compensation Law of the state(s) listed here:

WV

- B **EMPLOYERS LIABILITY INSURANCE:** Part Two of the policy applies to work in each state listed in item 3.A. The limits of our liability under Part Two are:

Bodily Injury by Accident:	\$100,000	Each Accident
Bodily Injury by Disease:	\$100,000	Policy Limit
Bodily Injury by Disease:	\$100,000	Each Employee

- C **OTHER STATES INSURANCE:** Part Three of the policy applies to the states, if any, listed here:

See West Virginia Limited Other States Insurance Endorsement WC 99 03 05

- D This policy includes these endorsements and schedules:

SEE LIST OF ENDORSEMENTS - EXTENSION OF INFORMATION PAGE

4. The premium for this policy will be determined by our Manuals of Rules, Classifications, Rates and Rating Plans. All required information is subject to verification and change by audit to be made in accordance to Part Five of the policy.

DATE OF ISSUE: 12/28/2005
ISSUING OFFICE: Charleston, WV
PRODUCER: BRICKSTREET MUTUAL INSURANCE COMPANY

WEST VIRGINIA
STATE TAX DEPARTMENT

WV/BRT-802
Rev. 7/04

BUSINESS REGISTRATION CERTIFICATE
FOR YEAR BEGINNING JULY 1, 2005

ENDING JUNE 30, 2007



This business registration certificate is issued by the West Virginia Tax Commissioner in accordance with Chapter 11, Article 12 of the West Virginia Code. The person or organization identified on this certificate is registered to conduct business in the State of West Virginia at the location listed.

SEE REVERSE SIDE.

WEST VIRGINIA BUSINESS LOCATION ADDRESS

AME

WEST VIRGINIA MAILING ADDRESS

030685

A J SMITH INC
DBA CAPITAL BUILDERS

4008 5TH STREET RD
HUNTINGTON WV

25701

WEST VIRGINIA
TAX DEPARTMENT

211421

A F F I D A V I T

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:

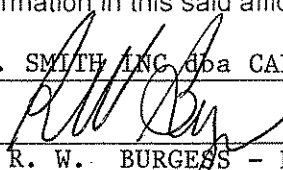
The vendor must be licensed in accordance with any and all state requirements to do business with the state of West Virginia.

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: A.J. SMITH INC dba CAPITAL BUILDERS

Authorized Signature: 

Date: JUNE 28, 2006

R. W. BURGESS - PRESIDENT