



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
668C0028

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
MICHAEL AUSTIN 304-558-2402

BIDDING

\*205130853      304-598-2067  
 BUCKEYE AGGREGATES INC  
 364 1/2 PATTERSON DR  
 SUITE 277  
 MORGANTOWN WV 26505

SHIP TO

DIVISION OF HIGHWAYS  
 VARIOUS LOCALES AS INDICATED  
 BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
05/21/2008				

BID OPENING DATE: **06/11/2008**      BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA		770-06		
<p>STONE &amp; AGGREGATE</p> <p>OPEN END CONTRACT</p> <p>TO FURNISH ALL LABOR, MATERIALS, AND EQUIPMENT NECESSARY TO SUPPLY STONE AND AGGREGATE TO THE WEST VIRGINIA DIVISION OF HIGHWAYS, DISTRICT 1 THROUGH 10 AT THE LOCATIONS AND UNDER THE CONDITIONS SPECIFIED HEREINAFTER.</p> <p>NOTE: (1) VENDORS CAN COMPLETE BIDDING SCHEDULES AT OUR WEBSITE. WWW.STATE.WV.US/ADMIN/PURCHASE            (2) VENDORS DO NOT NEED TO SEND IN BLANK PAGES, (IE. SITES YOU ARE BIDDING ON)            (3) VENDORS SHOULD STAMP EACH PAGE AT THE TOP WITH COMPANY NAME AND NUMBER PAGES CHRONOLOGICALLY THAT YOU ARE SUBMITTING.            (4) NUMBER 12-BIDDING SCHEDULE VENDORS MAY MAKE DUPLICATES OF THESE PAGES IF QUOTING DIFFERENT STORAGE SITES.</p> <p>EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON ..... AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Gene M. Kuehl</i>	TELEPHONE 304-598-2067	DATE 6/9/08
TITLE V. Pres.	PEIN 34-1873371	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. 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 \$125.00 registration fee.
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 may be deemed null and void, and 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.

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**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. **BID SUBMISSION:** 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.

**SIGNED BID TO:**

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



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PAGE
2

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VENDOR

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05/21/2008				

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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE.</p> <p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.</p> <p>RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p> <p>QUANTITIES: QUANTITIES LISTED IN THE REQUISITION ARE APPROXIMATIONS ONLY, BASED ON ESTIMATES SUPPLIED BY THE STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF THE CONTRACT,</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Gene M. Royal</i>	TELEPHONE 304-598-2067	DATE 6/9/08
TITLE V. pres.	FEIN 34-1873371	ADDRESS CHANGES TO BE NOTED ABOVE

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PAGE  
**3**

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05/21/2008				

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<p>WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p> <p>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN STATE CONTRACT ORDER (FORM NUMBER WV-39) TO THE VENDOR FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL COPY OF THE WV-39 SHALL BE MAILED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT, A SECOND COPY MAILED TO THE PURCHASING DIVISION, AND A THIRD COPY RETAINED BY THE SPENDING UNIT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM.</p> <p>REV. 04/11/2001</p> <p>EXHIBIT 10</p> <p>REQUISITION NO.: ..668C0028...</p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.</p> <p>ADDENDUM NO.'S:</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS		
SIGNATURE <i>Sore M. Kural</i>	TELEPHONE 304-598-2067	DATE 6/9/08
TITLE V. pres.	FEIN 34-1873371	ADDRESS CHANGES TO BE NOTED ABOVE

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PAGE  
**4**

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NO. 1	..X.....					
NO. 2	.....					
NO. 3	.....					
NO. 4	.....					
NO. 5	.....					
<p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF TH            ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</p> <p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL            REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY            ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES            AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE            INFORMATION ISSUED IN WRITING AND ADDED TO THE            SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p style="text-align: center;"><i>Gene M. Kual</i>            SIGNATURE</p> <p style="text-align: center;">.....            Buckeye Aggregates, Inc.....            COMPANY</p> <p style="text-align: center;">.....6/9/08.....            DATE</p> <p>REV. 11/96</p> <p style="text-align: center;"><b>VENDOR PREFERENCE CERTIFICATE</b></p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE <i>Gene M. Kual</i>	TELEPHONE 304-598-2067	DATE 6/9/08	
TITLE V. Pres.	FEIN 34-1873371	ADDRESS CHANGES TO BE NOTED ABOVE	

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PAGE  
**5**

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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>CERTIFICATION AND APPLICATION* IS HEREBY MADE FOR PREFERENCE IN ACCORDANCE WITH WEST VIRGINIA CODE, 5A-3-37 (DOES NOT APPLY TO CONSTRUCTION CONTRACTS).</p> <p>A. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED:</p> <p>( ) BIDDER IS AN INDIVIDUAL RESIDENT VENDOR AND HAS RESIDED CONTINUOUSLY IN WEST VIRGINIA FOR FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION; OR</p> <p>(XX) BIDDER IS A PARTNERSHIP, ASSOCIATION OR CORPORATION RESIDENT VENDOR AND HAS MAINTAINED ITS HEAD-QUARTERS OR PRINCIPAL PLACE OF BUSINESS CONTINUOUSLY IN WEST VIRGINIA FOR FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION; OR 80% OF THE OWNERSHIP INTEREST OF BIDDER IS HELD BY ANOTHER INDIVIDUAL, PARTNERSHIP, ASSOCIATION OR CORPORATION RESIDENT VENDOR WHO HAS MAINTAINED ITS HEADQUARTERS OR PRINCIPAL PLACE OF BUSINESS CONTINUOUSLY IN WEST VIRGINIA FOR FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION; OR</p> <p>( ) BIDDER IS A CORPORATION NONRESIDENT VENDOR WHICH HAS AN AFFILIATE OR SUBSIDIARY WHICH EMPLOYS A MINIMUM OF ONE HUNDRED STATE RESIDENTS AND WHICH HAS MAINTAINED ITS HEADQUARTERS OR PRINCIPAL PLACE OF BUSINESS WITHIN WEST VIRGINIA CONTINUOUSLY FOR THE FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION.</p> <p>B. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED:</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Gene M. Kural</i>	TELEPHONE <b>304-598-2067</b>	DATE <b>6/9/08</b>
TITLE <b>V. Pres.</b>	IFB# <b>34-1873371</b>	ADDRESS CHANGES TO BE NOTED ABOVE

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PAGE  
**6**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
**MICHAEL AUSTIN  
 304-558-2402**

PROPERTY

\*205130853      304-598-2067  
**BUCKEYE AGGREGATES INC**  
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<p>(XX) BIDDER IS A RESIDENT VENDOR WHO CERTIFIES THAT, DURING THE LIFE OF THE CONTRACT, ON AVERAGE AT LEAST 75% OF THE EMPLOYEES WORKING ON THE PROJECT BEING BID ARE RESIDENTS OF WEST VIRGINIA WHO HAVE RESIDED IN THE STATE CONTINUOUSLY FOR THE TWO YEARS IMMEDIATELY PRECEDING SUBMISSION OF THIS BID;</p> <p>OR</p> <p>( ) BIDDER IS A NONRESIDENT VENDOR EMPLOYING A MINIMUM OF ONE HUNDRED STATE RESIDENTS, OR IS A NONRESIDENT VENDOR WITH AN AFFILIATE OR SUBSIDIARY WHICH MAINTAINS ITS HEADQUARTERS OR PRINCIPAL PLACE OF BUSINESS WITHIN WEST VIRGINIA EMPLOYING A MINIMUM OF ONE HUNDRED STATE RESIDENTS WHO CERTIFIES THAT, DURING THE LIFE OF THE CONTRACT, ON AVERAGE AT LEAST 75% OF THE EMPLOYEES OR BIDDERS' AFFILIATE'S OR SUBSIDIARY'S EMPLOYEES ARE RESIDENTS OF WEST VIRGINIA WHO HAVE RESIDED IN THE STATE CONTINUOUSLY FOR THE TWO YEARS IMMEDIATELY PRECEDING SUBMISSION OF THIS BID.</p> <p>BIDDER UNDERSTANDS IF THE SECRETARY OF TAX &amp; REVENUE DETERMINES THAT A BIDDER RECEIVING PREFERENCE HAS FAILED TO CONTINUE TO MEET THE REQUIREMENTS FOR SUCH PREFERENCE, THE SECRETARY MAY ORDER THE DIRECTOR OF PURCHASING TO: (A) RESCIND THE CONTRACT OR PURCHASE ORDER ISSUED; OR (B) ASSESS A PENALTY AGAINST SUCH BIDDER IN AN AMOUNT NOT TO EXCEED 5% OF THE BID AMOUNT AND THAT SUCH PENALTY WILL BE PAID TO THE CONTRACTING AGENCY OR DEDUCTED FROM ANY UNPAID BALANCE ON THE CONTRACT OR PURCHASE ORDER.</p> <p>BY SUBMISSION OF THIS CERTIFICATE, BIDDER AGREES TO DISCLOSE ANY REASONABLY REQUESTED INFORMATION TO THE PURCHASING DIVISION AND AUTHORIZES THE DEPARTMENT OF TAX AND REVENUE TO DISCLOSE TO THE DIRECTOR OF PURCHASING APPROPRIATE INFORMATION VERIFYING THAT BIDDER HAS PAID THE REQUIRED BUSINESS TAXES, PROVIDED</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Gene M. Koval</i>	TELEPHONE <b>304-598-2067</b>	DATE <b>6/9/08</b>
TITLE <b>v. Pres</b>	FEIN <b>34-1873371</b>	ADDRESS CHANGES TO BE NOTED ABOVE

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PAGE  
**7**

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 304-558-2402**

VENDOR

**\*205130853      304-598-2067**  
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<p>THAT SUCH INFORMATION DOES NOT CONTAIN THE AMOUNTS OF TAXES PAID NOR ANY OTHER INFORMATION DEEMED BY THE TAX COMMISSIONER TO BE CONFIDENTIAL.</p> <p>UNDER PENALTY OF LAW FOR FALSE SWEARING (WEST VIRGINIA CODE 61-5-3), BIDDER HEREBY CERTIFIES THAT THIS CERTIFICATE IS TRUE AND ACCURATE IN ALL RESPECTS; AND THAT IF A CONTRACT IS ISSUED TO BIDDER AND IF ANYTHING CONTAINED WITHIN THIS CERTIFICATE CHANGES DURING THE TERM OF THE CONTRACT, BIDDER WILL NOTIFY THE PURCHASING DIVISION IN WRITING IMMEDIATELY.</p> <p>BIDDER: <u>Buckeye Aggregates, Inc.</u></p> <p>DATE: <u>6/9/08</u></p> <p>SIGNED: <u><i>[Signature]</i></u></p> <p>TITLE: <u>V. Pres.</u></p> <p>* CHECK ANY COMBINATION OF PREFERENCE CONSIDERATION(S) IN EITHER "A" OR "B", OR BOTH "A" AND "B" WHICH YOU ARE ENTITLED TO RECEIVE. YOU MAY REQUEST UP TO THE MAXIMUM 5% PREFERENCE FOR BOTH "A" AND "B". (REV. 12/00)</p> <p>NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p>DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE *[Signature]*      TELEPHONE **304-598-2067**      DATE **6/9/08**

TITLE **V. Pres.**      FEIN **34-1873371**      ADDRESS CHANGES TO BE NOTED ABOVE

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PAGE
8

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PROQUOTE

\*205130853 304-598-2067  
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<b>BUILDING 15            2019 WASHINGTON STREET, EAST            CHARLESTON, WV 25305-0130</b>						
THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:						
SEAL ED BID						
BUYER: 33						
RFQ. NO.: 668C0028						
BID OPENING DATE: 06/11/2008						
BID OPENING TIME: 1:30 PM						
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:						
				-----304-598-2067-----		
CONTACT PERSON (PLEASE PRINT CLEARLY):						
				-----Gene M. Kiral-----		

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Gene M. Kiral</i>	TELEPHONE 304-598-2067	DATE 6/9/08
TITLE V. Pres.	FEIN 34-1873371	ADDRESS CHANGES TO BE NOTED ABOVE

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**9**

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LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
***** THIS IS THE END OF RFQ 668C0028 ***** TOTAL:						

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SIGNATURE <i>Gene M. Koval</i>	TELEPHONE <b>304-598-2067</b>	DATE <b>6/9/08</b>
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 VARIOUS LOCALES AS INDICATED  
 BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
06/02/2008				

BID OPENING DATE: 06/11/2008                      BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
				ADDENDUM NO. 1		
				EXHIBIT 3 - LIFE OF CONTRACT, FIRST TWO SENTENCES		
				READS:		
				THIS CONTRACT BECOMES EFFECTIVE ON . . . . . AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS.		
				TO READ:		
				THIS CONTRACT BECOMES EFFECTIVE ON . . . . . AND EXTENDS FOR A PERIOD OF SIX (6) MONTHS OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED SIX (6) MONTHS.		
				BID OPENING DATE REMAINS 06/11/08 AT 1:30 P.M.		
				NO OTHER CHANGES.		
0001		EA		770-06		
	1			STONE & AGGREGATE		

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
<i>Gene M. Kunal</i>	304-598-2067	6/9/08

TITLE	FEBN	ADDRESS CHANGES TO BE NOTED ABOVE
V. Pres.	34-1873371	

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 \$125.00 registration fee.
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 may be deemed null and void, and 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.

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**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. **BID SUBMISSION:** 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.

**SIGNED BID TO:**

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

NOTE: Vendors should type Bid Schedule

12. BIDDING SCHEDULE

12.1 Bidding F.O.B. Vendor's Storage Site

- a) SOURCE OF MATERIAL (State all sources for which bid prices apply) (e.g., Quarry location if Sandstone or Limestone; dredging or pit location if Gravel; production plant name and location if Slag)

Tube City IMS, LLC

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- b) EXACT LOCATION OF VENDOR'S STORAGE SITE(S) A separate bid schedule must be submitted when bid price varies between Vendors storage sites.

Commercial Avenue

\_\_\_\_\_

Mingo Junction, OH

\_\_\_\_\_

\_\_\_\_\_

Contract Item	Description of Aggregate	Bid Price Per Ton F.O.B. Vendor's Storage Site		
		LIMESTONE SANDSTONE, GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
A	Class 1 Aggregate	_____	_____	\$4.25
B	Class 2 Aggregate	_____	_____	_____
C	AASHTO #1 Aggregate	_____	_____	_____
D	AASHTO #3 Aggregate	_____	_____	_____
E	AASHTO #4 Aggregate	_____	_____	_____
F	AASHTO #467 Aggregate	_____	_____	_____
G	AASHTO #57 Aggregate	_____	\$11.25	_____
H	AASHTO #67 Aggregate	_____	_____	_____
I	AASHTO #7 Aggregate	_____	_____	_____
J	AASHTO #8 Aggregate	_____	_____	_____
K	AASHTO #9 Aggregate	_____	_____	_____

NOTE: Vendors can complete the Bid Schedule at Purchasing's Web Site  
[www.state.wv.us/admin/purchase](http://www.state.wv.us/admin/purchase)

**BIDDING SCHEDULE (Continued)**

**12.1 Bidding F.O.B. Vendor's Storage Site (Continued)**

L	Stone for Gabions	_____	_____	_____
M	Fine Aggregate	_____	_____	_____
N	Standard Abrasives	_____	_____	_____
O	Modified Abrasives	_____	_____	_____
P	Riprap	_____	_____	_____
Q	Shot Rock	_____	_____	_____
R	AASHTO #8 Modified	_____	_____	_____
S	AASHTO #9 Modified	_____	_____	_____
T	Pea Gravel	_____	_____	_____

U Haul by Vendor (Except Items Q and P):  
 @ 2.50 \$ for First Ton-Mile  
 @ .20 \$ for Each Additional Ton Mile

V Haul by Vendor (Items Q and/or P):  
 @ \_\_\_\_\_ \$ for First Ton-Mile  
 @ \_\_\_\_\_ \$ for Each Additional Ton-Mile

NOTE: Vendors should type Bid Schedule

**12. BIDDING SCHEDULE**

**12.1 Bidding F.O.B. Vendor's Storage Site**

- a) **SOURCE OF MATERIAL** (State all sources for which bid prices apply) (e.g., Quarry location if Sandstone or Limestone; dredging or pit location if Gravel; production plant name and location if Slag)

Grimes Sand & Gravel  
New Matamoras, OH  
 \_\_\_\_\_  
 \_\_\_\_\_

- b) **EXACT LOCATION OF VENDOR'S STORAGE SITE(S)** A separate bid schedule must be submitted when bid price varies between Vendors storage sites.

One (1) mile south of New Matamoras, OH  
 \_\_\_\_\_  
 \_\_\_\_\_

Contract Item	Description of Aggregate	Bid Price Per Ton F.O.B. Vendor's Storage Site		
		LIMESTONE SANDSTONE, GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
A	Class 1 Aggregate	_____	_____	_____
B	Class 2 Aggregate	_____	_____	_____
C	AASHTO #1 Aggregate	_____	_____	_____
D	AASHTO #3 Aggregate	_____	_____	_____
E	AASHTO #4 Aggregate	_____	_____	_____
F	AASHTO #467 Aggregate	_____	_____	_____
G	AASHTO #57 Aggregate	_____	_____	_____
H	AASHTO #67 Aggregate	_____	_____	_____
I	AASHTO #7 Aggregate	_____	_____	_____
J	AASHTO #8 Aggregate	_____	_____	_____
K	AASHTO #9 Aggregate	_____	_____	_____

NOTE: Vendors can complete the Bid Schedule at Purchasing's Web Site  
[www.state.wv.us/admin/purchase](http://www.state.wv.us/admin/purchase)

**BIDDING SCHEDULE (Continued)**

**12.1 Bidding F.O.B. Vendor's Storage Site (Continued)**

L	Stone for Gabions	_____	_____	_____
M	Fine Aggregate	<u>\$5.60</u>	_____	_____
N	Standard Abrasives	<u>5.60</u>	_____	_____
O	Modified Abrasives	<u>5.60</u>	_____	_____
P	Riprap	_____	_____	_____
Q	Shot Rock	_____	_____	_____
R	AASHTO #8 Modified	_____	_____	_____
S	AASHTO #9 Modified	_____	_____	_____
T	Pea Gravel	_____	_____	_____
U	Haul by Vendor (Except Items Q and P):			
	@ <u>2.50</u> \$ for First Ton-Mile			
	@ <u>.20</u> \$ for Each Additional Ton Mile			
V	Haul by Vendor (Items Q and/or P):			
	@ _____ \$ for First Ton-Mile			
	@ _____ \$ for Each Additional Ton-Mile			







12. BIDDING SCHEDULE

DISTRICT FOUR

12.2 Bidding F.O.B. Division's Storage Site

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site
<u>DODDRIDGE COUNTY</u>			
A	Class 1	6000	Smithburg
B	Class 2	1000	Smithburg
C	No. 1	4000	Smithburg
D	No. 3	4000	Smithburg
F	No. 467	2000	Smithburg
G	No. 57	3000	Smithburg
J	No. 8	6000	Smithburg
K	No. 9	4000	Smithburg
L	Gabion Stone	2500	Smithburg
M	Standard Abr.	4000	Smithburg
N	Modified Abr.	4000	Smithburg
Q	Shot Rock	500	Smithburg

Bid Price (\$/Ton) F.O.B.  
DOH Storage Site

LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
\$15.67		
15.67		

<u>DODDRIDGE COUNTY</u>			
A	Class 1	400	Greenwood
C	No. 1	250	Greenwood
J	No. 8	1000	Greenwood
K	No. 9	500	Greenwood
M	Fine Aggregat	250	Greenwood
N	Standard Abr.	2000	Greenwood
O	Modified Abr.	500	Greenwood

\$14.77		
14.77		
14.77		

<u>HARRISON COUNTY</u>			
A	Class 1	10000	Gore
B	Class 2	4000	Gore
C	No. 1	2000	Gore
D	No. 3	4000	Gore
F	No. 467	1000	Gore
G	No. 57	1500	Gore
J	No. 8	4000	Gore
K	No. 9	4000	Gore
L	Gabion Stone	2000	Gore
N	Standard Abr.	4000	Gore
O	Modified Abr.	4000	Gore
Q	Shot Rock	500	Gore

\$19.25		
19.25		





12. BIDDING SCHEDULE

DISTRICT SIX

12.2 Bidding F.O.B. Division's Storage Site

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site
<u>HANCOCK COUNTY</u>			
A	Class 1	5000	New Manchester
C	No. 1	500	New Manchester
D	No. 3	500	New Manchester
F	No. 467	3000	New Manchester
G	No. 57	1000	New Manchester
H	No. 67	500	New Manchester
I	No. 7	500	New Manchester
J	No. 8	5000	New Manchester
K	No. 9	1000	New Manchester
L	Gabion Stone	500	New Manchester
M	Fine Aggregate	100	New Manchester
N	Standard Abr.	4000	New Manchester
O	Modified Abr.	4000	New Manchester
Q	Shot Rock	500	New Manchester
R	No. 8 Modified	1000	New Manchester

MARSHALL COUNTY

A	Class 1	5000	Glendale
C	No. 1	0	Glendale
D	No. 3	500	Glendale
F	No. 467	3000	Glendale
G	No. 57	1000	Glendale
H	No. 67	500	Glendale
I	No. 7	0	Glendale
J	No. 8	5000	Glendale
K	No. 9	0	Glendale
L	Gabion Stone	500	Glendale
M	Fine Aggregate	100	Glendale
N	Standard Abr.	4000	Glendale
O	Modified Abr.	4000	Glendale
Q	Shot Rock	500	Glendale
R	No. 8 Modified	1000	Glendale

Bid Price (\$/Ton) F.O.B.  
DOH Storage Site

LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
		\$9.50
	\$16.85	

		\$9.50
	\$16.90	
\$15.50		
15.50		
15.50		







12. BIDDING SCHEDULE

DISTRICT SIX

12.2 Bidding F.O.B. Division's Storage Site (Continued)

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site
<u>OHIO COUNTY</u>			
A	Class 1	1000	Elm Grove
D	No. 3	500	Elm Grove
F	No. 467	500	Elm Grove
H	No. 67	500	Elm Grove
I	No. 7	500	Elm Grove
K	No. 9	1000	Elm Grove
M	Fine Aggregate	2000	Elm Grove
N	Standard Abr.	3000	Elm Grove
O	Modified Abr.	3000	Elm Grove
Q	Shot Rock	500	Triadelphia

TYLER COUNTY

A	Class 1	5000	Sistersville
X	No. 1	1000	Sistersville
D	No. 3	2000	Sistersville
F	No. 467	3000	Sistersville
G	No. 57	2000	Sistersville
H	No. 67	1000	Sistersville
I	No. 7	2000	Sistersville
J	No. 8	2000	Sistersville
K	No. 9	1000	Sistersville
L	Gabion Stone	500	Sistersville
M	Fine Aggregate	100	Sistersville
N	Standard Abr.	2000	Sistersville
O	Modified Abr.	2000	Sistersville
Q	Shot Rock	500	Sistersville
R	No. 8 Modified	3000	Sistersville

Bid Price (\$/Ton) F.O.B.  
DOH Storage Site

LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
		\$10.25
\$15.85		
15.85		
15.85		

		\$13.45
	\$21.10	
\$13.25		
13.25		
13.25		

12. BIDDING SCHEDULE

DISTRICT SIX

12.2 Bidding F.O.B. Division's Storage Site (Continued)

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site
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TYLER COUNTY

A	Class 1	1000	Centerville
C	No. 1	1000	Centerville
D	No. 3	2000	Centerville
F	No. 467	3000	Centerville
G	No. 57	2000	Centerville
H	No. 67	500	Centerville
I	No. 7	2000	Centerville
J	No. 8	600	Centerville
K	No. 9	1000	Centerville
L	Gabion Stone	500	Centerville
M	Fine Aggregate	100	Centerville
N	Standard Abr.	1000	Centerville
O	Modified Abr.	1000	Centerville
Q	Shot Rock	500	Centerville
R	No. 8 Modified	2000	Centerville

WETZEL COUNTY

A	Class 1	5000	New Martinsville
C	No. 1	1000	New Martinsville
D	No. 3	1500	New Martinsville
F	No. 467	500	New Martinsville
G	No. 57	3000	New Martinsville
H	No. 67	500	New Martinsville
I	No. 7	500	New Martinsville
J	No. 8	500	New Martinsville
K	No. 9	1000	New Martinsville
L	Gabion Stone	500	New Martinsville
M	Fine Aggregate	100	New Martinsville
N	Standard Abr.	1500	New Martinsville
O	Modified Abr.	1500	New Martinsville
Q	Shot Rock	500	New Martinsville
R	No. 8 Modified	1000	New Martinsville

Bid Price (\$/Ton) F.O.B.  
DOH Storage Site

LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
		\$15.80
	\$23.50	

		\$13.50
\$12.65		
12.65		
12.65		



STATE OF WEST VIRGINIA  
Purchasing Division**PURCHASING AFFIDAVIT**

**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 owed 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 exceed 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:** 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, West Virginia Insurance Commission, or any other state agencies or political subdivision. Furthermore, 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.

**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](http://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: Buckeye Aggregates, Inc.

Authorized Signature:  Date: 6/9/08