



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
DNR209078

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
FRANK WHITTAKER 304-558-2316

VENDOR
 RFQ COPY
 TYPE NAME/ADDRESS HERE
 Pearl Gate Construction, Inc.
 Craig Brown
 7 Anchors Way
 Winfield, WV 25213
 (304)539-8999 or (304)755-5330

SHIP TO
 DIVISION OF NATURAL RESOURCES
 WATOGA STATE PARK
 ATTN: PARK SUPERINTENDENT
 HC82, BOX 252
 MARLINTON, WV
 24954-9550 799-4087

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
12/11/2008				

BID OPENING DATE: 02/05/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		650-38		Total - \$ 183,812.00
PLAYGROUND EQUIPMENT (NOT OTHERWISE CLASSIFIED) THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DIVISION OF NATURAL RESOURCES, IS SOLICITING BIDS FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT FOR WATOGA STATE PARK, POCAHONTS COUNTY, WEST VIRGINIA PER THE ATTACHED SPECIFICATIONS. A SITE WALK THROUGH WILL BE CONDUCTED ON 01/15/09 AT 11:00 AM AT THE PARK ADMINISTRATION BUILDING. TECHNICAL QUESTIONS MUST BE SUBMITTED IN WRITING TO FRANK WHITTAKER IN THE WEST VIRGINIA PURCHASING DIVISION VIA FAX AT 304-558-4115 OR VIA EMAIL AT FRANK.M.WHITTAKER@WV.GOV. DEADLINE FOR TECHNICAL QUESTIONS IS 01/20/08. TECHNICAL QUESTIONS WILL BE ANSWERED BY ADDENDUM AFTER THE DEADLINE. EXHIBIT 5 WEST VIRGINIA CODE 21-1D-5 PROVIDES THAT: ANY SOLICITATION FOR A PUBLIC IMPROVEMENT CONSTRUCTION CONTRACT REQUIRES EACH VENDOR THAT SUBMITS A BID FOR THE WORK TO SUBMIT AT THE SAME TIME AN AFFIDAVIT OF COMPLIANCE WITH THE BID. THE ENCLOSED PURCHASING AFFIDAVIT MUST BE SIGNED AND SUBMITTED WITH THE BID AS EVIDENCE OF THE VENDOR'S COMPLIANCE WITH THE PROVISIONS OF ARTICLE 1D, CHAPTER 21 OF THE WEST VIRGINIA CODE. FAILURE TO SUBMIT THE SIGNED PURCHASING AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF SUCH BID.						

2009 FEB -5 AM 8:46
 WV PURCHASING DIVISION

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE <i>C.B. Brown</i>	TELEPHONE 304-755-5330	DATE 2-2-09	
TITLE President	FEIN 31-150-3280	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 fee.
5. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
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 Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
15. **WEST VIRGINIA ALCOHOL & DRUG-FREE WORKPLACE ACT:** If this Contract constitutes a public improvement construction contract as set forth in Article 1D, Chapter 21 of the West Virginia Code ("The West Virginia Alcohol and Drug-Free Workplace Act"), then the following language shall hereby become part of this Contract: "The contractor and its subcontractors shall implement and maintain a written drug-free workplace policy in compliance with the West Virginia Alcohol and Drug-Free Workplace Act, as set forth in Article 1D, Chapter 21 of the West Virginia Code. The contractor and its subcontractors shall provide a sworn statement in writing, under the penalties of perjury, that they maintain a valid drug-free work place policy in compliance with the West Virginia and Drug-Free Workplace Act. It is understood and agreed that this Contract shall be cancelled by the awarding authority if the Contractor: 1) Fails to implement its drug-free workplace policy; 2) Fails to provide information regarding implementation of the contractor's drug-free workplace policy at the request of the public authority; or 3) Provides to the public authority false information regarding the contractor's drug-free workplace policy."

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 case 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: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130



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DIVISION OF NATURAL RESOURCES
 WATOGA STATE PARK
 ATTN: PARK SUPERINTENDENT
 HC82, BOX 252
 MARLINTON, WV
 24954-9550 799-4087

DATE PRINTED 12/11/2008	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: 02/05/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>NOTICE TO PROCEED: THIS CONTRACT IS TO BE PERFORMED WITHIN 90 CALENDAR DAYS AFTER THE NOTICE TO PROCEED IS RECEIVED. THE AGENCY WILL ISSUE WRITTEN NOTICE TO PROCEED.</p> <p>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.</p> <p>WAGE RATES: THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY THE HIGHER OF THE U.S. DEPARTMENT OF LABOR MINIMUM WAGE RATES AS ESTABLISHED FOR POCAHONTAS COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET, SEQ. (PREVAILING WAGE RATES APPLY TO THIS PROJECT)</p> <p>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.</p> <p>WORKERS' COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL.</p> <p>ALL OF THE ITEMS CHECKED BELOW WILL BE A REQUIREMENT OF THIS CONTRACT:</p> <p>(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.</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Craig Brown</i>	TELEPHONE 304-755-5330	DATE 2-2-09
TITLE President	FEIN 31-150-3280	ADDRESS CHANGES TO BE NOTED ABOVE

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AUCTION ROOM

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<p>() BUILDERS RISK INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF BUILDERS RISK - ALL RISK INSURANCE IN AN AMOUNT EQUAL TO 100% OF THE AMOUNT OF THE CONTRACT.</p> <p>(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 BOND WILL ONLY BE ALLOWED FOR PROJECTS UNDER \$100,000. PERSONAL OR BUSINESS CHECKS ARE NOT ACCEPCTABLE IN LIEU OF THE 5% BID BOND, PERFORMANCE BOND, OR LABOR AND MATERIAL BOND.</p> <p>() MAINTENANCE BOND: A TWO (2) YEAR MAINTENANCE BOND COVERING THE ROOFING SYSTEM WILL BE A REQUIREMENT OF THE SUCCESSFUL VENDOR.</p> <p>REV. 11/00</p> <p>EXHIBIT 7</p> <p>DOMESTIC ALUMINUM, GLASS & STEEL IN PUBLIC WORKS PROJECTS</p> <p>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</p>						

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SIGNATURE <i>Craig B. Brown</i>	TELEPHONE 304 755 5330	DATE 2-2-09
TITLE President	FEIN 311503280	ADDRESS CHANGES TO BE NOTED ABOVE

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PURCHASING

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<p>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.</p> <p>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.</p> <p>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.</p> <p>REV. 3/88</p> <p>EXHIBIT 9</p> <p>NOTICE FOR ISSUANCE & ACKNOWLEDGEMENT OF CONSTRUCTION</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>C. B. Brown</i>	TELEPHONE 304-755-5330	DATE 2-2-09
TITLE President	FEIN 31-150-3280	ADDRESS CHANGES TO BE NOTED ABOVE

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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.						
(3) ALL ADDENDA SHOULD BE FORMALLY ACKNOWLEDGED BY ALL BIDDERS AND SUBMITTED TO THE STATE PURCHASING DIVISION. 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						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *Cy B. Brown* TELEPHONE: 304-755-5330 DATE: 2-2-09

TITLE: President FEIN: 31-150-3280 ADDRESS CHANGES TO BE NOTED ABOVE

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PROPOSOR

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<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 NOS.:</p> <p>NO. 1 <i>C.G. Brown</i> ✓</p> <p>NO. 2</p> <p>NO. 3</p> <p>NO. 4</p> <p>NO. 5</p> <p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF THE 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><i>C.G. Brown</i>SIGNATURE <i>Pearl Gate Construction Inc.</i>COMPANY <i>2-2-09</i>DATE</p> <p>REV. 11/96</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE <i>C.G. Brown</i>	TELEPHONE 304-755-5330	DATE 2-2-09	
TITLE <i>President</i>	FEIN 31-150-3280	ADDRESS CHANGES TO BE NOTED ABOVE	

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LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>CONTRACTORS LICENSE</p> <p>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.</p> <p>WEST VIRGINIA STATE CODE 21-11-11 REQUIRES ANY PROSPECTIVE BIDDER TO INCLUDE THE CONTRACTORS LICENSE NUMBER ON THEIR BID.</p> <p>BIDDER TO COMPLETE:</p> <p>CONTRACTORS NAME: ... <i>Craig Brown - Pearl Gate Construction, Inc.</i> ...</p> <p>CONTRACTORS LICENSE NO.: ... <i>WV026755</i> ...</p> <p>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT</p> <p style="text-align: center;">APPLICABLE LAW</p> <p>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.</p> <p>ANY INFORMATION PROVIDED IN SPECIFICATION MANUALS, OR ANY OTHER SOURCE, VERBAL OR WRITTEN, WHICH CONTRADICTS OR ALTERS THE INFORMATION PROVIDED FROM THE SOURCES AS</p>						

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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						
A SIGNED BID MUST BE SUBMITTED TO:						
DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130						
THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:						
SEALED BID						
BUYER: -----						
REQ. NO.:				DNR209078		
BID OPENING DATE:				02/05/09		
BID OPENING TIME:				1:30 PM		
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY						

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BID OPENING DATE: 02/05/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
TO CONTACT YOU REGARDING YOUR BID: (304) 755-4885 ----- PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE: Craig Brown 304 755-5330-home 304 539-8999-cell ----- ***** THIS IS THE END OF RFQ DNR209078 ***** TOTAL: \$ 183,812. ⁰⁰						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE *C. B. Brown* TELEPHONE 304 755-5330 DATE 2-2-09
 TITLE President FEIN 31-150-3280 ADDRESS CHANGES TO BE NOTED ABOVE

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

STATE OF WEST VIRGINIA
PURCHASING CONTINUATION SHEET

BUYER:	PAGE	Req. or PO#
Spending Unit:		DNR 209078
DNR -		

VENDOR Pearl Gate Construction Inc.

Item No:	Quantity	Description	Unit Price	Amount
		To supply and install playground equipment to offer play activities for children ages two (2) to twelve (12) at Watoga State Park, Marlinton, West Virginia. The award may be split if it is in the best interest of the West Virginia Division of Natural Resources.		
1	1	<p>PINE RUN CABIN AREA PLAYGROUND</p> <p>Bears Playground Magical Log Kingdom for equal. Structure must be composed of the following components:</p> <p>WAYS UP</p> <p>One (1) Bears Playgrounds 8' rock wall or equal. Rock wall climbing face must be a minimum of 8' long and constructed of a composite material.</p> <p>One (1) Bears Playgrounds 5' rock wall or equal. Rock wall climbing face must be a minimum of 5' long and constructed of a composite material.</p> <p>One (1) Bears Playgrounds small tree hugger climbing event or equal.</p> <p>One (1) Bears playgrounds ADA transfer station or equal.</p> <p>WAYS DOWN</p> <p>One (1) Beard Playgrounds premium wave slide or equal. Slide must be double wall construction.</p> <p>OVERHEAD EVENTS</p> <p>One (1) Bears Playgrounds lower monkey bars (overhead ladder) or equal. Bars must not exceed 5' high from surfacing.</p> <p>OTHER</p> <p>One (1) Bears Playgrounds wooden roof or equal. Roof must be a minimum of 48" wide x 55" long.</p> <p>West Virginia heavy prevailing wage rates must be paid for Pocahontas County, West Virginia (http://www.wvsos.com/adlaw/wagerates/heavyhighway/heavyhighway08/allhh.pdf).</p> <p>F.O.B. Destination: Freight or delivery charges must be included in the price of goods. Delivery and installation must be made within ninety (90) days of purchase order award.</p>		\$ 9,426.43
2	1	<p>BEAVER CREEK CAMPGROUND AIRSTRIP PLAYGROUND</p> <p>Bears Playground Magical Log Kingdom for equal. Structure must be composed of the following components:</p> <p>WAYS UP</p> <p>One (1) Bears Playgrounds 8' rock wall or equal. Rock wall climbing face must be a minimum of 8' long and constructed of a composite material.</p> <p>One (1) Bears Playgrounds 5' rock wall or equal. Rock wall climbing face must be a minimum of 5' long and constructed of a composite material.</p> <p>One (1) Bears Playgrounds small tree hugger climbing event or equal.</p> <p>One (1) Bears playgrounds ADA transfer station or equal.</p>		\$ 9,426.43

PURCHASING CONTINUATION SHEET

BUYER:	PAGE	Req. or PO#
		DNR209078

VENDOR Pearl Gate Construction, Inc.

Spending Unit:
DNR -

Item No:	Quantity	Description	Unit Price	Amount
		<p>WAYS DOWN One (1) Bears Playgrounds premium wave slide or equal. Slide must be double wall construction.</p> <p>OVERHEAD EVENTS One (1) Bears Playgrounds lower monkey bars (overhead ladder) or equal. Bars must not exceed 5' high from surfacing.</p> <p>OTHER: One (1) Bears Playgrounds wooden roof or equal. Roof must be a minimum of 48" wide x 55" long. West Virginia heavy prevailing wage rates must be paid for Pocahontas County, West Virginia (http://www.wvsos.com/adlaw/wagerates/heavyhighway/heavyhighway08/allhh.pdf). F.O.B. Destination: Freight or delivery charges must be included in the price of goods. Delivery and installation must be made within ninety (90) days of purchase order award.</p>		
3	1	<p>LOWER END OF RIVERSIDE CAMPGROUND PLAYGROUND Bears Playgrounds Custom Swiss Tree Fort Village or equal. Bears Playgrounds Swiss tree fort design must consist of two (2) structures: structure one, Bears Playgrounds Ponderosa to include an upper and lower deck with approximate outside dimensions of 6' x 9'. The second structure, Bears Playgrounds Proudest Monkey Tree Fort, is a single deck structure with the approximate outside dimensions of 5' x 6'. The structures must be functionally play linked with a way across as described below. Structure must include the following components: WAY ACROSS One (1) Bears Playgrounds fully netted real log suspension bridge or equal. WAYS UP One (1) Bears Playgrounds inverted rock wall or equal. Rockwall climbing face must include an inverted curve face towards the top for greater challenge and constructed of a composite material. One (1) Bears Playground 5' rock wall or equal. Rock wall must be a minimum of 5' long and constructed of a composite material. One (1) Bears Playgrounds large tree hugger climbing event or equal. One (1) Bears Playgrounds small tree hugger climbing event or equal. One (1) Bears playgrounds standard access component to lower deck or equal. One (1) Bears Playgrounds crooked log climber to lower deck or equal. One (1) Bears Playgrounds ADA transfer station or equal.</p> <p>WAYS DOWN One (1) Bears Playgrounds premium wave slide or equal. Slide must be double wall construction.</p>		# 20,917.96

WV-36 REV. 10/81	STATE OF WEST VIRGINIA PURCHASING CONTINUATION SHEET	BUYER:	PAGE	Req. or PO# DNR 209078
VENDOR <u>Pearl Gate Construction, Inc.</u>		Spending Unit: DNR -		

Item No:	Quantity	Description	Unit Price	Amount
		<p>One (1) Bears Playgrounds premium super scoop wave slide or equal. Slide must be double wall construction.</p> <p>One (1) Bears Playgrounds premium tube slide or equal. Slide must be double wall construction in the bottom section and one piece to section.</p> <p>OTHER</p> <p>Three (3) Bears Playground wooden roofs or equal. One roof must cover each deck and roof must be approximately 48" wide x 55" long.</p> <p>West Virginia heavy prevailing wage rates must be paid for Pocahontas County, West Virginia (http://www.wvsos.com/adlaw/wagerates/heavyhighway/heavyhighway08/allhh.pdf).</p> <p>F.O.B. Destination: Freight or delivery charges must be included in the price of goods. Delivery and installation must be made within ninety (90) days of purchase order award.</p>		
4	1	<p>RECREATION HALL PLAYGROUND</p> <p>Bears Playgrounds Custom Swiss Tree Fort Village or equal. Bears Playgrounds Swiss tree fort design must consist of two (2) structures: structure one, Bears Playgrounds Ponderosa, to include an upper and lower deck with approximate outside dimensions of 6' x 9. The second structure, Bears Playgrounds Proudest Monkey Tree Fort, is a single deck structure with the approximate outside dimensions of 5' x 6. The structures must be functionally play linked with a way across as described below. Structure must include the following components:</p> <p>WAY ACROSS</p> <p>One (1) Bears Playground fully netted real log suspension bridge or equal.</p> <p>WAYS UP</p> <p>One (1) Bears Playgrounds inverted rock wall or equal. Rockwall climbing face must include an inverted curve face towards the top for greater challenge and constructed of a composite material.</p> <p>One (1) Bears Playground 5' rock wall or equal. Rock wall must be a minimum of 5' long and constructed of a composite material.</p> <p>One (1) Bears Playgrounds large tree hugger climbing event or equal.</p> <p>One (1) Bears Playgrounds small tree hugger climbing event or equal.</p> <p>One (1) Bears playgrounds standard access component to lower deck or equal.</p> <p>One (1) Bears Playgrounds crooked log climber to lower deck or equal.</p> <p>One (1) Bears Playgrounds ADA transfer station or equal.</p> <p>WAYS DOWN</p> <p>One (1) Bears Playgrounds premium wave slide or equal. Slide must be double wall construction.</p> <p>One (1) Bears Playgrounds premium super scoop wave slide or equal. Slide must be double wall construction.</p>		<p>\$ 20,917.96</p>

WV-36
REV. 10/81

STATE OF WEST VIRGINIA
PURCHASING CONTINUATION SHEET

BUYER:	PAGE	Req. or PO#
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VENDOR Pearl Gate Construction, Inc.

Spending Unit:
DNR -

Item No:	Quantity	Description	Unit Price	Amount
		<p>One (1) Bears Playgrounds premium tube slide or equal. Slide must be double wall construction in the bottom section and one piece to section.</p> <p>OTHER</p> <p>Three (3) Bears Playground wooden roofs or equal. One roof must cover each deck and roof must be approximately 48" wide x 55" long.</p> <p>West Virginia heavy prevailing wage rates must be paid for Pocahontas County, West Virginia (http://www.wvsos.com/adlaw/wagerates/heavyhighway/heavyhighway08/allhh.pdf).</p> <p>F.O.B. Destination: Freight or delivery charges must be included in the price of goods. Delivery and installation must be made within ninety (90) days of purchase order award.</p>		
5	1	<p>PICNIC SHELTER PLAYGROUND</p> <p><u>Custom</u> Proudest Monkey Tree Fort Village or equal. Custom play unit must be composed of two structures; both structures are monkey models with lower decks and approximate outside dimension of 5' x 6'. The proudest structure must be functionally play linked with a way across as described below:</p> <p>WAY ACROSS</p> <p>One (1) Bears Playgrounds fully netted real log suspension bridge or equal.</p> <p>WAYS UP</p> <p>One (1) Bears Playgrounds 5' rock wall or equal. Rock wall climbing face must be a minimum of 5' long and constructed of a composite material.</p> <p>One (1) Bears Playgrounds baby rock crawl or equal. Rock crawl climbing face must be a minimum of 5' long and constructed of a composite material.</p> <p>One (1) Bears Playgrounds small tree hugger climbing event or equal.</p> <p>One (1) Bears Playground ADA transfer station</p> <p>WAYS DOWN</p> <p>ONE (1) Bears Playgrounds premium wave slide or equal. Slide must be double wall construction.</p> <p>One (1) Bears Playgrounds super duty double side by side slide or equal. Slide must be double wall construction.</p> <p>OTHER</p> <p>Three (3) Bears Playgrounds wooden roofs (one to cover each deck) or equal. Roofs must be approximately 48" wide x 55" long.</p> <p>Barrier rails or equal.</p> <p>West Virginia heavy prevailing wage rates must be paid for Pocahontas County, West Virginia (http://www.wvsos.com/adlaw/wagerates/heavyhighway/heavyhighway08/allhh.pdf).</p> <p>F.O.B. Destination: Freight or delivery charges must be included in the price of goods. Delivery and installation must be made within ninety (90) days of purchase order award.</p>		\$ 17,703.30

STATE OF WEST VIRGINIA
PURCHASING CONTINUATION SHEET

BUYER:	PAGE	Req. or PO#
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VENDOR Pearl Gate Construction, Inc.

Spending Unit:
DNR -

Item No:	Quantity	Description	Unit Price	Amount
6	1	<p>BUCK'S RUN CABIN AREA PLAYGROUND</p> <p>Custom Proudest Monkey Tree Fort Village or equal. Custom play unit must be composed of two structures; both structures are monkey models with lower decks and approximate outside dimension of 5' x 6'. The proudest structure must be functionally play linked with a way across as described below:</p> <p>WAY ACROSS One (1) Bears Playgrounds fully netted real log suspension bridge or equal.</p> <p>WAYS UP One (1) Bears Playgrounds 5' rock wall or equal. Rock wall climbing face must be a minimum of 5' long and constructed of a composite material. One (1) Bears Playgrounds baby rock crawl or equal. Rock crawl climbing face must be a minimum of 5' long and constructed of a composite material. One (1) Bears Playgrounds small tree hugger climbing event or equal. One (1) Bears Playground ADA transfer station</p> <p>WAYS DOWN ONE (1) Bears Playgrounds premium wave slide or equal. Slide must be double wall construction. One (1) Bears Playgrounds super duty double side by side slide or equal. Slide must be double wall construction.</p> <p>OTHER Three (3) Bears Playgrounds wooden roofs (one to cover each deck) or equal. Roofs must be approximately 48" wide x 55" long, Barrier rails or equal. West Virginia heavy prevailing wage rates must be paid for Pocahontas County, West Virginia (http://www.wvsos.com/adlaw/wagerates/heavyhighway/heavyhighway08/allhh.pdf). F.O.B. Destination: Freight or delivery charges must be included in the price of goods. Delivery and installation must be made within ninety (90) days of purchase order award.</p>		\$ 17,703.30
7	1	<p>UPPER END OF RIVERSIDE CAMPGROUND</p> <p>Custom Proudest Monkey Tree Fort Village or equal. Custom play unit must be composed of two structures; both structures are monkey models with lower decks and approximate outside dimension of 5' x 6'. The proudest structure must be functionally play linked with a way across as described below:</p> <p>WAY ACROSS One (1) Bears Playgrounds fully netted real log suspension bridge or equal.</p>		\$ 17,703.30

STATE OF WEST VIRGINIA
PURCHASING CONTINUATION SHEET

BUYER:

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Req. or PO#

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VENDOR

Pearl Gate Construction, Inc.

Spending Unit:

DNR -

Item No:	Quantity	Description	Unit Price	Amount
		<p>WAYS UP One (1) Bears Playgrounds 5' rock wall or equal. Rock wall climbing face must be a minimum of 5' long and constructed of a composite material. One (1) Bears Playgrounds baby rock crawl or equal. Rock crawl climbing face must be a minimum of 5' long and constructed of a composite material. One (1) Bears Playgrounds small tree hugger climbing event or equal. One (1) Bears Playground ADA transfer station</p> <p>WAYS DOWN ONE (1) Bears Playgrounds premium wave slide or equal. Slide must be double wall construction. One (1) Bears Playgrounds super duty double side by side slide or equal. Slide must be double wall construction.</p> <p>OTHER Three (3) Bears Playgrounds wooden roofs (one to cover each deck) or equal. Roofs must be approximately 48" wide x 55" long, Barrier rails or equal. West Virginia heavy prevailing wage rates must be paid for Pocahontas County, West Virginia (http://www.wvsos.com/adlaw/wagerates/heavyhighway/heavyhighway08/allhh.pdf). F.O.B. Destination: Freight or delivery charges must be included in the price of goods. Delivery and installation must be made within ninety (90) days of purchase order award.</p>		
8	1	<p>BEAVER CREEK CAMPGROUND PLAYGROUND</p> <p>Bears Playground Custom Hundred Acre Wood or equal. Structure must consist of two structures; both structures must be modeled after the Bears Playgrounds Ponderosa and must include an upper and lower deck with approximate outside dimensions of each structure must be approximately 6' x 9'. Structures must be functionally play linked with a way across as described below:</p> <p>WAYS ACROSS One (1) Bears Playgrounds fully netted high bridge or equal.</p> <p>WAYS UP One (1) Bears Playground inverted rock wall or equal. Rock wall climbing face must include an inverted curve face towards the top and be constructed of a composite material. One (1) Bears Playgrounds 5' rock wall or equal. Rock wall climbing face must be a minimum of 5' long and constructed of a composite material. One (1) Bears Playgrounds 8' rock wall or equal. Rock wall climbing face must be a minimum of 8' long and constructed of a composite material. One (1) Bears Playgrounds baby rock crawl or equal. Rock crawl climbing face must be a minimum of 8' long and constructed of a composite material. One (1) Bears Playground small tree hugger climbing event or equal.</p>		<p># 24,537.00</p>

PURCHASING CONTINUATION SHEET

BUYER:	PAGE	Req. or PO#
Spending Unit:		DNR 209078
DNR -		

VENDOR Pearl Gate Construction, Inc.

Item No:	Quantity	Description	Unit Price	Amount
		<p>One (1) Bears Playground large tree hugger climbing event or equal.</p> <p>Two (2) Bears Playgrounds standard access components to the low deck or equal.</p> <p>One (1) Bears Playgrounds ADA transfer station or equal.</p> <p>WAYS DOWN</p> <p>Two (2) Bears Playgrounds premium wave slides. Slide must be double wall construction.</p> <p>Two (2) Bears Playgrounds premium super scoop wave slide. Slide must be double wall construction.</p> <p>OTHER</p> <p>Four (4) Bears Playgrounds wooden roofs or equal. One roof must cover each deck and roof must be approximately 48" x 55" long.</p>		
9	1	<p>PICNIC AREA PLAYGROUND</p> <p>Bears Playground Custom Hundred Acre Wood or equal. Structure must consist of two structures; both structures must be modeled after the Bears Playgrounds Ponderosa and must include an upper and lower deck with approximate outside dimensions of each structure must be approximately 6' x 9'. Structures must be functionally play linked with a way across as described below:</p> <p>WAYS ACROSS</p> <p>One (1) Bears Playgrounds fully netted high bridge or equal.</p> <p>WAYS UP</p> <p>One (1) Bears Playground inverted rock wall or equal. Rock wall climbing face must include an inverted curve face towards the top and be constructed of a composite material.</p> <p>One (1) Bears Playgrounds 5' rock wall or equal. Rock wall climbing face must be a minimum of 5' long and constructed of a composite material.</p> <p>One (1) Bears Playgrounds 8' rock wall or equal. Rock wall climbing face must be a minimum of 8' long and constructed of a composite material.</p> <p>One (1) Bears Playgrounds baby rock crawl or equal. Rock crawl climbing face must be a minimum of 8' long and constructed of a composite material.</p> <p>One (1) Bears Playground small tree hugger climbing event or equal.</p> <p>One (1) Bears Playground large tree hugger climbing event or equal.</p> <p>Two (2) Bears Playgrounds standard access components to the low deck or equal.</p> <p>One (1) Bears Playgrounds ADA transfer station or equal.</p> <p>WAYS DOWN</p> <p>Two (2) Bears Playgrounds premium wave slides. Slide must be double wall construction.</p> <p>Two (2) Bears Playgrounds premium super scoop wave slide. Slide must be double wall construction.</p>		\$ 24,537.00

WV-36 REV. 10/81		STATE OF WEST VIRGINIA		BUYER:	PAGE	Req. or PO#
VENDOR <u>Pearl Gate Construction, Inc</u>		PURCHASING CONTINUATION SHEET				DNR209078
				Spending Unit:		
				DNR -		
Item No:	Quantity	Description	Unit Price	Amount		
		OTHER Four (4) Bears Playgrounds wooden roofs or equal. One roof must cover each deck and roof must be approximately 48" x 55" long.				
10	1,500 L.F.	Bears Playgrounds cedar log borders or equal. Borders must be made of real cedar wood logs; approximately 4' long yields 3.5' after interlock x 5" High with 25" button head teak. Borders must allow for 6 - 8" mulch to be tapped down at the edges.		\$ 20,939.32		
Grand Total :						<u>\$183,812.00</u>

WATOGA STATE PARK PLAYGROUND SPECIFICATIONS – CONTD.

All playground equipment and engineered wood fiber must meet the following requirements:

- Compliance with U.S. Consumer Product Safety Commission, Handbook for Public Playground Safety.
- Compliance with ASTM Standard F 1487.
- Compliance with Architectural and Transportation Barriers Compliance Board, Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Play Areas.

Vendors must submit the following attachments:

- Complete manufacturer's parts specifications and warranties.
- Layout drawing to scale of the proposed play structure or equipment.
- ASTM and CPSC Statement of Compliance

Additionally, the playground structures must primarily consist of cedar logs to integrate the playground with other Watoga State Park facilities and maintain the heritage of the park.

Warranties:

- All equipment and engineered wood fiber must be guaranteed to be free of defects in workmanship and material for a minimum of one year from date of acceptance. However, if manufacturer warranty periods are longer than the required minimum one year warranty, those warranties shall apply.

The award may be split if it is in the best interest of the West Virginia Division of Natural Resources.

Vendors must have a familiarity with the proposed areas for which the playground equipment is to be purchase and installed. Owner will conduct site walk through on (date) at (time) for interested parties.

STATE OF WEST VIRGINIA
Purchasing Division**PURCHASING AFFIDAVIT****VENDOR OWING A DEBT TO THE STATE:**

West Virginia Code §5A-3-10a provides that: 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.

PUBLIC IMPROVEMENT CONTRACTS & DRUG-FREE WORKPLACE ACT:

West Virginia Code §21-1D-5 provides that: Any solicitation for a public improvement construction contract shall require each vendor that submits a bid for the work to submit at the same time an affidavit that the vendor has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the West Virginia Code. A public improvement construction contract may not be awarded to a vendor who does not have a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the West Virginia Code and who has not submitted that plan to the appropriate contracting authority in timely fashion. For a vendor who is a subcontractor, compliance with Section 5, Article 1D, Chapter 21 of the West Virginia Code may take place before their work on the public improvement is begun.

ANTITRUST:

In submitting a bid to any agency for the state of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the state of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the state of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the state of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership or person or entity submitting a bid for the same materials, supplies, equipment or services and is in all respects fair and without collusion or fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.

LICENSING:

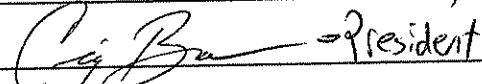
Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, 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 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 is in compliance with the requirements as stated.

Vendor's Name: Pearl Gate Construction, Inc.

Authorized Signature:  - President Date: 2-2-09



State of West Virginia
DRUG FREE WORKPLACE CONFORMANCE AFFIDAVIT
West Virginia Code §21-1D-5

STATE OF WEST VIRGINIA,

COUNTY OF Putnam, TO-WIT:

I, Craig Brown, after being first duly sworn, depose and state as follows:

- 1. I am an employee of Pearl Gate Construction, Inc., and,
(Company Name)
- 2. I do hereby attest that Pearl Gate Construction, Inc.
(Company Name)

maintains a valid written drug free workplace policy and that such policy is in compliance with **West Virginia Code §21-1D-5**.

The above statements are sworn to under the penalty of perjury.

Pearl Gate Construction, Inc.
(Company Name)

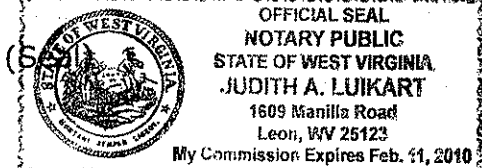
By: Craig Brown

Title: President

Date: 2-4-09

Taken, subscribed and sworn to before me this 4 day of February.

By Commission expires 02-11-2010



Judith A. Luikart
(Notary Public)

THIS AFFIDAVIT MUST BE SUBMITTED WITH THE BID IN ORDER TO COMPLY WITH WV CODE PROVISIONS. FAILURE TO INCLUDE THE AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF THE BID.



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
DNR209078

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
FRANK WHITTAKER
304-558-2316

BIDDERS

*324133046 304-755-5330
PEARL GATE CONSTRUCTION INC
7 ANCHORS WAY

WINFIELD WV 25213-9786

755-4825

SUPPLIER

DIVISION OF NATURAL RESOURCES
 WATOGA STATE PARK
 ATTN: PARK SUPERINTENDENT
 HC82, BOX 252
 MARLINTON, WV
 24954-9550 799-4087

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
01/30/2009				

BID OPENING DATE: 02/05/2009	BID OPENING TIME 01:30PM
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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		650-38		
<p>***** ADDENDUM NO. 1 *****</p> <p>THIS ADDENDUM IS ISSUED TO PROVIDE VENDOR QUESTIONS AND AGENCY RESPONSE.</p> <p>Q. IS THIS PROJECT SUPPOSED TO MEET ADA REQUIREMENTS?</p> <p>A. EACH SPECIFIED PLAYGROUND INCLUDES AN ADA TRANSFER STATION WHICH IS INTENDED TO PROVIDE ADA COMPLIANCE. IF AN "OR EQUAL" BID IS SUBMITTED IT IS TO BE IN COMPLIANCE WITH ADA</p> <p>Q. WILL THE VENDOR HAVE TO REMOVE ANY OLD PLAYGROUND EQUIPMENT?</p> <p>A. NO</p> <p>THE ATTACHED WEST VIRGINIA DRUG FREE WORKPLACE CONFORMANCE AFFIDAVIT MUST BE SUBMITTED WITH THE BID. FAILURE TO INCLUDE THE AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF THE BID.</p> <p>PLAYGROUND EQUIPMENT (NOT OTHERWISE CLASSIFIED)</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>C. B. B.</i>	TELEPHONE 304 755-5330	DATE 2-2-09
TITLE President	FEIN 31-150-3280	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
DNR209078

PAGE
2

ADDRESS CORRESPONDENCE TO ATTENTION OF
FRANK WHITTAKER 304-558-2316

*324133046 304-755-5330
 PEARL GATE CONSTRUCTION INC
 7 ANCHORS WAY
 WINFIELD WV 25213-9786

DIVISION OF NATURAL RESOURCES
 WATOGA STATE PARK
 ATTN: PARK SUPERINTENDENT
 HC82, BOX 252
 MARLINTON, WV
 24954-9550 799-4087

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
01/30/2009				

BID OPENING DATE: 02/05/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
***** THIS IS THE END OF RFQ DNR209078 ***** TOTAL:						\$ 183,812.00

SEE REVERSE SIDE FOR TERMS AND CONDITIONS		
SIGNATURE <i>[Signature]</i>	TELEPHONE 304 755-5330	DATE 2-2-09
TITLE President	FEIN 31-150-3280	ADDRESS CHANGES TO BE NOTED ABOVE

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



BEARS PLAYGROUNDS

7625 E. Main Rd., (Routes 5 & 20) Lima NY 14485
(585) 624-5694, 1-877-807-PLAY, fax 585-624-7590
E-mail: info@bearsplaygrounds.com
1-28-09

STATEMENT OF COMPLIANCE:

WHEN PROPERLY INSTALLED, BEARS CEDAR LOG
PLAYGROUND ARE DESIGNED TO MEET CPSC 325 AND ASTM
1487.

**BEARS PLAYGROUNDS**

7625 E. Main Rd., (Routes 5 & 20) Lima NY 14485
 (585) 624-5694, 1-877-807-PLAY, fax 585-624-7590
 E-mail: info@bearsplaygrounds.com
 1-28-09

Cedar Log Playground Product Warranty

Bears Playground Equipment is second to none. Being a family owned and operated business, our name is at stake every time one of these stunningly beautiful playgrounds leaves our factory. You can count on us to provide you with a play structure that lives up to the reputation that we have earned. It is also re-assuring to know that if by chance your problem is not covered by our warranty that replacement parts are priced very reasonably. This warranty provides you with piece of mind that you will be taken care of. Simply return the part you wish replaced to Bears for inspection, and we will provide you a replacement. **LIMITED LIFETIME STRUCTURAL WARRANTY FOR YOUR HOME USE PLAYGROUND (3 Years on Log Playgrounds in Light Commercial Environments). 2 YEAR WARRANTY ON PARTS, MOVING PARTS, PLASTICS, BARRIER NETS, TARP ROOFS, OPTIONS AND ACCESSORIES. (1 Year on Log Playgrounds in Light Commercial Environments).** **TERMS & CONDITIONS:** warranty as stated above is valid only if installed in conformity with the installation instructions. Cedar Logs have natural characteristics. Checking (looks like cracks) is something that is trademark with our cedar logs and adds to the uniqueness and character of each playground. This checking does not effect the structural integrity of the playground and is therefore not covered by our warranty. All parts are subject to normal use, no unusual stresses i.e. encounters with lawn mowers, weed wacker, fires, lightning bolts and other acts of god, misuse, neglect, accident, vandalism, etc. This warranty does not cover cosmetic issues, i.e. scratches, dents, fading, weathering, light surface rust. This warranty is exclusive and is in lieu of all other warranties, whether expressed or implied, including but not limited to any warranty of merchantability or fitness for a particular purpose. Bears Playgrounds shall not be liable for any direct, indirect, special, incidental or consequential damages, which are excluded from this sale.



BEARS PLAYGROUNDS

7625 E. Main Rd., (Routes 5 & 20) Lima NY 14485
 (585) 624-5694, 1-877-807-PLAY, fax 585-624-7590
 E-mail: info@bearsplaygrounds.com
 1-28-09

MAINTENANCE INSTRUCTIONS & CHECK LIST: because the safety of this playground equipment and it's suitability for use depend upon good inspection and maintenance, this check list should be strictly followed, in a systematic manner by personnel familiar with the playground. Make copies of this check list and save for your records after each inspection. Completed by _____ Date _____	Dailey or before each use	At the beginning of each play season.	Twice per Month during the play season	Once per month during the play season.	At the end of each play season.	Initial This Box when Complete
<i>Safety Surfacing: The owner / operator is responsible to ensure that there is adequate safety surfacing, both depth and the size of the area or "Use Zone". Do not install playground over concrete, asphalt, packed earth, grass, carpet or any other hard surface. A fall onto a hard surface can result in serious injury to the equipment user. Check for adequate protective surfacing under and around it and the surfacing materials have not deteriorated. As a general rule Bears Playgrounds requires 8" of our Certified Wooden Playground Mulch or 6" of Rubber Mulch. Loose - fill surfacing material have no foreign objects or debris. Clear debris. Loose fill materials are not too compacted = rake and fluff. Loose fill materials have not been displaced in heavy use areas. Rake in wear areas, install wear mats. Check for trip hazards or environmental obstacles in the use zone.</i>						
Follow the above recommendations on safety surfacing.	X	X	X	X	X	
Check for user modifications to the equipment such as strings or ropes tied to the equipment, swings looped over the bar, etc. Correct modifications.	X					
Check all safety net barriers. Grommets, nets (for rips or tears), fasteners of all types, grommets. Get replacement nets from the manufacturer.	X	X	X			
Check for clothing entanglement hazards, such as open S-Hooks, protruding bolts.	X	X	X			
Tighten all nuts and bolt, and other hardware for as required.	X	X	X			
Oil all metallic moving parts		X		X		
Check for missing or damaged protective coverings on bolts, pipes, edges, and corners. Replace if they are loose, cracked, or missing.		X	X			
Check swing seats, ropes, cables, and chains for wear, rust, or deterioration. Replace as needed.		X		X		
Check for missing or broken components (e.g. hand grips, protective barriers, nets). Repair or replace as needed.		X		X		
Check to ensure no crush and shear points or exposed moving parts.		X	X			
Check all wood members for splinters. Sand down splinters, re-stain, especially at the beginning of each season.	X	X				
Check metal parts for rust. If found, sand and repaint using a non-lead-based paint meeting the requirements of Title 16 CFR Part 1303		X				
Replace any plastic parts, such as swing seats, that were removed in the cold season.		X				
Remove plastic swing seats and take indoors or do not use when temperature drops below 32 degrees F.					X	
Check playground stability. Provide anchoring or stabilize as needed.		X				



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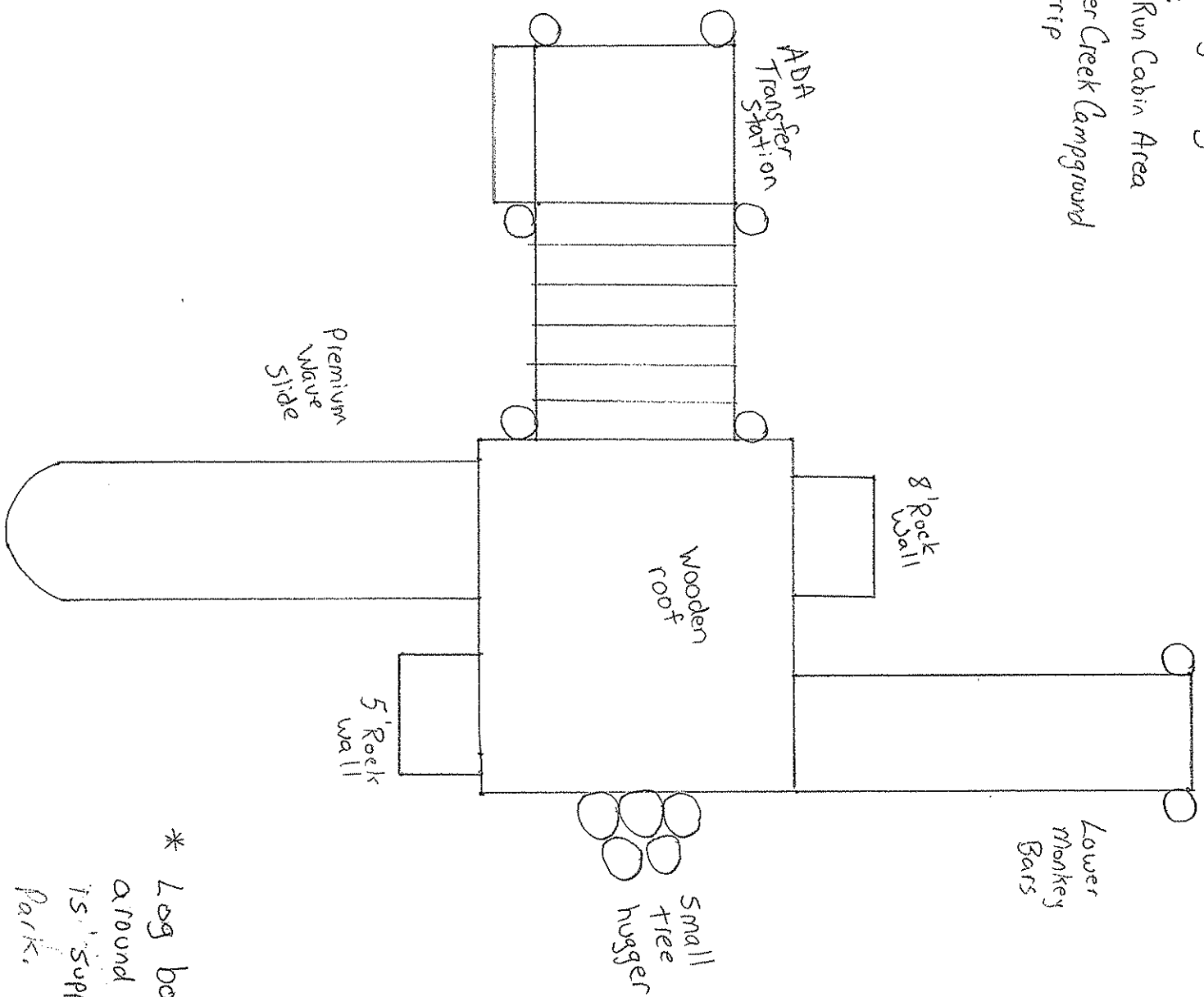
Operating Instructions *Observing the following statements and warnings reduces the likelihood of serious or fatal injury.*

- We strongly recommend that you save these instructions for future reference.
- Bears Custom Commercial playgrounds are intended for up to 10 average size, 70 lb., 10 year old children at one time. Each design is specifically tailored for ages 2-5, 5-12, or 2-12. Bears always recommends separate, age appropriate, structures for ages 2-5 and for 5-12.
- Bears Home Use Playgrounds are intended for simultaneous use for up to 6 occupants, 18 months – 10 years old. (120 lbs. each.). Placement of a Bears Home use playground in any public setting constitutes a misuse of the product. (See “upgrades for tougher environments in the product catalog).
- The owner / operator is responsible selecting the location of the playground. We can advise you, but the final choice yours. Place equipment on level ground not less than 6’ and or twice the height of the swing set pivot point, from any structure or obstruction such as a fence, garage, house, overhanging braches, laundry lines, or electrical wires.
- The Property owner must prevent children from using the equipment until properly and completely installed with safety surfacing.
- We strongly recommend on site adult supervision for children of all ages.
- **WARNING:** Make certain that the playground is clearly visible for proper supervision.
- **WARNING:** Northern exposures and shaded areas provide less exposure to the sun which can heat up surfaces such as slides and cause discomfort or burns.
- Do not use this equipment until properly installed.
- Assume an 8’ fall height when making safety surfacing choices with Bears Cedar Log Playground equipment unless it is specifically stated otherwise.
- **WARNING:** Instruct children not to walk too close to, in front of, behind or between moving items.
- **WARNING:** Instruct children not to twist swing chains or ropes or loop them over the top of the support bar since it may reduce the strength of the chain or rope.
- **WARNING:** Instruct children to avoid swinging empty seats.
- **WARNING:** Teach children to sit in the center of swings with their full weight on the seats.
- **WARNING:** Instruct children not to use the equipment in a manner other than intended.
- **WARNING:** Instruct children not to get off equipment while it is in motion.
- **WARNING:** Dress children appropriately (examples would include the use of well fitting shoes and avoid ponchos, scarf’s, hooded sweat shlrts, draw strings and other loose fitting clothing that is potentially hazardous while using equipment).
- **WARNING:** Never allow a child to wear a bicycle or any other type of helmet when using the playground. _ ese can present a serious strangulation hazard to children.
- **WARNING:** Instruct children not to climb when equipment is wet.
- **WARNING:** Verify that suspended climbing ropes, chain or cable are secure at both end, or cable cannot be looped back on itself..
- **WARNING:** Instruct children not to attach items to the playground equipment that are not specifically designed for use with the equipment, such as, but not limited to, jump ropes, cloths line, pet leashes, cables and chain as they may cause a strangulation hazard.
- **WARNING:** Never allow a child to climb out onto the Swing Beam or up the A-Frame Support or onto a Roof or any other surface not intended for climbing.
- Cut off protruding bolts, smooth over all sharp points or edges, and close open “S” hooks. Check for openings.

Magical Log Kingdom

Locations:

- 1) Pine Run Cabin Area
- 2) Beaver Creek Campground Airstrip



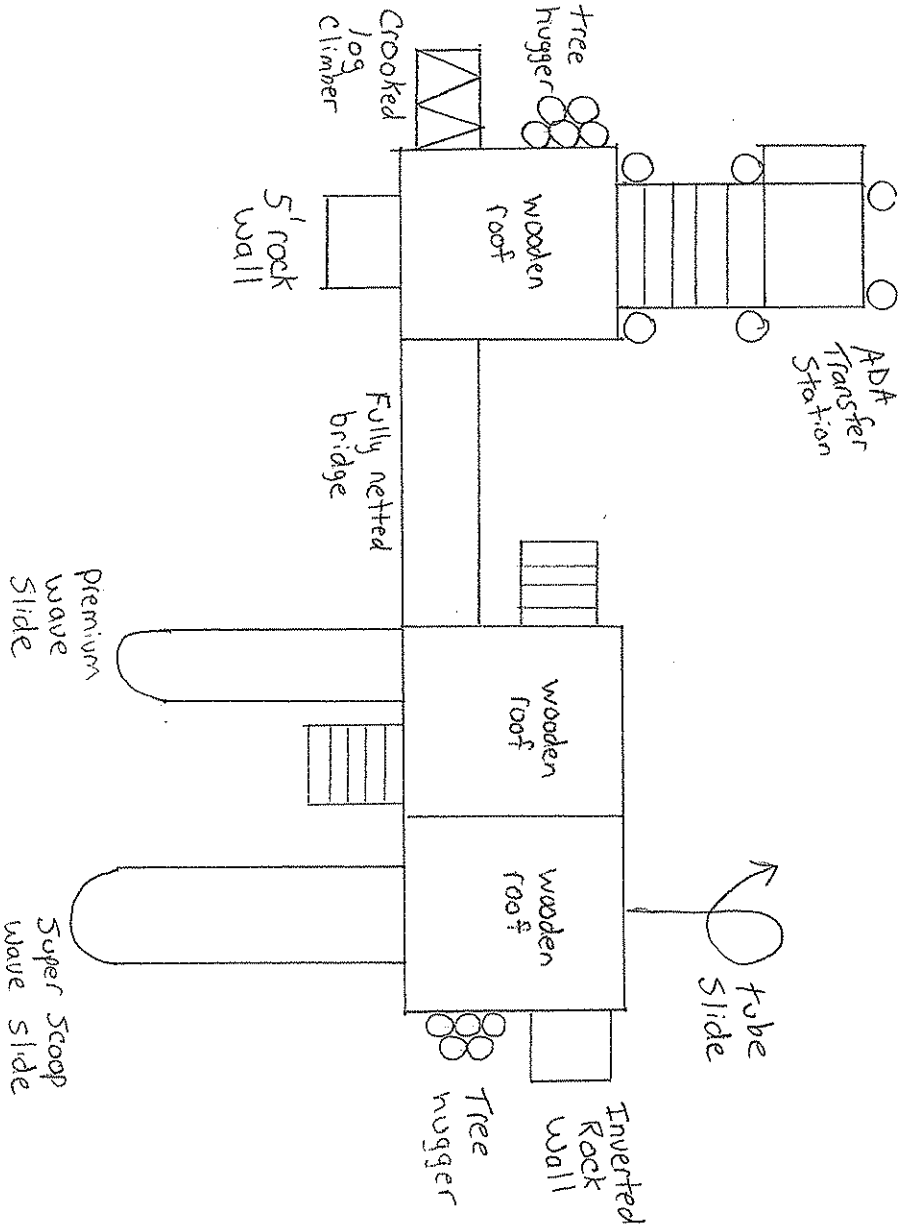
* Log borders will be installed around the mulched area that is supplied by the Watoga State Park.

1/4" scale

Swiss Tree Fort Village

Locations:

- 3) Lower End Riverside Campground
- 4) Recreation Hall



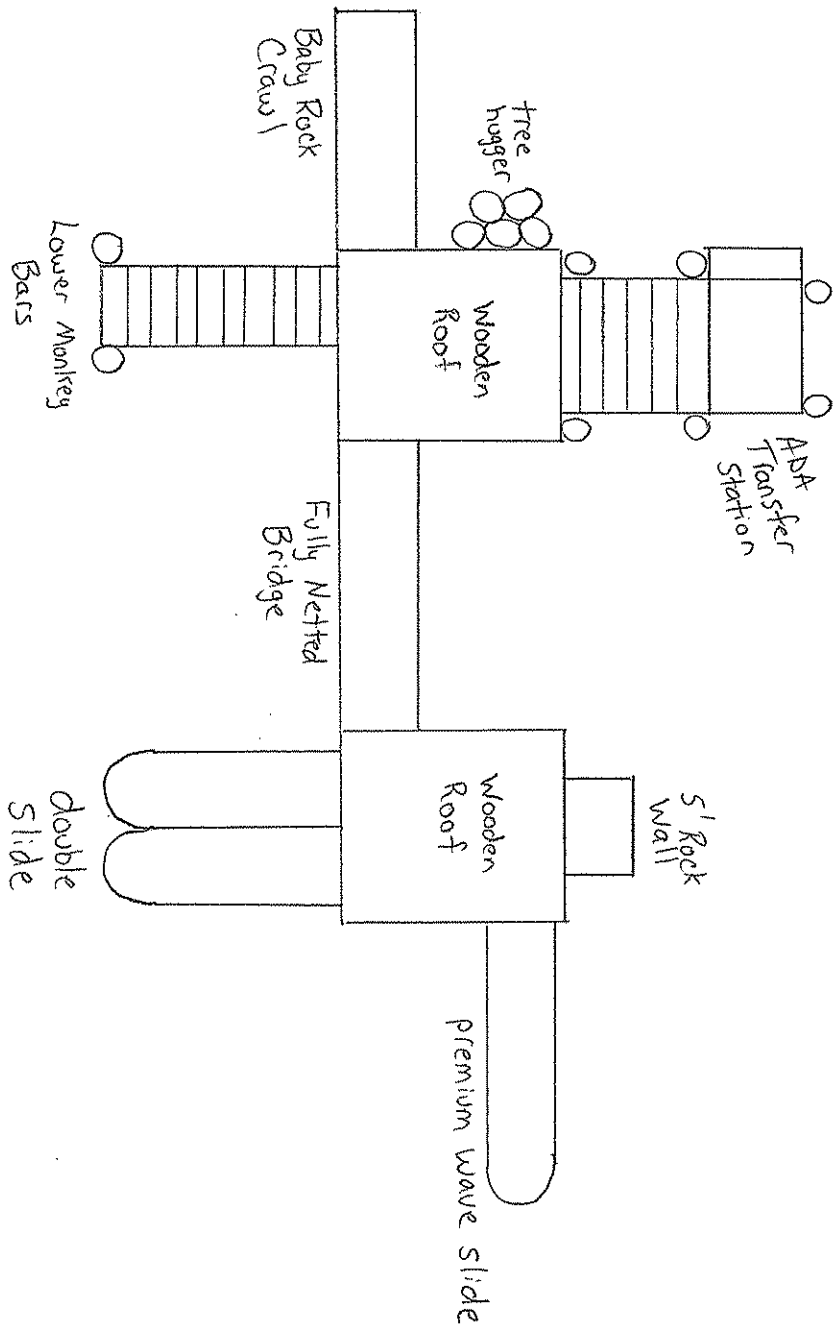
* Log borders will be installed around the mulched area that is supplied by Watoga State Park.

Custom Proudest Monkey Tree Tot Village

1/8" scale

Locations:

- 5) Picnic Shelter
- 6) Bucks Run Cabin
- 7) Upper End of Riverside Campground



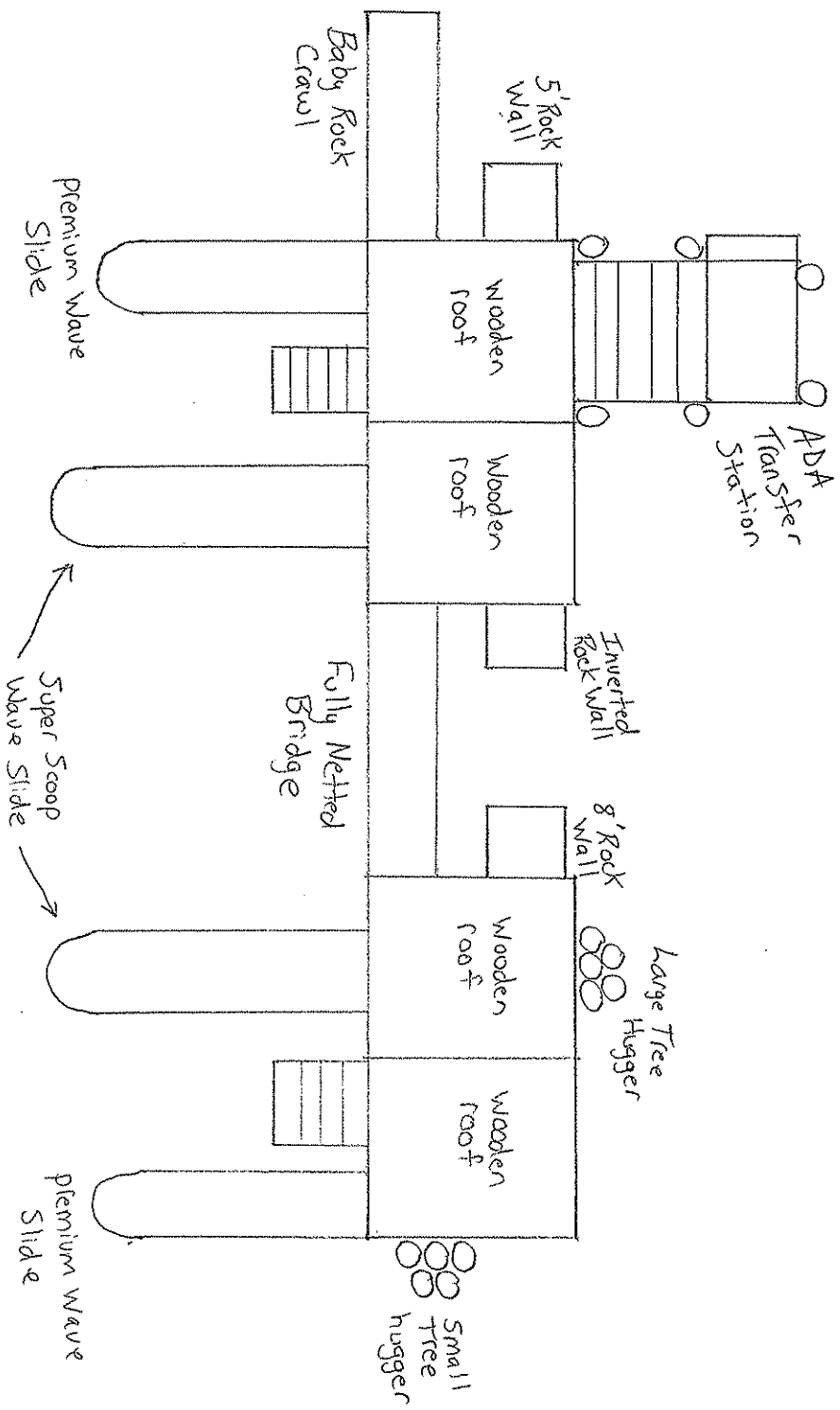
* Log borders will be installed around the mulched area that is supplied by Watoga State Park.

Custom Hundred Acre Wood

1/8" scale

Locations:

- 8) Beaver Creek Campground
- 9) Picnic Area



* Log borders will be installed around the mulched area that is supplied by Mataga State Park.

Agency DNR
REQ.P.O# DNR-209078

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Pearl Gate Construction
of Winfield, WV, as Principal, and Erie Ins. Property & Casualty Co.
of Erie, PA, a corporation organized and existing under the laws of the State of PA
with its principal office in the City of Erie, as Surety, are held and firmly bound unto the State
of West Virginia, as Obligee, in the penal sum of 5% of amount 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
Playground equipment for Watoga State Park.

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 the 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 Obligee 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 hereunto and these presents to be signed by their proper officers, this
5th day of February, 2009.

Principal Corporate Seal

Pearl Gate Construction
(Name of Principal)
By [Signature] - President
(Must be President or Vice President)
President
(Title)

Surety Corporate Seal

Erie Ins. Property & Casualty Co.
(Name of Surety)
[Signature]
Attorney-in-Fact
Licensed WV Agent

IMPORTANT - Surety executing bonds must be licensed in West Virginia to transact surety insurance. Raised corporate seals must be affixed, a power of attorney must be attached.



Erie
Insurance®

ERIE INSURANCE
PROPERTY & CASUALTY COMPANY
ERIE, PA 16530
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the ERIE INSURANCE PROPERTY & CASUALTY COMPANY, a corporation duly organized under the laws of the Commonwealth of Pennsylvania, does hereby make, constitute and appoint

----- Neely R. Arthur Jr., David Jennings, Dawanna L. Chandler, Mary Ann Cline and Timothy J. White -----

individually, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed: any and all bonds and undertakings of suretyship,

----- each in a penalty not to exceed the sum of five hundred thousand dollars (\$500,000.00). -----

And to bind the ERIE INSURANCE PROPERTY & CASUALTY COMPANY thereby as fully and to the same extent as if such bonds and undertakings and other writings obligatory in the nature thereof were signed by the appropriate officer of the ERIE INSURANCE PROPERTY & CASUALTY COMPANY and sealed and attested by one other of such officers, and hereby ratifies and confirms all that its said Attorney(s)-in-Fact may do in pursuance hereof.

The Power of Attorney is granted under and by authority of the following Resolution adopted by unanimous consent of the Board of Directors of ERIE INSURANCE PROPERTY & CASUALTY COMPANY on the 17th day of April, 2007, and said Resolution has not been amended or repealed:

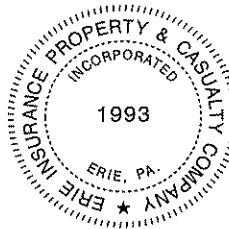
“Resolved, that the President, or any Senior Vice President or Vice President shall have power and authority to: (a) Appoint Attorney(s)-in-Fact and to authorize them to execute on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and, (b) To remove any such Attorney-in-Fact at any time and revoke the power and authority given to him; and

Resolved, that Attorney(s)-in-Fact shall have power and authority, subject to the terms and limitations of the Power of Attorney issued to them, to execute and deliver on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof. The corporate seal is not necessary for the validity of any bonds and undertakings, recognizances, contract of indemnity and other writings obligatory in the nature thereof.”

This Power of Attorney is signed and sealed by facsimiles under and by virtue of the following Resolution adopted by the unanimous consent of the Board of Directors of ERIE INSURANCE PROPERTY & CASUALTY COMPANY and said Resolution has not been amended or repealed:

“Resolved, that the signature of Jeffrey A. Ludrof, as President and Chief Executive Officer of the Company, and the Seal of the Company may be affixed by the following facsimiles on any Limited Power of Attorney for the execution of bonds, undertakings, recognizances, contracts and other writings in the nature thereof, and the signature of James J. Tanous, as Secretary of the Company, and the Seal of the Company may also be affixed by the following facsimiles to any certificate of any such Limited Power of Attorney and only under such circumstances, shall said facsimiles be valid and binding on the Company.”

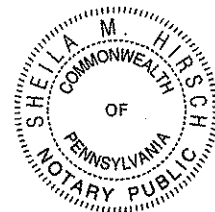
IN WITNESS WHEREOF, the ERIE INSURANCE PROPERTY & CASUALTY COMPANY has caused these presents to be signed by its President and Chief Executive Officer, and its corporate seal to be hereto affixed this 17th day of April, 2007.



Jeffrey A. Ludrof
Jeffrey A. Ludrof
President and Chief Executive Officer

STATE OF PENNSYLVANIA } ss.
COUNTY OF ERIE

On this 17th day of April, A.D. 2007, before me personally came Jeffrey A. Ludrof, to me known, who being by me duly sworn, did depose and say: that he is President and Chief Executive Officer of ERIE INSURANCE PROPERTY & CASUALTY COMPANY, the corporation described in and which executed the above instrument; that he knows the Seal of said corporation; that the Seal affixed to the said instrument is such corporate Seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.

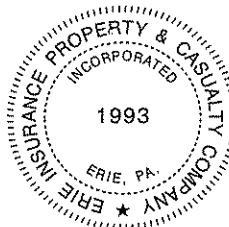


Sheila M. Hirsch
My commission expires June 27, 2008
Notary Public

CERTIFICATE

I, James J. Tanous, as Secretary of the ERIE INSURANCE PROPERTY & CASUALTY COMPANY, do hereby certify that the original POWER OF ATTORNEY, of which the foregoing is a full, true and correct copy, is still in full force and effect as of the date below.

In witness whereof, I have hereunto subscribed my name and affixed corporate Seal of the Company by facsimiles pursuant to the action of the Board of Directors of the Company,



James J. Tanous
James J. Tanous, Secretary

this 5TH day of FEBRUARY 2009