



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:
6610C020

PAGE:
1

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

RFQ COPY 709050016
 TYPE NAME/ADDRESS HERE

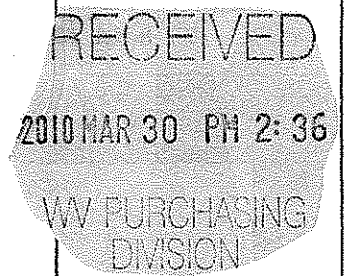
LOGAN CONCRETE, INC.
 P.O. BOX 1388
 LOGAN, WV 25601

DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
03/17/2010	NET 30	550595584	LOGAN	INCLUDED

BID OPENING DATE: **03/31/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	CY		750-70		
CONTRACT: FOR READY MIX PORTLAND CEMENT CONCRETE OPEN END CONTRACT TO PROVIDE AND DELIVER ALL LABOR, MATERIALS AND EQUIPMENT NECESSARY TO SUPPLY READY MIXED PORTLAND CEMENT CONCRETE AND CONTROLLED LOW - STRENGTH MATERIAL (CLSM) TO BE USED IN DISTRICTS 1 THROUGH 10 PER THE ATTACHED SPECIFICATIONS. PURCHASING CARD ACCEPTANCE: THE STATE OF WEST VIRGINIA CURRENTLY UTILIZES A VISA PURCHASING CARD PROGRAM WHICH IS ISSUED THROUGH A BANK. THE SUCCESSFUL VENDOR MUST ACCEPT THE STATE OF WEST VIRGINIA VISA PURCHASING CARD FOR PAYMENT OF ALL ORDERS PLACED BY ANY STATE AGENCY AS A CONDITION OF AWARD. 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. EXHIBIT 3 LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON						



SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE <i>Charles W. Jensen</i>	TELEPHONE 304-752-2330	DATE 3/30/2010	
TITLE PRESIDENT	FEBN 550595584	ADDRESS CHANGES TO BE NOTED ABOVE	

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



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<p>..... 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 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>						

SIGNATURE <i>Charles W. Jancee</i>				TELEPHONE 304-752-2330	DATE 3/30/2010
TITLE PRESIDENT		FEIN 550595584		ADDRESS CHANGES TO BE NOTED ABOVE	

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VENDOR

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LOGAN CONCRETE, INC.
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SHIP TO

DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED 03/17/2010	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: **03/31/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<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, 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, THE STATE MAY DEEM THE CONTRACT NULL AND VOID, AND TERMINATE SUCH CONTRACT 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. 05/26/2009</p> <p>EXHIBIT 10</p> <p>REQUISITION NO.:</p> <p>ADDENDUM ACKNOWLEDGEMENT</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Michael Austin</i>	TELEPHONE 304-752-2330	DATE 3/30/2010
TITLE PRESIDENT	FEIN 550595584	ADDRESS CHANGES TO BE NOTED ABOVE

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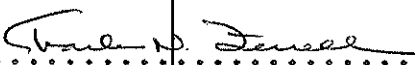
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03/17/2010				

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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<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> <p>NO. 1 ✓.....</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 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;">  SIGNATURE LOGAN CONCRETE INC. COMPANY 3/30/2010 DATE </p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Charles W. Fenech</i>	TELEPHONE 304-752-2330	DATE 3/30/2010
TITLE PRESIDENT	FEIN 550595584	ADDRESS CHANGES TO BE NOTED ABOVE

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LOGAN CONCRETE, INC.
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03/17/2010				

BID OPENING DATE: **03/31/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.</p> <p>REV. 09/21/2009</p> <p style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p style="text-align: center;">DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER: 33</p> <p>RFQ. NO.: 6610C020</p> <p>BID OPENING DATE: 03/31/2010</p> <p>BID OPENING TIME: 1:30 PM</p> <p>PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Charles W. Turner</i>	TELEPHONE 304-752-2330	DATE 3/30/2010
TITLE PRESIDENT	FEIN 550595584	ADDRESS CHANGES TO BE NOTED ABOVE

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LOGAN CONCRETE, INC.
 PO BOX 1388
 LOGAN WV 25601

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DIVISION OF HIGHWAYS
VARIOUS LOCALES AS INDICATED
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03/17/2010				

BID OPENING DATE: **03/31/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
----- CONTACT PERSON (PLEASE PRINT CLEARLY): CHARLES N. FERRELL -----						
***** THIS IS THE END OF RFQ 6610C020 ***** TOTAL: _____						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Charles N. Ferrell</i>	TELEPHONE 304-752-2330	DATE 3/30/2010
TITLE PRESIDENT	FEIN 550595584	ADDRESS CHANGES TO BE NOTED ABOVE

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Logan Concrete, Inc

12. BIDDING SCHEDULE

Unit Bid Price for Items A through I, to include delivery within five (5) miles of Vendor's Plant.

ORDER SIZE IN CUBIC YARDS

Item No.	DISTRICT <u>1</u>				PRICE PER CUBIC YARD
	<u>2-2.99CY</u>	<u>3-3.99CY</u>	<u>4-4.99CY</u>	<u>5 CY & Over</u>	
A.	Class A Concrete, _____/CY	_____/CY	_____/CY	_____/CY	
B.	Class B Concrete, <u>158.00/CY</u>	<u>141.00/CY</u>	<u>131.00/CY</u>	<u>119.50 /CY</u>	
C.	Class C Concrete, _____/CY	_____/CY	_____/CY	_____/CY	
D.	Class D Concrete, _____/CY	_____/CY	_____/CY	_____/CY	
E.	Class K Concrete, <u>162.00 /CY</u>	<u>145.00 /CY</u>	<u>135.00 /CY</u>	<u>123.50 /CY</u>	
F.	Modified Class K Concrete, 8-1/2 Bag Mix, Siliceous Sand	<u>174.00 /CY</u>	<u>157.00 /CY</u>	<u>147.00 /CY</u>	<u>135.50 /CY</u>
G.	CLSM Type A	<u>136.00 /CY</u>	<u>119.00 /CY</u>	<u>109.00 /CY</u>	<u>97.50 /CY</u>
H.	CLSM Type B	<u>133.00 /CY</u>	<u>116.00 /CY</u>	<u>106.00 /CY</u>	<u>94.50 /CY</u>
I.	CLSM Type C	<u>130.00 /CY</u>	<u>120.00 /CY</u>	<u>120.00 /CY</u>	<u>108.50 /CY</u>
J.	Will Class B Concrete supplied at prices quoted above contain limestone sand?			<u>NO</u>	
	If so, state additional charge to provide Class B Concrete using siliceous sand			<u>N/A /CY</u>	
K.	Charge per bag for increased cement content above the target value.			<u>7.00 /CY</u>	
L.	Additional Haul: Vendor may bid either or both options; however, the Division of Highways will select the most cost effective option.				
	Option A	\$ <u>N/A</u>	per cubic yard per mile		
	Option B	\$ <u>4.50</u>	per truck load per mile		

Logan Concrete, Inc

12. BIDDING SCHEDULE (continued) DISTRICT 1

M. Admixture, per cubic yard

1)	Water-reducing set retarder	\$ 2.50 CY
2)	Water reducer	\$ <u>-0-</u> CY
3)	Calcium chloride based accelerator (HE-122 or approved equal	\$ <u>.04</u> OZ
4)	Non-calcium chloride based accelerator (Darex Set Accelerator or approved equal	\$ <u>.08</u> OZ
5)	Super plasticizer (Eucon 37 or approved equal	\$ 4.50 CY
6)	Fiber	\$ <u>5.50</u> CY
7)	Heated Concrete	\$ <u>3.50</u> CY
8)	Ice	\$ <u>.40</u> per pound

N. Due to time constraints, the cement may have to be added to the transit mixer at the project site using Division personnel. Please state any additional charges as follows:

- 1) Cement provided and transported to project site by vendor \$ N/A /CY
- 2) Cement provided by vendor and transported from Vendor's plant to project site by Division \$ N/A /C

O. Penalty Charge for unloading time in excess of ten (10) minutes per cubic yard. \$.75 per truck minute

Plant Location LOGAN, WEST VIRGINIA

12. BIDDING SCHEDULE (Continued)

Unit Bid Price for Items A through I, to include delivery within five (5) miles of Vendor's Plant.

ORDER SIZE IN CUBIC YARDS

District 2

PRICE PER CUBIC YARD

Item No.	<u>2-2.99CY</u>	<u>3-3.99CY</u>	<u>4-4.99CY</u>	<u>5 CY & Over</u>
A. Class A Concrete,	_____/CY	_____/CY	_____/CY	_____/CY
B. Class B Concrete,	<u>158.00</u> /CY	<u>141.00</u> /CY	<u>131.00</u> /CY	<u>119.50</u> /CY
C. Class C Concrete,	_____/CY	_____/CY	_____/CY	_____/CY
D. Class D Concrete,	_____/CY	_____/CY	_____/CY	_____/CY
E. Class K Concrete,	<u>162.00</u> /CY	<u>145.00</u> /CY	<u>135.00</u> /CY	<u>123.50</u> /CY
F. Modified Class K Concrete, 8-1/2 Bag Mix, Siliceous Sand	<u>174.50</u> /CY	<u>157.50</u> /CY	<u>147.50</u> /CY	<u>135.50</u> /CY
G. CLSM Type A	<u>136.00</u> /CY	<u>119.00</u> /CY	<u>109.00</u> /CY	<u>97.50</u> /CY
H. CLSM Type B	<u>133.00</u> /CY	<u>116.00</u> /CY	<u>106.00</u> /CY	<u>94.50</u> /CY
I. CLSM Type C	<u>130.00</u> /CY	<u>120.00</u> /CY	<u>120.00</u> /CY	<u>108.50</u> /CY
J. Will Class B Concrete supplied at prices quoted above contain limestone sand?			<u>NO</u>	
If so, state additional charge to provide Class B Concrete using siliceous sand			<u>N/A</u> /CY	
K. Charge per bag for increased cement content above the target value.			<u>7.00</u> /CY	
L. Additional Haul: Vendor may bid either or both options; however, the Division of Highways will select the most cost effective option.				
	Option A \$	<u>N/A</u>	per cubic yard per mile	
	Option B \$	<u>4.50</u>	per truck load per mile	

Logan Concrete, Inc.

12. BIDDING SCHEDULE (continued) DISTRICT 2

M. Admixture, per cubic yard

1)	Water-reducing set retarder	\$ 2.50 CY
2)	Water reducer	\$ -0- CY
3)	Calcium chloride based accelerator (HE-122 or approved equal)	\$.04 OZ
4)	Non-calcium chloride based accelerator (Darex Set Accelerator or approved equal)	\$.08 OZ
5)	Super plasticizer (Eucon 37 or approved equal)	\$ 4.50 CY
6)	Fiber	\$ 5.50 CY
7)	Heated Concrete	\$ 3.50 CY
8)	Ice	\$.40 per pound

N. Due to time constraints, the cement may have to be added to the transit mixer at the project site using Division personnel. Please state any additional charges as follows:

- 1) Cement provided and transported to project site by Vendor \$ N/A /CY
- 2) Cement provided by vendor and transported from Vendor's plant to project site by Division \$ N/A /C

O. Penalty Charge for unloading time in excess of ten (10) minutes per cubic yard. \$.75 per truck minute

Plant Location LOGAN, WEST VIRGINIA

Logan Concrete, Inc.

12. BIDDING SCHEDULE

Unit Bid Price for Items A through I, to include delivery within five (5) miles of Vendor's Plant.

ORDER SIZE IN CUBIC YARDS

DISTRICT 10

PRICE PER CUBIC YARD

<u>Item No.</u>	<u>2-2.99CY</u>	<u>3-3.99CY</u>	<u>4-4.99CY</u>	<u>5 CY & Over</u>
A. Class A Concrete,	_____/CY	_____/CY	_____/CY	_____/CY
B. Class B Concrete,	<u>158.00/CY</u>	<u>141.00/CY</u>	<u>131.00/CY</u>	<u>119.50 /CY</u>
C. Class C Concrete,	_____/CY	_____/CY	_____/CY	_____/CY
D. Class D Concrete,	_____/CY	_____/CY	_____/CY	_____/CY
E. Class K Concrete,	<u>162.00 /CY</u>	<u>145.00 /CY</u>	<u>135.00 /CY</u>	<u>123.50 /CY</u>
F. Modified Class K Concrete, 8-1/2 Bag Mix, Siliceous Sand	<u>174.00 /CY</u>	<u>157.00 /CY</u>	<u>147.00 /CY</u>	<u>135.50 /CY</u>
G. CLSM Type A	<u>136.00 /CY</u>	<u>119.00 /CY</u>	<u>109.00 /CY</u>	<u>97.50 /CY</u>
H. CLSM Type B	<u>133.00 /CY</u>	<u>116.00 /CY</u>	<u>106.00 /CY</u>	<u>94.50 /CY</u>
I. CLSM Type C	<u>130.00 /CY</u>	<u>120.00 /CY</u>	<u>120.00 /CY</u>	<u>108.50 /CY</u>
J. Will Class B Concrete supplied at prices quoted above contain limestone sand?			<u>NO</u>	
If so, state additional charge to provide Class B Concrete using siliceous sand			<u>N/A /CY</u>	
K. Charge per bag for increased cement content above the target value.			<u>7.00 /CY</u>	
L. Additional Haul: Vendor may bid either or both options; however, the Division of Highways will select the most cost effective option.				
			Option A \$ <u>N/A</u> per cubic yard per mile	
			Option B \$ <u>4.50</u> per truck load per mile	

Logan Concrete, Inc.

12. BIDDING SCHEDULE (continued) DISTRICT 10

M. Admixture, per cubic yard

1)	Water-reducing set retarder	\$ 2.50 CY
2)	Water reducer	\$ <u>-0-</u> CY
3)	Calcium chloride based accelerator (HE-122 or approved equal	\$.04 OZ
4)	Non-calcium chloride based accelerator (Darex Set Accelerator or approved equal	\$.08 OZ
5)	Super plasticizer (Eucon 37 or approved equal	\$ 4.50 CY
6)	Fiber	\$ 5.50 CY
7)	Heated Concrete	\$ 3.50 CY
8)	Ice	\$ <u>.40</u> per pound

N. Due to time constraints, the cement may have to be added to the transit mixer at the project site using Division personnel. Please state any additional charges as follows:

- 1) Cement provided and transported to project site by vendor \$ N/A /CY
- 2) Cement provided by vendor and transported from Vendor's plant to project site by Division \$ N/A /C

O. Penalty Charge for unloading time in excess of ten (10) minutes per cubic yard. \$.75 per truck minute

Plant Location LOGAN, WEST VIRGINIA

State of West Virginia

VENDOR PREFERENCE CERTIFICATE

Certification and application* is hereby made for Preference in accordance with West Virginia Code, §5A-3-37. (Does not apply to construction contracts). West Virginia Code, §5A-3-37, provides an opportunity for qualifying vendors to request (at the time of bid) preference for their residency status. Such preference is an evaluation method only and will be applied only to the cost bid in accordance with the West Virginia Code. This certificate for application is to be used to request such preference. The Purchasing Division will make the determination of the Resident Vendor Preference, if applicable.

- 1. Application is made for 2.5% resident vendor preference for the reason checked: 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, X Bidder is a partnership, association or corporation resident vendor and 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 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, Bidder is a 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; or,
2. X Application is made for 2.5% resident vendor preference for the reason checked: 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; or,
3. Application is made for 2.5% resident vendor preference for the reason checked: 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 Bidder's 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; or,
4. X Application is made for 5% resident vendor preference for the reason checked: Bidder meets either the requirement of both subdivisions (1) and (2) or subdivision (1) and (3) as stated above; or,
5. Application is made for 3.5% resident vendor preference who is a veteran for the reason checked: Bidder is an individual resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted; or,
6. X Application is made for 3.5% resident vendor preference who is a veteran for the reason checked: Bidder is a resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years.

Bidder understands if the Secretary of 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) reject the bid; 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.

By submission of this certificate, Bidder agrees to disclose any reasonably requested information to the Purchasing Division and authorizes the Department of Revenue to disclose to the Director of Purchasing appropriate information verifying that Bidder has paid the required business taxes, provided that such information does not contain the amounts of taxes paid nor any other information deemed by the Tax Commissioner to be confidential.

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.

Bidder: LOGAN CONCRETE, INC. Signed: [Signature]
Date: 3/30/2010 Title: PRESIDENT

*Check any combination of preference consideration(s) indicated above, which you are entitled to receive.

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 exceeds five percent of the total contract amount.

EXCEPTION: The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

Under penalty of law for false swearing (*West Virginia Code §61-5-3*), it is hereby certified that the vendor affirms and acknowledges the information in this affidavit and is in compliance with the requirements as stated.

WITNESS THE FOLLOWING SIGNATURE

Vendor's Name: LOGAN CONCRETE, INC.

Authorized Signature: Charles W. Fenell Date: 3-30-10

State of W Va

County of Logan, to-wit:

Taken, subscribed, and sworn to before me this 30th day of March, 2010

My Commission expires May 22, 2017.

AFFIX SEAL HERE

NOTARY PUBLIC Barbara Lanthorne

