



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
DCH10022

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
SHELLY MURRAY 304-558-8801

RFQ COPY
 TYPE NAME/ADDRESS HERE

VENDOR

Waller Corporation
 P.O. Box 757
 2051 W. Chestnut Street
 Washington, PA 15301

SHIP TO

DIVISION OF CULTURE & HISTORY
 WV INDEPENDENCE HALL
 1528 MARKET STREET
 WHEELING, WV
 26003-3532 304-238-1300

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B	FREIGHT TERMS
10/22/2009				

BID OPENING DATE: 12/03/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		910-66		
<p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DIVISION OF CULTURE & HISTORY, IS SOLICITING BIDS FOR ROOF WORK AND OTHER RENOVATION WORK THAT MUST INCLUDE, BUT NOT BE LIMITED TO, LABOR, MATERIALS, EQUIPMENT, SUPPLIES, AND TRANSPORTATION TO WEST VIRGINIA INDEPENDENCE HALL LOCATED IN WHEELING, WV PER THE SPECIFICATIONS.</p> <p>ROOFING WORK AND OTHER RENOVATION</p> <p>MANDATORY PRE-BID</p> <p>A MANDATORY PRE-BID WILL BE HELD ON 11/10/2009 AT 10:00 AM AT WEST VIRGINIA INDEPENDENCE HALL LOCATED AT 16TH & MARKET STREETS IN WHEELING, WV. ALL INTERESTED PARTIES ARE REQUIRED TO ATTEND THIS MEETING FAILURE TO ATTEND THE MANDATORY PRE-BID SHALL RESULT IN DISQUALIFICATION OF THE BID. NO ONE PERSON MAY REPRESENT MORE THAN ONE BIDDER.</p> <p>AN ATTENDANCE SHEET WILL BE MADE AVAILABLE FOR ALL POTENTIAL BIDDERS TO COMPLETE. THIS WILL SERVE AS THE OFFICIAL DOCUMENT VERIFYING ATTENDANCE AT THE MANDATORY PRE-BID. FAILURE TO PROVIDE YOUR COMPANY AND REPRESENTATIVE NAME ON THE ATTENDANCE SHEET WILL RESULT IN DISQUALIFICATION OF THE BID. THE STATE WILL NOT ACCEPT ANY OTHER DOCUMENTATION TO VERIFY ATTENDANCE. THE BIDDER IS RESPONSIBLE FOR ENSURING THEY HAVE</p>						

RECEIVED
 2010 JAN -5 PM 1:26
 WV PURCHASING DIVISION

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE 	TELEPHONE 724-223-9680	DATE 1/5/10
TITLE President	FEIN 25-1527784	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, the State may deem this contract null and void, and terminate such contract 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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<p>SUBMIT AT THE SAME TIME AN AFFIDAVIT OF COMPLIANCE WITH THE BID. THE ENCLOSED DRUG-FREE WORKPLACE 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 DRUG-FREE WORKPLACE AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF SUCH BID.</p> <p>NOTICE TO PROCEED: THIS CONTRACT IS TO BE PERFORMED WITHIN 180 CALENDAR DAYS AFTER THE NOTICE TO PROCEED IS RECEIVED. UNLESS OTHERWISE SPECIFIED, THE FULLY EXECUTED PURCHASE ORDER WILL BE CONSIDERED 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 OHIO 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>						

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SIGNATURE <i>James E. Wall</i>	TELEPHONE 724-223-9680	DATE 1/5/10
TITLE President	FEIN 25-1527784	ADDRESS CHANGES TO BE NOTED ABOVE

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<p>COMPLETED THE INFORMATION REQUIRED ON THE ATTENDANCE SHEET. THE PURCHASING DIVISION AND THE STATE AGENCY WILL NOT ASSUME ANY RESPONSIBILITY FOR A BIDDER-S FAILURE TO COMPLETE THE PRE-BID ATTENDANCE SHEET. IN ADDITION, WE REQUEST THAT ALL POTENTIAL BIDDERS INCLUDE THEIR E-MAIL ADDRESS AND FAX NUMBER.</p> <p>ALL POTENTIAL BIDDERS ARE REQUESTED TO ARRIVE PRIOR TO THE STARTING TIME FOR THE PRE-BID. BIDDERS WHO ARRIVE LATE, BUT PRIOR TO THE DISMISSAL OF THE TECHNICAL PORTION OF THE PRE-BID WILL BE PERMITTED TO SIGN IN. BIDDERS WHO ARRIVE AFTER CONCLUSION OF THE TECHNICAL PORTION OF THE PRE-BID, BUT DURING ANY SUBSEQUENT PART OF THE PRE-BID WILL NOT BE PERMITTED TO SIGN THE ATTENDANCE SHEET.</p> <p>TECHNICAL QUESTIONS MUST BE SUBMITTED IN WRITING TO SHELLY MURRAY IN THE WEST VIRGINIA PURCHASING DIVISION VIA MAIL AT THE ADDRESS SHOWN AT THE TOP OF THIS RFQ, VIA FAX AT 304-558-4115, OR VIA E-MAIL AT SHELLY.L.MURRAY@WV.GOV. DEADLINE FOR ALL TECHNICAL QUESTIONS IS 11/13/2009 AT THE CLOSE OF BUSINESS. ALL TECHNICAL QUESTIONS RECEIVED, IF ANY, WILL BE ADDRESSED BY ADDENDUM AFTER THE DEADLINE.</p> <p>QUESTIONS CONCERNING THE ACTUAL PROCESS BY WHICH A VENDOR MAY SUBMIT A BID TO THE STATE OF WEST VIRGINIA ARE NOT CONSIDERED TO BE TECHNICAL QUESTIONS AND MAY BE SUBMITTED AT ANY TIME PRIOR TO THE RFQ OPENING DATE AND IN ANY FORMAT.</p> <p>EXHIBIT 5</p> <p>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 T</p>						

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<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> <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 ACCEPTABLE IN LIEU OF THE 5% BID BOND, PERFORMANCE BOND, OR LABOR AND MATERIAL BOND.</p> <p>(XX) 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>						

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SIGNATURE <i>Jani St. Wall</i>	TELEPHONE 724-223-9680	DATE 1/5/10
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<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 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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>James D. Wall</i>	TELEPHONE 724-223-9680	DATE 1/5/10
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				<p>SUPPLYING FOREIGN ALUMINUM, GLASS OR STEEL.</p> <p>REV. 3/88</p> <p>EXHIBIT 9</p> <p>NOTICE FOR ISSUANCE & ACKNOWLEDGEMENT OF CONSTRUCTION PROJECT ADDENDA</p> <p>THE ARCHITECT/ENGINEER AND/OR AGENCY SHALL BE REQUIRED TO ABIDE BY THE FOLLOWING SCHEDULE IN ISSUING CONSTRUCTION PROJECT ADDENDA FOR STATE AGENCIES:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>		

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SIGNATURE <i>Jane E. Wall</i>	TELEPHONE 724-223-9680	DATE 1/5/10
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VENDOR ADDRESS

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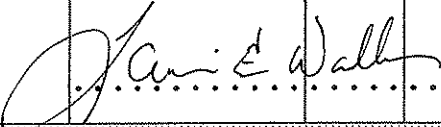
Waller Corporation
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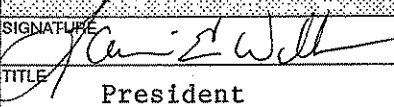
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	REV. 11/96					
	EXHIBIT 10					
	ADDENDUM ACKNOWLEDGEMENT					
	I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.					
	ADDENDUM NOS.:					
	NO. 1 ✓	...	11/12/09		
	NO. 2 ✓	...	12/01/09		
	NO. 3 ✓	...	12/11/09		
	NO. 4				
	NO. 5				
	I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF THE BIDS.					
	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.					
	SIGNATURE					

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<p>..... Waller Corporation COMPANY</p> <p>..... 1/5/10 DATE</p> <p>REV. 11/96</p> <p style="text-align: center;">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: Waller Corporation</p> <p>CONTRACTORS LICENSE NO.: WV012558</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 RULE</p>						

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304-558-8801

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE

Waller Corporation
 P.O. Box 757
 2051 W. Chestnut Street
 Washington, PA 15301

SHIP TO

DIVISION OF CULTURE & HISTORY
 WV INDEPENDENCE HALL
 1528 MARKET STREET
 WHEELING, WV
 26003-3532 304-238-1300

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
10/22/2009				

BID OPENING DATE: **12/03/2009** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>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 DESCRIBED IN THE ABOVE PARAGRAPH IS VOID AND OF NO EFFECT.</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>REV. 5/2009</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: SHELLY MURRAY</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>James E. Wall</i>	TELEPHONE 724-223-9680	DATE 1/5/10
TITLE President	FEIN 25-1527784	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:
DCH10022

PAGE:
10

ADDRESS CORRESPONDENCE TO ATTENTION OF:
SHELLY MURRAY
304-558-8801

RFQ COPY
 TYPE NAME/ADDRESS HERE

VENDOR

Waller Corporation
 P.O. Box 757
 2051 W. Chestnut Street
 Washington, PA 15301

SHIP TO

DIVISION OF CULTURE & HISTORY
 WV INDEPENDENCE HALL
 1528 MARKET STREET
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 26003-3532 304-238-1300

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
10/22/2009				

BID OPENING DATE: **12/03/2009** BID OPENING TIME: **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
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REQ. NO.: **DCH10022**
 BID OPENING DATE: **12/03/2009**
 BID OPENING TIME: **1:30 PM**
 PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY
 TO CONTACT YOU REGARDING YOUR BID:
 -----**724-223-9704**-----

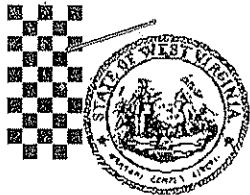
PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT
 CONCERNING THIS QUOTE:
 -----**Gregory A. Kittridge**-----

***** THIS IS THE END OF RFQ DCH10022 ***** TOTAL: 1,288,900.00

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Gregory A. Kittridge</i>	TELEPHONE 724-223-9680	DATE 1/5/10
TITLE President	FEIN 25-1527784	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
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 Post Office Box 50130
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Request for Quotation

RFQ NUMBER
DCH10022

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
SHELLY MURRAY
304-558-8801

*108132954 724-223-9680

POST OFFICE

WALLER CORPORATION
 PO BOX 757
 2051 WEST CHESTNUT ST
 WASHINGTON PA 15301

SHIP TO

DIVISION OF CULTURE & HISTORY
 WV INDEPENDENCE HALL
 1528 MARKET STREET
 WHEELING, WV
 26003-3532 304-238-1300

DATE PRINTED 11/12/2009	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
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BID OPENING DATE: **12/03/2009** BID OPENING TIME: **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
----- ADDENDUM NO. 1 ----- THIS ADDENDUM IS ISSUED TO EXTEND THE DEADLINE FOR SUBMISSION OF QUESTIONS. FROM: 11/13/2009 TO : 11/20/2009 BID OPENING DATE REMAINS: 12/03/2009 ATTACHMENT: PRE-BID SIGN IN SHEET ----- END OF ADDENDUM NO. 1 -----						
0001	1	LS		910-66		
ROOFING WORK AND OTHER RENOVATION						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>James E. Waller</i>	TELEPHONE 724-223-9680	DATE 1/5/10
TITLE President	FEBN 25-1527784	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
DCH10022

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
**SHELLY MURRAY
 304-558-8801**

VENDOR

*108132954 724-223-9680
**WALLER CORPORATION
 PO BOX 757
 2051 WEST CHESTNUT ST
 WASHINGTON PA 15301**

SHIP TO

**DIVISION OF CULTURE & HISTORY
 WV INDEPENDENCE HALL
 1528 MARKET STREET
 WHEELING, WV
 26003-3532 304-238-1300**

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
12/01/2009				

BID OPENING DATE: **12/16/2009** BID OPENING TIME **01:30PM**

LINE	QUANTITY	LOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
----- ADDENDUM NO. 2 -----						
<p>THIS ADDENDUM IS ISSUED TO ADDRESS THE QUESTIONS RECEIVED PRIOR TO THE QUESTION SUBMISSION DEADLINE OF 11/20/2009 AND TO CLARIFY, CHANGE, OR MODIFY THE SPECIFICATIONS.</p> <p>THE BID OPENING DATE IS EXTENDED:</p> <p>FROM: 12/03/2009 TO : 12/16/2009</p>						
----- END OF ADDENDUM NO. 2 -----						
0001	1	LS		910-66		
<p>ROOFING WORK AND OTHER RENOVATION</p>						
<p>***** THIS IS THE END OF RFQ DCH10022 *****</p>						<p>TOTAL: 1,288,900.00</p>

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>James D. Wall</i>	TELEPHONE 724-223-9680	DATE 1/5/10
TITLE President	FEIN 25-1527784	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:
 DCH10022

PAGE:
 1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
 SHELLY MURRAY
 304-558-8801

VENDOR

*108132954 724-223-9680
 WALLER CORPORATION
 PO BOX 757
 2051 WEST CHESTNUT ST
 WASHINGTON PA 15301

SHIP TO

DIVISION OF CULTURE & HISTORY
 WV INDEPENDENCE HALL
 1528 MARKET STREET
 WHEELING, WV
 26003-3532 304-238-1300

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
12/11/2009				

BID OPENING DATE: 01/05/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
----- ADDENDUM NO. 3 -----						
THIS ADDENDUM IS ISSUED TO CLARIFY THE ATTACHED SPECIFICATIONS.						
THE BID OPENING DATE IS EXTENDED:						
FROM: 12/16/2009						
TO : 01/05/2010						
----- END OF ADDENDUM NO. 3 -----						
0001	1	LS		910-66		
ROOFING WORK AND OTHER RENOVATION						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>James E. Wall</i>	TELEPHONE 724-223-9680	DATE 1/5/10
TITLE President	FEIN 25-1527784	ADDRESS CHANGES TO BE NOTED ABOVE

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

PROPOSAL FORM

WEST VIRGINIA DIVISION OF CULTURE & HISTORY
 WEST VIRGINIA INDEPENDENCE HALL - RENOVATIONS
 WHEELING, WEST VIRGINIA

NAME OF BIDDER Waller Corporation

ADDRESS P.O. Box 757 PHONE 724-223-9680
2051 W. Chestnut Street
Washington, PA 15301 DATE 1/5/10

The undersigned, hereinafter called the Bidder, being familiar with and understanding the Bidding Documents and also having examined the site and being familiar with all local conditions affecting the project hereby proposes to furnish all labor, material, equipment, supplies and transportation and to perform all Work in accordance with the Bidding Documents within the time set forth below for the sum of

BASE BID:

one million two hundred eighty eight thousand one, 288, 900.00
nine hundred (Show Amount in both words and numbers)

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

ALTERNATES:

Alternate No. 1:

Similar to restoration scope but in lieu of restoration of existing window sashes, forego restoration of sashes and provide a complete replacement of all existing wood sashes with new wood sashes with laminated glass panes and true divided lites – new sashes will replicate existing in all details except as required to accommodate laminated glass and any structural improvements required in order to ensure a complete window assembly. Re-construct existing wood frame and weight assembly to accommodate new operable sashes with laminated glass panes. Restore or replace any deteriorated window frame components to like new condition.

DEDUCT (ADD) \$ 56,400

Alternate No. 2:

Provide new removable metal storm windows with single pane laminated glass units for all windows. New storm windows will be either monumental (full size of existing window opening) or a combination of fixed & operable metal storm windows. The new storm window assembly will be located on the interior of each existing restored or repaired window. Re-construct, modify existing wood frame and jamb replicating the existing interior appearance to accommodate the new monumental or operable single-hung storm window assembly. Note: Metal storm windows will not be required for the Basement windows No. 44, 45, 46, 47 & 48. Note: not applicable to Alternate No. 3.

ADD: \$ 60,400

Alternate No. 3:

In lieu of restoration of existing window sashes and frames, forego restoration and provide a complete and full replacement of existing wood windows and frames with new double-hung wood windows incorporating 1" insulated glass units and true divided lites – new windows will replicate existing in appearance using the window manufacturer's closest product line as specified. Re-construct or mill wood interior and exterior standing & running trim profiles for each opening exactly. Custom parts may be required to complete the replacement. New finishes will match existing including all special painted finishes.

DEDUCT/ADD: \$ 224,400

Alternate No. 4:

Delete the sprinkler system distribution piping from the First and Second Floors ONLY. Delete all general trade restoration work, such as plaster repairs, wood flooring repairs, masonry repairs and painting that would be associated with concealing the First and Second Floor sprinkler system distribution piping. All other sprinkler distribution piping to remain in the Base Bid. All other general trade restoration work not related specifically to the sprinkler system distribution piping work on the First and Second Floors is to remain in the Base Bid. All stair stand pipes and risers to remain as part of the Base Bid.

DEDUCT: \$ 24,400

Alternate No. 5:

Provide two new downspouts and inlet pans – one on the north end of the building and the other on the west end of the building. Include all cutting and shaping of existing sandstone for installing the metal rain leaders in the same configuration as the existing downspouts. Provide new cast iron boots. Excavate and tie new storm piping into the existing storm water distribution system on site.

ADD: \$ 32,400

Alternate No. 6:

Provide fully restored fixed Basement windows. Include restoration or replacement of arched sash and frames/jamb, exterior and interior standing and running trim. Provide opaque spandrel glass for each divided lite per glazing schedule. Scope includes Windows No. 44 through 48. Provide fixed exterior stops with vandal and intrusion resistant fasteners (removable with special tool). Some of the windows are only accessible from the exterior window wells therefore requiring all work to be performed from the exterior.

ADD: \$ 14,400

Alternate No. 7:

Delete all of the heat/snowmelt trace cabling, contactors, sensors, and controllers from the project. Panel 'HT' shall remain in project, as well as (2) J-boxes located at each downspout location (including spouts in Alt. #5, if taken), with a 1-1/4" raceway extended from each J-box back to closet where panel 'HT' is to be installed. Please note, fire alarm system work is NOT deleted under this Alternate.

DEDUCT: \$ 29,400

Alternate No. 8:

Delete partition Type I wall construction from the Basement. Delete Doors 001A & 001B. Keep install of ACT and lighting in the Base Bid.

DEDUCT: \$ 28,400

UNIT PRICES:

Unit Price No. 1: Removal of unsatisfactory solid 2-inch by 6-inch tongue and groove roof planking and replacement with matching material. \$ 5.00 per linear ft.

Unit Price No. 2: Roof or rafter timber replacement with matching material. \$ 100.00 per linear ft.

Unit Price No. 3: Miscellaneous replacement structural steel. Include installation. \$ 5.00 per pound

Unit Price No. 4: Plaster crown moulding replacement with exactly matching assembly and finish. \$ 280.00 per linear ft.

Unit Price No. 5: Disposal of lead based paint waste. \$ 575.00 per 55 gal. drum

TIME OF COMPLETION

The contractor agrees to commence the work upon receiving a Notice to Proceed and complete the work within one-hundred eighty (180) days. In the event the work is not completed within the time period stated above, the Contractor shall pay the Owner as liquidated damages, the sum of \$500.00 per day until substantial completion is achieved.

The Contractor further agrees to be bound by the final payment, retainage and Post-Substantial Completion Liquidated Damages provisions of Paragraph 9.10.2 of the Supplementary Conditions, and to be liable for and pay to the Owner, if assessed, Post-Substantial Completion Liquidated Damages as stated.

ACCEPTANCE PERIOD

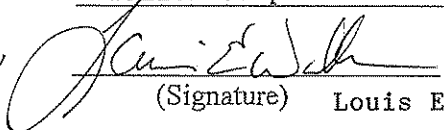
The undersigned agrees that his proposal will be valid and enforceable for sixty (60) days and, if authorized to proceed within that period, will execute a formal contract with the Owner as prescribed in the bidding documents.

TAXES/PERMITS

The Contractor affirms that all Federal, State and Local Taxes and Permits of whatever character or description are included in this Proposal.

The proposal is submitted in the name of:

Waller Corporation

By  (Signature) Louis E. Waller

CONTRACTOR LICENSE

Authorized by the

West Virginia Contractor Licensing Board

Number:

WV012558

Classification:

GENERAL BUILDING

WALLER CORPORATION
DBA WALLER CORPORATION
PO BOX 757
WASHINGTON, PA 15301-0757

Date Issued

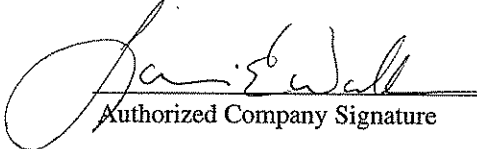
DECEMBER 10, 2009


Expiration Date

DECEMBER 10, 2010



**WEST VIRGINIA
CONTRACTOR
LICENSING
BOARD**


Authorized Company Signature


Chair, West Virginia Contractor
Licensing Board

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

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Waller Corporation
of Washington, Pennsylvania, as Principal, and RLI Insurance Company
of Peoria, Illinois, a corporation organized and existing under the laws of the State of Illinois
with its principal office in the City of Peoria, as Surety, are held and firmly bound unto the State
of West Virginia, as Obligee, in the penal sum of Five Percent of the Total 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
West Virginia Independence Hall Building Renovations

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
3rd day of December, 2009.

Principal Corporate Seal

Waller Corporation

(Name of Principal)

By 

(Must be President or
Vice President)

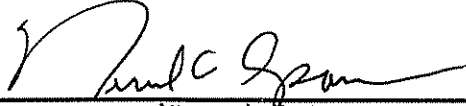
President

(Title)

Surety Corporate Seal

RLI Insurance Company

(Name of Surety)



Attorney-in-Fact

Nicholas A. Sparachane

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.



RLI Surety
 P.O. Box 3967 | Peoria, IL 61612-3967
 Phone: (800)645-2402 | Fax: (309)689-2036
 www.rlicorp.com

POWER OF ATTORNEY

RLI Insurance Company

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company**, an Illinois corporation, does hereby make, constitute and appoint:
Nicholas A. Sparachane, Susan K. Boord, C. Richard Stump, jointly or severally.

in the City of Wheeling, State of West Virginia its true and lawful Agent and Attorney in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, the following described bond.

Any and all bonds, undertakings, and recognizances in an amount not to exceed Ten Million Dollars (\$10,000,000) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon this Company as if such bond had been executed and acknowledged by the regularly elected officers of this Company.

The **RLI Insurance Company** further certifies that the following is a true and exact copy of the Resolution adopted by the Board of Directors of **RLI Insurance Company**, and now in force to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** has caused these presents to be executed by its Vice President with its corporate seal affixed this 11th day of September, 2009.

State of Illinois }
 County of Peoria } SS



RLI Insurance Company

By: Roy C. Die Vice President

CERTIFICATE

On this 11th day of September, 2009, before me, a Notary Public, personally appeared Roy C. Die, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

I, the undersigned officer of **RLI Insurance Company**, a stock corporation of the State of Illinois, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** this 3rd day of December, 2009.

By: Jacqueline M. Bockler
 Jacqueline M. Bockler Notary Public

RLI Insurance Company

By: Roy C. Die Vice President





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

STATE OF Pennsylvania

COUNTY OF Washington, TO-WIT:

I, Louis E. Waller, after being first duly sworn, depose and state as follows:

- 1. I am an employee of Waller Corporation; and,
2. I do hereby attest that Waller Corporation

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.

Waller Corporation
By: [Signature]
Title: President
Date: 1/5/10

Taken, subscribed and sworn to before me this 5th day of January, 2010

By Commission expires

(Seal)

COMMONWEALTH OF PENNSYLVANIA
Robena E. Ziegler, Notary Public
My Commission Expires: 01/24/2012

[Signature]
(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
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:

If this is a solicitation for a public improvement construction contract, the vendor, by its signature below, affirms that it has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the *West Virginia Code*. The vendor **must** make said affirmation with its bid submission. Further, 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.

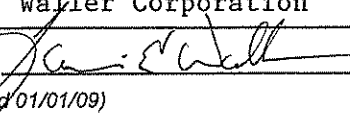
LICENSING:

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. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.

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.

Vendor's Name: Waller CorporationAuthorized Signature:  Date: 1/5/10

Waller Corporation

DRUG & ALCOHOL ABUSE POLICY

TABLE OF CONTENTS

Statement of Purpose and Policy 1
Drug Testing Procedures 3
Purpose 3
Definitions 3
Prohibited Substances / Prescription Medications 5
Employee Testing 6
Collection of Specimens and Laboratory Analysis 8
Discipline: Appeal of Test Results 8

APPENDIX A: Procedure for the collection of specimens, chain-of-custody, laboratory procedures and reporting laboratory results

APPENDIX B: Procedures for alcohol testing

APPENDIX C: Sample employee notification letter

APPENDIX D: Sample acknowledgment of notice of Waller Corporation's drug and alcohol abuse policy, procedures and consent to urinalysis

STATEMENT OF PURPOSE AND POLICY

Employees are a most valued part of Waller Corporation, (the "Employer"). Their health and safety are serious Employer concerns.

Drug use and alcohol misuse may pose a serious threat to employee health and safety. It is, therefore, the policy of the Employer to prevent substance use or abuse from having an adverse effect on our employees.

The Employer maintains that the work environment is safer and more productive without the presence of illicit or inappropriate drugs or alcohol (herein referred to as "prohibited substances") in the body or on company property. Furthermore, all employees have a right to work in a drug-free environment and to work with individuals free from the effects of prohibited substances.

Employees who use or abuse prohibited substances are a danger to themselves, their co-workers, the public and the Employer's assets. The federal government has recognized the adverse impact of substance abuse by employees.

The Federal Department of Transportation ("DOT") and many states have issued regulations, which require the Employer to implement a controlled substance and alcohol-testing program.

It is the policy of the Employer that the use, sale, purchase, transfer, possession or presence in one's system of any prohibited substance (except medications prescribed by a licensed physician), including

alcohol, by any employee while on company premises, while engaged in company business, while operating company equipment, or while under the authority of the Employer is strictly prohibited.

The Employer will notify and cooperate with law enforcement agencies in the investigation of any Employee suspected of possession of or trafficking in illicit or inappropriate drugs.

Any Employee convicted of on-the-job, possession of or trafficking in illicit or inappropriate drugs, or of driving while intoxicated, will be terminated.

All Employees will be subject to testing where circumstances establish that reasonable suspicion of prohibited substance use exists, and following on-the-job accidents or injuries.

When appropriate, all safety-sensitive employees will be subject to testing on a random basis. Employees returning to a safety sensitive function will be subject to testing and must submit to follow-up tests for as long as five years. Any Employee who tests positive will be subject to discipline up to and including termination.

Any Employee who refuses to comply with a proper request to submit to testing or who fails to cooperate in the test process, will be considered to have tested positive.

These procedures are designed not only to detect violations of this policy but also to ensure fairness to each Employee.

Every effort will be made to maintain the dignity of Employees involved. Disciplinary action will, however, be taken as necessary.

Neither this policy nor any of its terms are intended to create a contract of employment, or to alter the existing employment or contractual relationship in any way.

The Employer retains the sole right to change, amend or modify any term or provision of this policy without notice.

This policy is effective August 15, 1999 and supersedes all prior policies and statements relating to prohibited substances.

PROGRAM SUMMARY

Employer Contact: All questions or concerns should be directed to Louis E. Waller III at (724) 223-9680.

When Compliance is required: All those subject to this policy are expected to refrain from prohibited conduct prior to performing safety sensitive tasks, while performing such tasks and in post accident cases for eight hours after the accident.

Prohibited Conduct: The following conduct is prohibited:

1. Controlled substance use at any time.
2. Having a breath test result that equals or exceeds .02.
3. Consuming alcohol within (4) hours prior to reporting for a safety sensitive task.
4. Using alcohol on the job.
5. Using alcohol within the (8) hours following an accident or until tested.
6. While behavior or ability to perform due to alcohol use are in question.
7. Refusing to test.
8. Failure to cooperate in the testing process.

Test Events: Employees may be tested on six (6) occasions: (1) pre-access to safety sensitive functions; (2) where there is reasonable suspicion of prohibited use; (3) following an accident or injury; (4) on a random basis; (5) following a return to duty after prohibited conduct; and (6) as a follow-up to prohibited conduct.

Test Procedures: The test procedures for alcohol testing can be found in APPENDIX "B". Test procedures for controlled substance testing can be found in APPENDIX "A".

Refusal: Any employee who refuses to submit to a request to test will be terminated. Refusal includes failure to timely report to a designated testing site (collection site) and the failure to execute all required test documents.

Consequences of violation: Any employee who is found to have violated this policy will be subject to discipline, up-to and including termination. For alcohol test purposes, any test result in excess of 0.02 will result in discipline.

Impact of drug/alcohol use: The impact of drug or alcohol use on employee health and the workplace is discussed in detail in APPENDIX "E".

Administration Guide To Drug/Alcohol Testing Procedures

I. PURPOSE

The purpose of this administrative guide is to set forth the procedures for the implementation of alcohol and drug testing (herein referred to as "testing") of Employees and for the presence of prohibited substances pursuant to the Waller Corporation, Drug and Alcohol Abuse Policy (the "Policy"). These procedures are intended as a supervisory guide only and are in no way intended to alter any existing relationship between the Waller Corporation (the "Employer") and any Employee. These procedures may be amended, modified or changed at any time without prior notice.

II. DEFINITIONS

When interpreting or implementing these procedures or the procedures required by the Federal Department of Transportation ("DOT") regulations and applicable state law controlled substance testing regulations, the following definitions apply:

"Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol. ***Employees are not excused if the source of the alcohol is medicinal.***

"BAT" means breath alcohol technician. Alcohol tests may only be conducted by BATs who have been properly trained under 49 CFR Part 40.

"Collection site" means a place where individuals present themselves for the purpose of providing body fluid or tissue specimens to be analyzed for specified prohibited substances. The site must possess all

necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage and transportation or shipment of the specimens to a laboratory.

"Commercial motor vehicle" means any self-propelled or towed vehicle used on public highways in interstate commerce to transport passengers or property when:

- The vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds;
- The vehicle is designed to transport more than 15 passengers, including the employee; or
- The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the Secretary under the Hazardous Materials Transportation Act (49 U.S.C. sec. 1801-1813).

"Controlled substance" has the meaning assigned by 21 U.S.C. 802 and includes all substances listed on Schedules I through V as they may be revised from time to time (21 CFR 1308).

"DOT reportable accident" means any accident which results in the death of a human being or when the employee receives a citation for a moving violation involving the accident and either bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or one or more vehicles involved in the accident incur disabling damage and must be transported away from the accident scene by a tow truck or another vehicle.

"Drug" means any substance (including alcohol) that is a prohibited substance as defined in 49 CFR Part 40 and this policy.

"Drug Program Coordinator" The Coordinator of this program will exist at the General Office. The "Drug Program Coordinator" shall be the Safety Officer.

"Employees subject to testing" means "safety-sensitive" employees as defined herein and all other employees where suspicion of prohibited substance use exists.

"Failure to cooperate" in the test process includes but is not limited to the failure to execute all necessary documents, refusal to accompany a supervisor to a designated test facility when requested, failure to provide adequate breath or urine, acting in an abusive or obstructive manner at the test facility or in route, or fighting.

"DOT" means the Federal Highway Administration, U.S. Department of Transportation.

"Medical practitioner" means a licensed doctor of medicine ("M.D.") or osteopathy ("D.O.") or a doctor of dental surgery ("DDS") authorized to practice by the state in which the person practices.

"Medical review officer" ("MRO") means a licensed M.D. or D.O. with knowledge of drug abuse disorders that is employed or used by a motor carrier to conduct drug testing in accordance with this part.

"On-the-job accident" is defined as any accident or incident occurring while on Employer premises, while operating a Employer vehicle, or while conducting Employer business provided the accident or incident results in death, injuries requiring medical attention away from the scene or property damage estimated to exceed \$500.00.

"Random selection process" means that tests are unannounced; that every employee of an employer subject to such tests has the same chance of selection as all others; the test(s) conducted annually shall equal or exceed the percentage established by the DOT. Drug testing will be at the annual rate of fifty percent (50%); alcohol testing will be at the rate of twenty-five percent (25%) of the total number of employees subject to testing by Employer.

"Reasonable cause" (synonymous with reasonable suspicion) means that the employer believes the actions or appearance or conduct of the employee, are indicative of the use of a prohibited substance. The conclusion that reasonable suspicion exists must be based on specific, contemporaneous, articulable facts concerning the employee's appearance, behavior, speech or body odors.

"Safety-sensitive" employees are those performing any task for the Employer where a momentary lapse of ability to perform due to the use of a prohibited substance could cause death or great bodily harm. Specifically for mechanics, forklift operators and employees performing safety functions this definition includes:

- (1) Driving vehicles/operating equipment,
- (2) Inspecting, servicing or conditioning vehicles or equipment,
- (3) Being in or on an Employer vehicle,
- (4) Loading or unloading, including supervising or assisting in loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, giving or receiving receipts for a shipment being loaded or unloaded,
- (5) Repairing, obtaining assistance or attending a disabled vehicle.

III. PROHIBITED SUBSTANCES / PRESCRIPTION MEDICATIONS

1. OPIATE S Prohibited Substances: In accordance with DOT rules, testing will be conducted for the presence of the following substances:

ALCOHOL
AMPHETAMINES
COCAINE
MARIJUANA
PHENCYCLIDINE (PCP)

Detection levels requiring a determination of a positive result shall be in accordance with the guidelines adopted by the DOT in accordance with the recommendations established by the Substance Abuse and Mental Health Services Administration (DHHS; formerly "NIDA").

Alcohol: Those Employees suspected of consuming alcohol at any time prohibited under this policy, or found to be in possession of alcohol while on Employer premises or while operating Employer equipment, will be required to submit to alcohol testing conducted in accordance with the rules adopted (or amended) by DOT. A positive alcohol test is any result reported at, or above 0.02. Anyone found positive for alcohol will not be allowed to perform a safety-sensitive task and will be subject to discipline, up to and including termination.

2. Prescription Medications: Employees in safety-sensitive positions taking medications which are legally prescribed by a licensed physician familiar with the Employee's work-related responsibilities must report such use to the Safety Director and may be required to present written evidence from the physician which describes the effects such medications may have on the Employee's ability to perform his/her tasks. The Supervisor will contact the Drug Program Coordinator who will when possible confer with the medical review officer, and in the sole discretion of the Drug Program Coordinator, in consultation with the medical review officer, should the effect of these medications adversely affect an employee in a safety-sensitive position, that Employee may be temporarily removed or reassigned from the safety-sensitive position if deemed appropriate.

IV. EMPLOYEE TESTING

Employees:

Reasonable suspicion:

a. Suspicion-Based Testing:

i. REASONABLE SUSPICION: If an Employee is having work performance problems or displaying behavior that may be related to the use of prohibited substances, or is otherwise demonstrating conduct that may be in violation of this Policy where immediate management action is necessary, the Supervisor, with the concurrence of the Drug Program Coordinator, will require that Employee to submit to testing. Reasonable suspicion tests will be based upon the conclusions made by a supervisor who has been trained to recognize the behavioral signs of use.

ii. A Supervisor must take action if he/she recognizes current, articulable facts that indicate there is more than a hunch to believe that this policy has been violated. A Supervisor observing such facts will take the following actions immediately:

- (1) Secure the Drug Program Coordinator's concurrence to his/her observations; and
- (2) After discussing the circumstances with the Supervisor, and if the Drug Program Coordinator believes that the conduct or performance problem could be due to prohibited substance use, the Employee will immediately be required to submit to testing. If the Employee refuses to submit to testing for any reason, he/she will be informed that continued refusal will result in immediate termination.
- (3) The Supervisor must confidentially notify the Safety Director of the date, time, and employee name and social security number for all drug tests.

iii. The Supervisor will, within 24 hours, document the particular facts related to the behavior or performance problems, and present such documentation to the Drug Program Coordinator.

iv. If the observed conduct could endanger the Employee, co-workers or others and, where otherwise appropriate, the Drug Program Coordinator will remove or cause the removal of the Employee from the workplace and ensure that the Employee is transported to an appropriate collection site and thereafter to

the Employee's residence or, where appropriate, to a place of lodging. Under no circumstances, when the capacity of the Employee's ability to perform is in question, will that Employee be allowed to continue to work until otherwise safe to do so.

v. All Supervisors will receive training to assist them in identifying behavioral characteristics of the use of prohibited substances.

vi. A reasonable suspicion test must be based on facts made during, just preceding, or just after the period of the workday when the employee is to be in compliance with this policy.

vii. An employee may be tested based on reasonable suspicion only just before, during or just after the performance of a safety-sensitive task.

viii. All reasonable suspicion tests must be conducted within eight hours of the decision to test. If not completed within that time, a record of the delay will be maintained; Once the determination that reasonable suspicion exists, under no circumstances will an employee be allowed back to work until she/he has a negative drug and/or alcohol test.

Employee Post-accident

b. Employee/Operator Post-Accident Testing : All Employees and equipment operators who are involved in the following accidents will be subject to alcohol and drug testing as soon after the accident as is safely possible:

i. A death occurs, or is likely to result, from the accident;

ii. where the employee has been ticketed for a moving violation or while operating equipment is involved in incident including the following:

(1) an injury is sustained by any one involved in the accident requiring medical attention away from the scene; or

(2) Any vehicle involved in the accident is towed from the scene.

Post-injury

c. Post-injury Testing: Any employee injured on duty may be requested to submit to alcohol and/or drug testing where the injury requires medical attention away from the scene of the injury, the incident may be reported to any governmental body or there has been damage to property in excess of an estimated \$1,500.00 or more. Post-accident/injury drug testing will occur not later than 32 hours after the occurrence of an incident meeting the above criteria.

Alcohol testing must occur as soon after the incident as is practical, but no later than eight (8) hours after the accident/injury has occurred. Employees are prohibited from using alcohol for at least eight hours after the accident/injury or until tested.

Any Employee suspected of unnecessarily delaying the test process would be considered to have refused to submit to that testing.

Random

d. Random Testing: All safety-sensitive positions will be subject to random (unannounced or suspicionless) alcohol and/or drug tests. Alcohol selections will be made at a rate of 25% of those subject to testing and drug tests at the rate of 50% of those subject to testing.

Random Alcohol testing may only occur just before, during or just after the performance of a safety sensitive task for the Company.

An employee must report for testing within two (2) hours of receiving notice that he/she has been selected for random testing and the testing must be completed within 4 hours of being notified to submit to a test.

Return to Duty

e. Return To Duty/Follow-up Testing:

Return to Duty Following Violation: Any individual found to be in violation of this policy whose employment is continued must, prior to returning to work, agree with the following:

- i. Submit to and pass a drug and/or alcohol test.
- ii. Submit to an assessment by a Substance Abuse Professional (SAP).
- iii. Agree to abide by whatever plan of recovery the SAP recommends.
- iv. Submit to a return to duty assessment by the SAP to determine compliance with the plan of recovery.
- v. Agree to follow-up testing as prescribed by the treating healthcare professional.

NOTE: After implementation of these testing requirements, refusal to submit to such testing shall be considered a positive test result and the Employee will be discipline up to and including termination.

V. COLLECTION OF SPECIMENS AND LABORATORY ANALYSIS; DRUG TESTING

1. *Specimen Collection:* Specimen collection will be conducted in accordance with applicable state or federal law. The collection procedures will be designed to ensure the security and integrity of the specimen provided by each Employee, and those procedures will strictly follow federal chain-of-custody guidelines. Moreover, every reasonable effort will be made to maintain the dignity of each Employee submitting a specimen for analysis in accordance with these procedures.

2. *Laboratory Analysis:* As required by DOT regulations, only a laboratory certified by NIDA to perform tests for the detection of the presence of prohibited substances will be retained by the Employer. The laboratory will be required to maintain strict compliance with federally approved chain-of-custody procedures, quality control, maintenance and scientific analytical methodologies.

VI. ALCOHOL TESTING PROCEDURES

All alcohol tests will be conducted in strict compliance with the rules adopted by the DOT and found in Appendix "B".

VII. DISCIPLINE / APPEAL OF TEST RESULTS

1. *Drugs:* Any Employee testing positive for the presence of a prohibited controlled substance will be subject to discipline up to and including termination. Any Employee testing positive for the presence of a prohibited substance will be contacted by the Employer's Medical Review Officer. The Employee will be allowed to present medical documentation to explain any permissible use of a drug. All such

discussions between the Employee and the MRO will be confidential. The Employer will not be a party to or have access to matters discussed between the Employee and the MRO. Until the employee contacts the MRO or 5 days have lapsed after the employee was asked to contact the MRO the Employer will not be advised of the test result. If legitimate, medically supportable reasons exist to explain the positive result; the MRO will report the test result to the Employer as a negative. If there is no legitimate medically supportable reason for the positive test result, the MRO will report the test result as positive. The Employer will then notify the Employee of the positive result of a periodic, random, post-accident or suspicion-based test and the substances detected. If, during the course of an interview with an employee who has tested positive, the MRO learns of a medical condition which could, in the MRO's reasonable medical judgment, pose a risk to safety, the MRO may report that information to the Department of Transportation or to the employer.

2. If an Employee believes the test results were caused by some legitimate medical explanation, that individual must notify the Company of the claim with supporting medical documentation within three (3) working days. The Drug Testing Coordinator will refer to the Employee's medical disclosure statement. In consultation with the MRO, the Drug Testing Coordinator will determine if a legitimate medical explanation for the results exist. If the Employee's claim is substantiated, no adverse action will be taken. If the claim is not substantiated, the individual's services will be terminated.

3. Any employee testing positive for a controlled substance (not alcohol) has a right to request that the MRO direct the "B" or split sample be sent to another DHHS-certified laboratory of the Employee's choosing. The Employee is responsible for the costs of such testing. The Employee is required to make the request of the MRO within 72 hours of being notified that the initial specimen is positive. If the split specimen is reported as "not found" (meaning the drug detected by the initial lab is not detected) then both are canceled. Depending on the purpose for the initial test, (i.e. pre-access), the Employee may be required to submit to testing as soon as possible but before continuing to perform a safety sensitive function for the Company or a Company customer.

4. Alcohol: Depending upon the confirmed level, anyone testing positive for alcohol will be subject to the following discipline:

Alcohol level discipline imposed

0.02 - 0.04

1st positive within 12 months: written warning
2nd positive within 12 months: 3-month suspension
3rd positive within 12 months: terminated

0.04 or greater

1st positive after employment: suspension, pending compliance with return to duty requirements;
2nd positive: terminated

No medical review of an alcohol positive or split specimen procedure will occur.

NO MEDICAL EXPLANATION FOR ALCOHOL IN YOUR SYSTEM WILL BE ACCEPTED

VIII. REHABILITATION

Any Employee testing positive for the first time may, at the Employer's discretion, is given one opportunity to undergo counseling/rehabilitation.

Any expense in excess of that covered by the Employer's benefit program is the responsibility of the Employee.

Any employee who exercises the option of retaining his/her position with the Employer must agree to the following conditions:

- 1. The Employee must execute a "last chance" agreement.*
- 2. The Employee must agree to submit to random testing for a minimum of two years following successful completion of his/her program of rehabilitation.*
- 3. The Employee must provide evidence of successful completion of a program of recovery as prescribed by a healthcare professional.*
- 4. The Employee must submit to, and pass, a drug and/or alcohol test.*

Any Employee testing positive for a prohibited substance within any 5-year period will be subject to termination.

Provided all conditions of rehabilitation set forth above are met and provided an appropriate employment position exists, a safety-sensitive employee may be considered for reinstatement.

Any Employee failing to comply with the above conditions, or testing positive a second time in any 5-year period is subject to immediate termination.

THIS SUBSECTION IS NOT APPLICABLE TO EMPLOYEE-APPLICANTS. THESE PROCEDURES ARE SUBJECT TO REVISION WITHOUT NOTICE.

Appendices

Employers
should provide
Each Employee with
Information
about Alcohol
and Drugs

>Material should include information concerning the effects of alcohol or drug use on an individuals health, work, and personal life; signs and symptoms of an alcohol or drug use problem and available methods of intervening when an alcohol or drug use problem is suspected, including confrontation, referral to any employee assistance program and or referral to management.

>Each employee must sign a certificate indicating receipt of the material; employers must give a copy to the employee and retain a record of the certification for inspection.

APPENDIX A SUMMARY OF PROCEDURES

Testing under this policy will be conducted by independent, trained healthcare providers in accordance with rules established by the Substance Abuse and Mental Health Services Administration and adopted by the Federal Highway Administration.

Testing procedures are designed to protect both the employee and the integrity of the testing process. These protections are threefold:

- (1) Collection or evidential breath test procedures,
- (2) Laboratory procedures, and
- (3) Medical review of drug test results.

The following pages contain a summary of the procedures adopted by the Employer to protect you and the integrity of the process. If you have any questions please contact J.T. Rafail, at (724) 223-9680.

APPENDIX A DRUG TESTING PROCEDURE FOR THE COLLECTION OF SPECIMENS, CHAIN-OF-CUSTODY AND REPORTING LABORATORY RESULTS

Collection of Specimens:

1. Collection Site: The Employer shall designate a collection site which will have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of specimens to a certified testing laboratory. The Employer may also designate a collection site coordinator, primarily responsible for the implementation of collection procedures.
2. Security Procedures: Security procedures developed by the Employer shall provide for the security of the designated collection site.
3. Chain-of-Custody: authorized collection site personnel upon receipt of the specimens shall properly execute Standardized chain-of-custody forms. Handling and transportation of specimens from one authorized collection site or place to another shall always be accomplished through chain-of-custody procedures. Every effort shall be made to minimize number of persons handling specimens.
4. Access to Authorized Personnel Only: No unauthorized personnel shall be permitted in any part of the designated collection site when specimens are collected or stored.
5. Privacy: Procedures for collecting specimens shall allow for the employee, owner-operator or employee-applicant's (all herein sometimes collectively referred to as the "Employee") privacy unless there is reason to believe that a particular Employee may alter or substitute the specimen to be provided.
6. Integrity and Identity of Specimen: Precautions shall be taken to ensure that a specimen is not adulterated or diluted during the collection procedure and that information on the specimen container can identify the Employee from whom the specimen was collected. The following

minimum precautions shall be taken to ensure that unadulterated specimens are obtained and correctly identified:

- a. To deter the dilution of urine specimens at the collection site, toilet-bluing agents shall be placed in toilet tanks wherever possible, so the reservoir of water in the toilet bowl always remains blue. There shall be no other source of water (e.g., no shower or sink) in the enclosure where urination occurs.
- b. When an Employee arrives at the collection site, the collection site person shall request the Employee to present photo identification. If the Employee does not have proper photo identification, the collection site person shall contact the Employee's Supervisor or the Drug Program Coordinator to positively identify the Employee. If the Employee's identity cannot be established, the collection site person shall not proceed with the collection.
- c. If the Employee fails to arrive at the assigned time, the collection site person shall contact the Drug Program Coordinator to obtain guidance on the action to be taken.
- d. The collection site person shall ask the Employee to remove any unnecessary outer garments such as a coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the Employee's urine specimen. The collection site person shall ensure that all personal belongings such as a purse or briefcase remain with the outer garments. The Employee may retain his/her wallet.
- e. The Employee shall be instructed to wash and dry his/her hands prior to urination.
- f. After washing hands, the Employee shall remain in the presence of the collection site person and shall not have access to any water fountain, faucet, soap dispenser, cleaning agent or any other materials, which could be used to adulterate the urine specimen.
- g. The Employee may provide his/her urine specimen in the privacy of a stall or otherwise partitioned area that allows for Employee privacy.
- h. The collection site person shall note any unusual behavior or appearance.
- i. Upon receiving the urine specimen from the Employee, the collection site person shall determine that it contains at least 45 milliliters of urine. If there is less than 45 milliliters of urine in the container, additional urine shall be collected in a separate container to reach a total of 45 milliliters. (The temperature of the partial specimen in each separate container shall be measured in accordance with subparagraph l of this section, and the partial specimens shall be combined in one container). The Employee may be given a reasonable amount of liquid to drink for this purpose (i.e., a glass of water). If the Employee fails for any reason to provide 45 milliliters of urine, the collection site person shall contact the Drug Program Coordinator to obtain guidance on the action to be taken.
- j. After the urine specimen has been provided and submitted to the collection site person, the Employee shall be allowed to wash his/her hands.
- k. Immediately after the urine specimen is collected, the collection site person shall measure the temperature of the specimen. The temperature-measuring device used must accurately reflect the temperature of the specimen and not contaminate the specimen. The time from urination to temperature measurement is critical and in no case shall exceed four minutes.
- l. If the temperature of a urine specimen is outside the range of 32. °C / 90. ° - 100°F, there is reason to believe that the Employee may have adulterated or substituted the specimen, and another specimen shall be collected under direct observation of a same gender collection site person and both specimens shall be forwarded to the laboratory for testing. An Employee may volunteer to have his/her oral temperature taken to provide evidence to counter the reason to believe the Employee may have adulterated or substituted the specimen.

- m. Immediately after the urine specimen is collected, the collection site person shall also inspect the specimen to determine its color and look for any signs of contaminants. Any unusual findings shall be noted on the chain-of-custody form.
- n. All urine specimens suspected of being adulterated shall be forwarded to the laboratory for testing. Appropriate notations shall be made on the chain-of-custody form by the collection site person specifying suspected adulteration or a substitution.
- o. Whenever there is reason to believe that a particular Employee may have altered or substituted the urine specimen, a second specimen shall be obtained as soon as possible under the direct observation of a same-gender collection site person.
- p. Both the Employee being tested and the collection site person shall keep the urine specimen in view at all times prior to its being sealed and labeled. If the specimen is transferred to a second container, the collection site person shall request the Employee to observe the transfer of the specimen and the placement of the tamper proof seal over the container cap and down the side of the container.
- q. The collection site person and the Employee shall be present at the same time during procedures outlined in this section.
- r. The collection site person shall place securely on the container an identification label (usually supplied by laboratory) which contains the date, the Employee's specimen number, and any other identifying information provided or required by the Employer.
- s. The Employee shall initial the identification label on the specimen container for the purpose of certifying that it is the specimen collected from him/her and as attestation that the specimen has not been adulterated or substituted.
- t. The collection site person shall enter in the "collection site book" all information identifying the specimen. The collection site person shall sign the collection site book next to the identifying information.
- u. The Employee shall be asked to read and sign a statement in the collection site book certifying that the specimen identified as having been collected from him/her is in fact that specimen he/she provided.
- v. A higher level Supervisor shall review and concur in advance with any decision by a collection site person to obtain a specimen under the direct observation of a same gender collection site person based on a reason to believe that the Employee may alter or substitute the specimen to be provided.
- w. The collection site person shall complete the chain-of-custody form (one copy to be maintained in the collection site book).
- x. The specimen and chain-of-custody form are now ready for shipment. If the specimen is not immediately prepared for shipment, only the collection site person during temporary storage shall safeguard it in a locked refrigerator accessible.
- y. While any part of the above chain-of-custody procedure is being performed, it is essential that the specimen and custody documents be under the control of the collection site person. If the collection site person leaves his/her workstation momentarily, the specimen and chain-of-custody form shall be taken with him/her or shall be secured. After the collection site person returns to the workstation, the custody process will continue. If the collection site person is leaving for an extended period of time, the specimen shall be packaged for mailing or pick-up before he/she leaves the site.

SPLIT-SPECIMEN COLLECTION PROCEDURES: Must be utilized for all DOT regulated collections:

- A. The donor shall urinate into a collection container, which the collection site person, in the presence of the donor, after determining specimen temperature, pours into two specimen bottles.
 - B. The first bottle is to be used for the DOT-mandated test and 45 ml of urine shall be poured into it. If there is no additional urine available for the second specimen bottle, the first specimen bottle shall nevertheless be processed for testing.
 - C. Up to 45 ml of the remainder of the urine shall be poured into the second specimen bottle.
 - D. All requirements of this part shall be followed with respect to both samples, including the requirement that a copy of the chain of custody form accompany each bottle processed under "split sample" procedures.
 - E. Any specimen collected under "split sample" procedures must be stored in a secured, refrigerated environment and an appropriate entry made in the chain of custody form.
 - F. If the test of the first bottle is positive, the employee may request that the MRO direct that the second bottle be tested in a DHHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the first bottle. The result of this test is transmitted to the MRO without regard to the cutoff values of Sec. 40.29. The MRO shall honor such a request if it is made within 72 hours of the employee's having actual notice that he or she tested positive.
 - G. Action required by DOT regulations as the result of a positive drug test (e.g., removal from performing a safety sensitive function) is not stayed pending the result of the second test.
 - H. If the result of the second test is negative; the MRO shall cancel the test.
- 7. Collection Control:** To the maximum extent possible, collection site personnel shall keep the Employee's specimen container within sight both before and after the Employee has urinated. After the specimen is collected, it shall be properly sealed and labeled. An approved chain-of-custody form shall be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen. The date and purpose shall be documented on an approved chain-of-custody form each time a specimen is handled or transferred and every individual in the chain shall be identified. Every effort shall be made to minimize the number of persons handling specimens.
- 8. Transportation to Laboratory:** Collection site personnel shall arrange to ship the collected specimens to the laboratory. The specimens shall be placed in containers designed to minimize the possibility of damage during shipment (i.e., specimen boxes or padded mailers) and those containers shall be securely sealed to eliminate the possibility of undetected tampering. On the tape sealing the container, the collection site person shall sign and enter the date the specimen was sealed in the container for shipment. The collection site person shall ensure that the chain-of-custody documentation is attached to each container sealed for shipment to the laboratory.

LABORATORY ANALYSIS PROCEDURES

URINALYSIS

1. Security and Chain-of-Custody:

- a. The testing laboratory shall be secure at all times. They shall have in place sufficient security measures to control access to the premises and to ensure that no unauthorized personnel handle specimens or gain access to the laboratory or to areas where records are stored. Access to these secured areas shall be limited to specifically authorized individuals whose authorization is documented. Documentation of individuals accessing these areas, dates, and time of entry and purpose of entry must be maintained.

b. Laboratories shall use chain-of-custody procedures to maintain control and accountability of specimens from receipt through completion of testing, reporting of results, during storage, and continuing until final disposition of specimens. The date and purpose shall be documented on an appropriate chain-of-custody form each time a specimen is handled or transferred and every individual in the chain shall be identified. Accordingly, authorized technicians shall be responsible for each specimen or aliquot (portion of specimen) in their possession and shall sign and complete chain-of-custody forms for those specimens or aliquots as they are received.

2. Receiving:

a. When a shipment of specimens is received, laboratory personnel shall inspect each package for evidence of possible tampering and compare information on specimen containers within each package to the information on the accompanying chain-of-custody forms. Any direct evidence of tampering or discrepancies in the information on specimen containers and chain-of-custody forms attached to the shipment shall be immediately reported to the Employer and shall be noted on the laboratory's chain-of-custody form which shall accompany the specimens while they are in the laboratory's possession.

b. Specimen containers will normally be retained within the laboratory's accession area until all specimens have been analyzed. Laboratory personnel for conducting initial and confirmatory tests shall use aliquots and the laboratory's chain-of-custody forms.

3. Short-Term Refrigerated Storage: Specimens that do not receive an initial test within two days of arrival at the laboratory shall be placed in secure refrigeration units. Temperatures shall not exceed 6°C. Emergency power equipment shall be available in case of prolonged power failure.

4. Specimen Processing: Laboratory facilities for testing will normally process specimens by grouping them into batches. The number of specimens in each batch may vary significantly depending on the size of the laboratory and its workload. When conducting either initial or confirmatory tests, every batch shall contain an appropriate number of standards for calibrating the instrumentation and a minimum of 10% controls. Both quality control and blind performance test specimens shall appear as ordinary specimens to laboratory analysts.

5. Initial Test:

a. The initial urine test shall use an immunoassay, which meets the requirements of the U.S. Food and Drug Administration for commercial distribution. The following initial cutoff levels shall be used when screening specimens to determine whether they are negative for these five drugs or classes of drugs (specimens testing at or below the following levels are considered negative):

DRUG	INITIAL TEST LEVEL
Amphetamines	1000ng/MI
Cocaine Metabolites	300ng/MI
Marijuana Metabolites	50ng/MI
Opiate Metabolites	300ng/MI
Phencyclidine	25ng/MI

b. These test levels are subject to change by the U.S. Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations. The Employer will adopt any such change.

6. Confirmatory Test:

a. All urine specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at the cutoff values listed in this

paragraph for each drug. All confirmations shall be by quantitative analysis. Concentrations, which exceed the linear region of the standard curve, shall be documented in the laboratory record as "greater than highest standard curve value."

DRUG	CONFIRMATORY TEST LEVEL
AMPHETAMINES:	
Amphetamine	500ng/MI
Methamphetamine	500ng/MI
Cocaine Metabolites	150ng/MI
Marijuana Metabolites	15ng/MI
Opiates Metabolites	300ng/MI
Codeine	300ng/MI
Phencyclidine	25ng/MI

b. These test levels are subject to change by the U.S. Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances and other concentrations. The Employer will adopt any such change.

7. Reporting Results:

a. The laboratory shall report test results to the Employer within an average of five working days after receipt of the specimen by the laboratory. Before any test result is reported to the Employer (the results of initial tests, confirmatory tests, or quality control data), it shall be received and the test certified as an accurate report by the responsible individual, the report shall identify the drugs/metabolites tested for, whether positive or negative, and the cutoff for each, the specimen number assigned by the Employer and the testing laboratory specimen identification number. The results (positive or negative) for all specimens submitted at the same time to the laboratory shall be reported to the Employer at the same time.

b. The laboratory shall report as negative all specimens, which are negative on the initial test or negative on the confirmatory test. Only specimens confirmed positive shall be reported positive for a specific drug.

c. The Employer may request from the laboratory and the laboratory shall provide quantification of test results.

d. The laboratory shall send only to the Employer a certified copy of the original chain-of-custody form signed by the individual responsible for day-to-day management of the testing laboratory or the individual responsible for attesting to the validity of the test reports.

e. Unless otherwise instructed by the Employer in writing, the testing laboratory for a minimum of two years shall retain all records pertaining to a given specimen.

8. Long-Term Storage. Long-term frozen storage (-20°C or less) ensures that positive specimens will be available for any necessary retest during administrative or disciplinary proceedings. Unless

otherwise authorized in writing by the Employer, the laboratory shall retain and place in properly secured long-term frozen storage for a minimum of one year all specimens confirmed positive. Within the 1 year period the Employer may request the laboratory to retain the specimen for an additional period of time but, if no such request is received, the laboratory may discard the specimen after the end of 1 year, except that the laboratory shall be required to maintain any specimens under legal challenge for an indefinite period.

9. **Retesting Specimens.** Because some analities deteriorate or are lost during freezing and/or storage, quantification for a retest is not subject to a specific cutoff requirement but must provide data sufficient to confirm the presence of the drug or metabolite.

10. **Subcontracting.** The laboratory shall not subcontract and shall perform all work with their own personnel and equipment unless otherwise authorized by the Employer. The laboratory must be capable of performing testing for the five classes of drugs (amphetamines, cocaine, marijuana, opiates and phencyclidine) using the initial immunoassay and confirmatory GC/MS methods specified in the Procedures.

Appendix B

ALCOHOL TESTING PROCEDURES

>**Screening test:** (after positive ID and explanation of procedure):

First: BAT completes *Step 1* of the Breath Alcohol Test Form ("Form"); identifying information; use ballpoint pen, press hard; print employee's name.

Next: BAT instructs employee to read and complete step 2. (Also read back of copy 2)

Next: Employee completes *Step 2* of the Form.

Employee must sign certification; failure to do so is the same as refusal (consequences same as positive test).

If employee fails to sign, BAT notes that fact in remark section of Form.

If employee refuses to sign **STOP** test and contact employer representative.

Next: BAT opens sealed mouthpiece *in view of employee* and attach to EBT per mfg. instructions.

Next: BAT instructs employee to *blow forcefully* for at least 6 seconds or EBT indicates an adequate amount of breath has been obtained.

If, EBT cannot print or sequentially number tests do the following:

1. BAT shows employee the result;

2. BAT shall record:

- Displayed result

- Test number

- Testing device

- Serial no. of EBT

- Time & quantified result in step 3 of form

3. In the logbook, record the following:

- Test no.

- Date of test

- Name of BAT

- Location of test

- Quantified test result (*exactly as indicated on EBT, i.e., 0.00, 0.02, 0.02, etc.*)

- Employee shall initial logbook. *failure to initial is not a refusal.* see §40.63(e)(2).

If, EBT can print, but not directly on Form, BAT shall:

1. Show employee the result displayed on EBT.

2. Affix result to Form where appropriate. Tamper proof tape shall be placed over printout.

If, EBT prints directly to the Form BAT shows displayed result to employee.

If, result is less than 0.02:

1. BAT shall date and sign certification in step 3.
2. Employee shall sign certification and complete step 4.

If, test is invalid (per §40.79, i.e., printout and displayed result do not match) then

- BAT shall note disparity in the remark section of Step 3.
- BAT and employee shall initial remark.
- Employer and employee shall be notified of the test's invalidity.

If, result is below 0.02 BAT completes Form; confidentially transmits result as negative to employer.

- Employer must retain and store the result in confidence.

If, result is 0.02 or greater it must be confirmed; if confirmation will be conducted by another BAT, screening BAT shall complete and sign Form and log book. BAT gives employee Form copy No.2 (GREEN).

>Waiting period:

First: If BAT is not same as one conducting screen, then must follow ID rules and explanation as described above §40.61. (Positive ID and explain procedures) and complete new Form.

Next: BAT tells employee not to eat, drink, or put any substance in his/her mouth and to the extent possible not belches during waiting period;

Next: Waiting period is 15 minutes beginning when screening test is completed. Confirmation test must then be administrated in the next 5 minutes (20 minutes total after screen test).

Next: BAT explains the need for waiting period. Also explain that regardless of whether employee obeys instruction, test will be conducted at end of waiting period.

Next: If employee disobeys instructions BAT notes this in remark section of Step 3.

>Confirmation test: Can only be conducted on EBT that prints.

Next: BAT performs *air blank* (0.00). If it is other than 0.00, another air blank shall be run. If still other than 0.00 testing shall stop on that machine. It may proceed on another, if available.

Next: New mouthpiece used.

Next: If screen and confirmation result differ, confirmation result is the final result.

Next: If EBT does not print directly to Form:

BAT shows result displayed by EBT;

BAT then affixes printed result on Form in designated space.

printout when affixed shall be by tamper-evident tape.

Next: If EBT does print directly to Form.

BAT shall show result displayed on EBT before printout.

Next: If printout and display differ the test is invalid (§40.79). BAT notes disparity in remark section (Part 3) and both BAT and employee initial or signs the notation.

Next: Employer and employee are notified of test's invalidity.

Next: BAT dates and signs certification - Step 3.

Next: Employee dates and signs certification - Step 4.

Appendix C

SAMPLE EMPLOYEE NOTIFICATION LETTER

Dear Employee:

On August 15, 1999 and pursuant to Department of Transportation regulations, the Waller Corporation (the "Employer") adopted a revised drug/alcohol use policy and procedures (the "Policy"). This Policy enhances already existing Employer prohibitions of the use of illicit or inappropriate drugs (herein referred to as prohibited substances. Specifically, it is the policy of the Employer that the use, sale, purchase, transfer, possession or presence in one's system of any prohibited substance (except medications prescribed by a licensed physician) by any warehouseman, employee, owner-operator or contract employee, (all herein collectively referred to as "Employees") while on company premises, engaged in company business, while operating company equipment and vehicles (including leased vehicles), or while under the authority of the Employer is strictly prohibited. The Policy is effective immediately for all Employee-Applicants and will become effective on August 15, 1999 for all Employees who are suspected of prohibited substance use or abuse. This Policy supersedes all prior policies and statements relating to prohibited substances. The Employer will notify and cooperate with law enforcement agencies in the investigation of any Employee suspected of possession of or trafficking in illicit or inappropriate drugs. Any Employee convicted of on- or off the job, possession of or trafficking in illicit or inappropriate drugs, or of driving while intoxicated, will be terminated.

Under the procedures adopted, Employees may be required to submit to urinalysis (herein referred to as "testing") if, in the opinion of a Supervisor, evidence exists to suspect an Employee is under the influence of prohibited substances while in the facility. Employees will also be required to submit to testing following a DOT reportable accident where there is reasonable cause to suspect the use of a controlled substance (when cited for a moving violation), an on-the-job accident and, when permitted, on a random basis. The Drug Program Coordinator will when possible, review a Supervisor's suspicions of use. If the Drug Program Coordinator concurs in the Supervisor's suspicions, the Employee will be required to submit to testing. Refusal to submit to a properly given request to submit to testing will be considered a violation of Employer policy subjecting the Employee to discipline up to and including termination. Any Employee represented by a bargaining unit is subject to discharge in accordance with the procedures established in his/her respective labor agreement.

In addition, should the federal, state or local rules be revised to include/permit additional testing or limit such testing, the Employer's policy will be revised to comply with those rules.

Every safeguard will be taken in the specimen collection process to ensure that all federally mandated chain-of-custody and laboratory criteria will be met. Employee privacy and confidentiality will be vigorously safeguarded.

The Waller Corporation

**ADHERES TO A POLICY OF NON-DISCRIMINATION
AGAINST EMPLOYEES SUFFERING FROM ALCOHOLISM OR DRUG ADDICTION
IF PROTECTED UNDER FEDERAL AND STATE GUIDELINES.**

Any Employee who is presently experiencing difficulty with prohibited substances is encouraged to seek assistance through the Employer. If such assistance is sought prior to being requested to submit to a test, no disciplinary action relating to alcoholism or drug addiction will be taken.

BE FOREWARNED: Courts have determined that current use of prohibited substances detected by testing may not protect Employees claiming protection under handicap statutes. The following drugs will be tested for:

**ALCOHOL
AMPHETAMINES
COCAINE
MARIJUANA
OPIATE METABOLITES
PHENCYCLIDINE (PCP)**

Any Employee testing positive for the use of prohibited substances will be subject to discipline, up to and including, termination.

**Very truly yours,
*The Waller Corporation***

By: 

(Signature)

Its: 

(Title)

Appendix D

**ACKNOWLEDGMENT OF NOTICE
OF
*The Waller Corporation***

**DRUG/ALCOHOL USE POLICY AND PROCEDURES
AND
CONSENT TO TESTING**

I, acknowledge receiving written notice of the existence of the *Waller Corporation* Drug and Alcohol Abuse Policy (the "Policy"). As a condition of continued employment or service to the Employer, I understand and agree that I must not use, buy, sell, accept as a gift, experiment with, traffic in or be otherwise involved with illicit or inappropriate drugs or alcohol when it could affect the safe performance of my job.

I understand that the Policy does not apply to medication properly taken as prescribed by a licensed physician, except as provided by the Policy. I further understand and agree that I may be required to submit to testing for the detection of prohibited substances or alcohol based upon suspicion, following an accident or injury, where suspicion exists, periodically (every two years), and on a random basis.

I understand, further, that refusal to submit to testing when requested to do so by a supervisor, terminal manager or dispatcher (herein collectively referred to as the "Supervisor") will result in discipline up to and including termination, or, if I am represented by a bargaining unit, I am subject to discharge in accordance with the procedures established in his/her respective labor agreement.

My signature below indicates my understanding of this Policy and what is expected of me, my consent to be tested and my authorization to release to any collection site personnel, medical review officer or Employer representative the information necessary to comply with this Policy.

(Date:) (Employee)

(Date) (Witness)

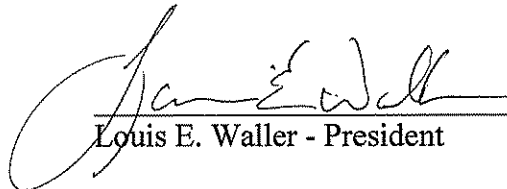
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MANAGEMENT ENDORSEMENT

Corporate Safety Policy

People are our most important resource, and their safety is one of our principal responsibilities. Safety must be made an integral part of all operations, whether it is planning and development or contracting. To this end, every reasonable effort will be made by the Waller Corporation to maintain a safe and healthful work place for all its employees.



Louis E. Waller - President

Management Responsibilities

- Responsible for application of the Corporate Safety Program to emphasize loss prevention activities at all levels, utilizing staff meetings, supervisor meetings and employee contacts.
- Delegation of responsibility for Loss Prevention activities outlined by the Corporate Safety Program to Project Management, holding them accountable for positive Safety performance in their respective areas.
- To keep abreast of predominant accident problems by reviewing accident records and Safety Performance with the Corporate Safety Director and Project Management.

Corporate Safety Director Responsibilities

- To coordinate and implement Corporate Safety Program.
- To provide Project Management with technical and regulatory information relative to their safety activities.
- To actively participate in all pre-job planning safety activities.
- To review accident information in an effort to identify problem areas, and then implement courses of action to correct them.
- To periodically attend Project Safety Meetings and review all Meeting Minutes.
- To develop and implement meaningful and informative Safety Training activities for employees.
- To periodically audit the Company's overall Safety performance and discuss findings with all management levels.

CONTRACTING OPERATIONS

Responsibilities

Project Managers

1. Actively support jobsite safety by including safety as a part of pre-job planning and Scheduling.
2. Evaluate job specifications for potential safety and health hazards and review with the Corporate Safety Director.
3. Require superintendents to coordinate and communicate jobsite safety and health control measures among contractors and employees.
4. Actively support and participate in the implementation of the project safety program on the job.

Superintendents

1. Actively support safety by making it an integral part of the job.
2. Actively support and participate in jobsite safety meetings and craft toolbox meetings.
3. Promote safety awareness on the job by keeping foremen aware of changes that may affect safety.
4. Have material, tools and equipment, which are necessary to maintain safety, available when needed.
5. Review accident reports with follow-up or corrective action taken.
6. Assure that proper Personal Protective Equipment is furnished and is properly used.
7. Actively support and participate in an effective jobsite safety program.

Foremen

1. Develop a thorough knowledge of the hazards involved in every operation within his craft, and how the hazards can be controlled.
2. Instruct all employees under their supervision in the safe and correct method of performing the work, including follow-up activities to make sure that those procedures are followed.

3. Thoroughly investigate and report all accidents that occur in their craft in a timely manner.
4. Notify the Superintendent immediately of any hazardous conditions.
5. Require Personal Protective Equipment to be used in accordance with needs and established procedures.
6. Maintain good housekeeping within their areas.
7. Keep toolbox safety meetings specific and related to job conditions.
8. Set a good example by following good safety practices.

Estimators

Evaluate work controls to assure that bids include accurate estimates for labor, equipment and material costs necessary to meet:

- Prescribed Safety and Health Standards.
- General condition specifications for safety.
- Special condition specifications for safety.
- Accident prevention agreements made between contractors.

Yard Superintendents

- Assure that all mechanical and electrical equipment provided to the jobsite is properly maintained in a condition that meets applicable OSHA requirements.
- Assure that all safety equipment provided to the jobsite is "approved" and is properly maintained and inspected as per applicable OSHA requirements.
- Assure that all equipment such as ladders, scaffolding, planking, etc., provided to the jobsite is properly maintained in a condition that meets applicable OSHA requirements.
- Assure that all equipment provided to the jobsite that OSHA requires to be inspected has been inspected.
- Assure that manufacturer's material safety data sheets are acquired and maintained on file, for all materials provided to the jobsite which are noted to contain hazardous or toxic substances.

Administration

Selection, Placement and Training

- **Physical Examinations**

Appropriate physical examinations of employees, when required by OSHA, will be performed by a doctor familiar with company operations as per those requirements.

- **Placement of Employees**

Prior to work assignment, the employees will be familiarized with:

- A review of any physical restrictions in light of potential work assignments.
- Potential Job Hazards.
- Safe work practices and procedures relative to individual job assignments.
- Personal Protective Equipment policies and programs.

- **Project Safety Training**

The Occupational Safety and Health Standards for the Construction Industry 29 CFR Part 1926.21(b), Safety Training and Education states, "The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury."

Training can take many forms and is synonymous with education and can be attained in a number of ways.

1. Company Safety Rules - All Company Safety Rules should be reviewed and posted on each job when it first gets underway.
2. Periodic Safety Talks - Contractors should attempt to hold a safety talk with their employees on a weekly basis.
3. Changed Conditions - When a new phase of the job operation begins, employees should be made aware of new or added potential dangerous situations that might occur and the action employees can take to avoid those unsafe conditions.

4. Safety Equipment - Employees should not simply be issued protective equipment. They should be instructed as to its proper and safe use.
5. Documentation - All actions taken by Management as it relates to Safety Training/Education should be documented. Documentation of good faith efforts in meeting the training requirement can be invaluable in defending a lawsuit that resulted from an injury due to an unsafe act by an employee. Also, documentation substantiates your commitment to and compliance with the OSHA Training requirements.

- **Safety Indoctrination**

The Foremen will be responsible for the indoctrination of new employees in the following areas:

- Waller Corporation's policy towards safety and the purpose of the Safety Program.
- The responsibilities of the employee regarding the Safety Program.
- An explanation of rules regarding Personal Protective Equipment.
- A review of the Accident Reporting procedures and location of First Aid Facilities.

Safety Inspections

- Should be performed on a periodic basis with results documented and referred to proper channels for corrective action.
- Hazards noted during the inspection should be corrected as soon as possible.
- Results of Safety Inspections should be periodically reviewed during safety meetings.

Personal Protective Equipment

- Review exposures that may subject employees to injury or illness from:
 - Flying objects.
 - Falling objects.
 - Hazardous chemicals.
 - Toxic dusts, mists or fumes.
 - Temperature extremes.

- Electricity.
 - Hazards unique to their particular job assignment.
 - Noise.
 - Others.
- Once areas which require Personal Protective Equipment have been identified, work practices covering its use should be developed.
 - The use of all Personal Protective Equipment will conform to applicable OSHA and/or other regulatory standards.
 - All supervisory and management personnel must set a good example by use of required Personal Protective Equipment themselves.

Reporting and Recording Accidents

- All accidents, no matter how slight, must be reported.
- All OSHA recordkeeping requirements should be followed.
- All injuries or illnesses involving professional medical care or lost time should be reported for internal and insurance company processing to meet Workmen's Compensation requirements.
- All incidences involving property damage should be reported to the immediate supervisor and subsequently to the Corporate Safety Director.

Accident Investigation

- All accidents involving Doctor's care and/or Property Damage should be investigated:
- The injured employee's supervisor will perform the investigation.
- The investigation will be made as soon as possible.
- All accident investigation results will be documented.
- Corrective action will be indicated where required.
- All accident investigation reports will be reviewed by the Corporate Safety Director and corresponding superintendent.

Equipment and Materials

- All equipment should be inspected and maintained as per applicable OSHA requirements and manufacturing specifications.
- Material Safety Data Sheets should be acquired from the manufacturer for all materials that contain toxic or hazardous substances. Copies of the Safety Data Sheets are to be provided to the Corporate Safety Director, the jobsite where the material is to be used and maintained on file in the yard.
- Only "approved" safety equipment should be used. Such equipment should be properly maintained and inspected as per manufacturer's specifications.

Pre-Job Planning

- Preparation of Estimate

A cost item must be included in the bid that realistically reflects company loss control policy, project conditions, special conditions and owner and regulatory agency requirements.

- Job Planning Meetings

1. The owner and company representatives should attend a pre-job safety meeting to gain a full understanding of all job safety requirements.
2. A company meeting should be held to establish loss control measures and to arrange for proper protective equipment and materials. The following subjects should be discussed:
 - a) Personal protective equipment.
 - b) Equipment maintenance procedures.
 - c) Job layout, storing materials, and proper placement of shop and office facilities.
 - d) First aid and medical service.
 - e) Sanitation: fresh-water, sewage and trash disposal.
 - f) Engineering review for safety factors in job-built facilities.
 - g) Traffic controls - job site.
 - h) Public protection, such as signs, barricades flagmen, detours, traffic lights, temporary lighting, temporary walkways, and overhead protection.
 - i) Evaluation of property exposures. Locate and investigate all underground and overhead utilities and railroad exposures. Arrange for proper protection, such as shoring.
 - j) Jobs that include exposures to adjacent property from blasting, underpinning, or piledriving. An independent engineering firm to identify their actual condition should survey these properties. arrangements should, be made for seismograph service, so that proper controls can be set up.
 - k) Protection of property, equipment, and materials from fire, vandalism and severe weather conditions.

3. Subcontractors: A meeting should be held with each subcontractor to review our Jobsite Safety Program. We should make it clear that subcontractors are to comply with the program and should treat it as a minimum.

Project Safety Meetings and Tool Box Talks

- Safety Meetings

A Safety Meeting should be conducted weekly to facilitate the uniform implementation of company Safety Practices and Procedures on the project. The safety meeting will be administered by the Superintendent and meet on a weekly basis. All craft representatives and/or craft foremen should be required to attend. The meetings should focus on:

- Discussing potential hazards noted since the last meeting and recommending possible corrective measures.
- Reviewing of safety educational information relative to jobsite conditions and/or operations.
- Accidents occurring since the last meeting, to review the cause(s) and corrective action(s) taken.

Minutes of the meeting should be maintained and reviewed during the following meeting. Copies of the meeting will be provided to the Corporate Safety Director.

- Tool Box Talks

Craft foremen should hold weekly meetings with his crew to review a "tool box talk" relative to job conditions.

All attendees should sign a paper to acknowledge their attendance.

First Aid

- First Aid facilities should be maintained in accordance with applicable OSHA requirements.
- The First Aid facility should be readily available to all shifts, and a trained practitioner should administer all First Aid.
- A log of all First Aid treatment cases should be maintained.
- First Aid and CPR Training should be made available to employees on a periodic basis.

Audit of Safety Performance:

The Safety Performance of the corporation will be evaluated periodically utilizing the following criteria:

- Projects
 - Have project-planning measures included safety and health considerations?
 - Have the project safety program procedures been properly coordinated and communicated to employees and subcontractors?
 - Have job conditions and/or alterations been maintained in such a manner that the prescribed Safety procedures were effective?
 - Have changes in supervision or employee turnover influenced the Project Safety Program's effectiveness?
- This audit will be performed by the Project Manager and reported to the Corporate Safety Director for review.
- The Corporation's accident experience will be periodically reviewed and analyzed by the Corporate Safety Director. Results of that review will be provided to both Upper and Project Management.

PROJECT SAFETY PROGRAM

PROJECT

LOCATION

**PROJECT
SUPERINTENDENT**

**PROJECT
SAFETY OFFICER**

POLICY

It is the policy of the Waller Corporation to provide a healthy and safe place of employment for all employees; to abide by all regulations as they pertain to our industry which are set forth in Federal, State, and Local Standards.

FIRST AID CAPABILITIES

NAME OF HOSPITAL

AMBULANCE SERVICE

NAME OF DOCTOR

FIRE DEPARTMENT

POLICE DEPARTMENT

PROJECT SAFETY COORDINATION PROGRAM

EDUCATION

INDOCTRINATION

All new hires are to be formally oriented by:

1. Reviewing the General Safety Rules
2. Being instructed in the correct and safe work procedures his job entails.
3. Being given the necessary personal protective equipment and instructed in its proper use.

TOOL BOX MEETINGS

Foremen should hold weekly meetings with their crews to review the upcoming hazards of the job. A record of attendance should be maintained.

JOB SAFETY MEETINGS

Superintendents should hold weekly meetings with all foremen and/or stewards to discuss past, present and future hazards of the job.

PERSONAL PROTECTIVE EQUIPMENT

General

When it is impractical to eliminate or control a hazard through guarding, isolation or employee rotation, personal protective equipment (PPE), i.e., hard hats, respirators, etc., is mandatory. Once the decision to use PPE has been made, jobsite management must:

1. Select equipment that is suitable to afford the necessary protection and that is approved by a reputable organization (ANSI, MSHA, NIOSH).
2. See that the equipment selected is worn, fitted and maintained as specified by its manufacturer.
3. Instruct the employees how to use the equipment properly and of its limitations as specified by the manufacturer.

4. Instruct the employees using the equipment that its use is mandatory and what disciplinary action will be followed if it is not worn.

Minimum Job Requirements

1. Appropriate "approved" eye, face and ear protection should be provided to, and required to be worn by, employees when conditions warrant.
2. All employees must wear hard hats at all times, in all construction work areas.
3. Protective gloves are to be used when handling hazardous materials, and for protection against acids and other harmful chemicals.
4. Respiratory protective equipment in many cases is needed for protection against toxic dusts, mists, fumes or vapors. Only NIOSH or MSHA approved respirators that provide suitable protection should be used. (See Appendix I for "Fit" test requirements.)
5. The use of "Approved" safety belts and lanyards should be required when working on elevated work where there is no other means of fall protection provided and on certain types of suspended scaffolds.
6. All employees will be required to wear, as a minimum; "T"-shirts, long pants, and work shoes.
7. Supervisory personnel will familiarize themselves with the proper selection, use, maintenance, inspection, and limitations of any personal protective equipment provided. They will also instruct employees using the equipment accordingly.

GROUND FAULT PROTECTION PROGRAM

General

All electrical power tools, cord sets and temporary outlets are to be inspected in compliance with a written Assured Equipment Grounding Conductor Program or protected by Ground Fault Circuit Interrupters.

Minimum Job Requirements

Ground Fault Circuit Interrupter Option

Approved Ground Fault Circuit protection for all 120-volt, single-phase, 15 and 20 ampere receptacle outlets on construction sites, which are not a part of the permanent wiring of the building or structure and which are in use by employees.

Assured Equipment-Grounding Conductor Program Option

1. The procedure shall include electrical continuity tests of all required equipment, grounding conductors, and their connections.
2. The employer shall designate one or more persons to implement the assured equipment-grounding program.
3. A written description of the program shall be available on the jobsite.
4. Daily visual inspection is made only on the days equipment is actually used and may be made by the person using the extension cords, and/or plug connected equipment.
5. Double insulated tools are not required to be grounded and therefore, do not need to be tested.
6. Test verification shall be by means of color-coded marking tape on the receptacle, extension cords, and equipment to identify that it has passed the tests and to indicate the month and quarter it was tested.
7. Fixed receptacles shall be tested where there is evidence of damage.
8. Flexible cord sets shall be tested before first use on the construction site. All flexible cord sets shall be tested where there is evidence of damage, and after any repairs.
9. Equipment connected by cord and plug shall be tested: (1) before first use on the construction site; (2) where there is evidence of damage; (3) after any repairs; and, (4) at intervals not exceeding three months.

JOBSITE HOUSEKEEPING

General

A well-managed job is distinguishable by its housekeeping. General clean-up requirements for the project will be determined and agreed upon among all contractors during pre-job coordination meetings.

Minimum Job Requirements

1. Job will be cleaned up at regular intervals.
2. All stairways, passageways, and accessways must be kept free of debris, materials, supplies, and obstructions at all times and have sufficient lighting, either natural or artificial to assure safe usage.

3. Pile or store material in a stable manner so that it will not be subject to falling.

FIRE PROTECTION/PREVENTION

General

A fire control program on a construction project requires planning and continued monitoring of two separate but related functions.

Fire Prevention - controlling possible fire hazards and, Fire Protection planning for immediate recognition and extinguishment of fires once they occur.

The first responsibility in the event of a fire is the safety of the employees in the building. If a fire is not suppressed the minute it starts, extinguishers will probably not control it. Therefore, it is necessary to establish (at the beginning of the project) a procedure for alerting all on the job to evacuate.

The second responsibility is the prompt communication and reporting to the fire department. A procedure should be established on how to report a fire to the job office, and subsequently to the local fire department. Finally, representatives from the local fire department should be invited to the project to review the layout of the project and be kept up-to-date on such items as route of access or water availability.

Minimum Job Requirements

1. Portable fire protection, suitable- for the fire hazard involved, should be provided for each 3,000 cubic foot of building area. For multi-story buildings, at least one portable fire extinguisher (or suitable substitute) should be provided per floor.
2. Suitable portable fire protection should be available when utilizing heat-generating equipment.
3. Turn in all fire extinguishers for recharge after each use. Inspect periodically.
4. All flammable liquids will be dispensed from an approved container.
5. The motors of all equipment shall be shut off during refueling.
6. Solid fuel salamanders are prohibited in buildings and on scaffolds.

OCCUPATIONAL HEALTH

General

In addition to the potential safety hazards on a construction site, health hazards injurious to an employee may also be present. Jobsite management should utilize the "Checklist for Construction Health Hazards" (Appendix 11) when evaluating their operations for potential health hazards.

Minimum Job Requirements

1. Establish safe work practices and procedures for each job or activity involving the use of chemicals or the generation of chemical contaminants. (Anticipate how these practices will be affected by changes in operations and/or personnel.)
2. Establish practices and procedures for the disposal of toxic or dangerous wastes.
3. Prohibit smoking and/or eating in areas where there are ingestion hazards (i.e., lead exposure).
4. A qualified first-aid coordinator should be available during all work shifts.
5. Provide adequate emergency facilities. (First aid kit, stretcher, eye wash station, when required.)
6. Acquire material safety data sheets for any toxic substances and materials used on the project.

GENERAL JOB SAFETY REQUIREMENTS

1. You should have a copy of the Occupational "Safety and Health Regulations for Construction".
2. OSHA Poster "Safety and Health Protection On-the-Job" must be prominently displayed at the job-site.
3. OSHA Form 200 - Log and Summary of Occupational Injuries and Illness.
4. You must display in a prominent place emergency phone numbers listing the following:

Physician
Hospital
Ambulance
Fire Department

5. The Company Safety Policy should be displayed in a prominent place.
6. The Company work rules should be posted along with the Company Safety Policy.
7. First aid kits complying with OSHA standards (in a weatherproof container and approved by consulting physician) must be kept on the jobsite.
8. You must instruct your foreman on the company safety policy and proper safety procedures.
9. A Company job-site inspection checklist should be on file at the job-site.

COMPANY POLICY

People are our most important resource and their health and safety is one of the Waller Corporation's principal responsibilities and primary concerns. Safety must be made an integral part of all operations, whether it is in planning and development or contracting.

Waller Corporation's proven safety record reflects the management's commitment to employee welfare. However, I want to take this opportunity to reaffirm my belief in a strong safety and health program that will continue to create, and thus provide, a safe place for all employees to work. Accidents and chemical exposures cost time and money, but more importantly, they can cause personal loss and unnecessary injury, which has no price.

I hope you will share my concern for providing a safe working environment; because a safety and health program's effectiveness depends upon the cooperation and concern of employees and management personnel who are knowledgeable of the potential hazards of chemical use in the workplace.

Louis E. Waller, President

COMPANY COMMITMENT

The Waller Corporation is committed to providing each of its employees a safe and healthy work environment. Construction processes and other operations performed at the various Waller Corporation jobsites sometimes require the use of materials and chemicals that can be hazardous, if not handled properly. When using these substances, it is important that workers are aware of the identity of the substances, as well as the toxic or other hazardous properties of the chemicals; since an informed employee is more likely to be a careful employee. Therefore, in an effort to promote and maintain jobsites that are free from controllable safety and health hazards, the Louis Waller Company has implemented this Hazard Communication Program to protect its employees.

EMPLOYEE RESPONSIBILITY

The success of this Hazard Communication program depends to a great extent upon the cooperation of every employee. Employees should be alert to the potential hazards in their work areas; know and understand the hazards of those chemicals; consult the Material Safety Data Sheets (MSDS) for the specifics concerning the hazardous chemicals with which they work; follow the appropriate safe working procedures that have been established; wear required personal protective equipment; and actively participate in the training programs implemented to protect their health and safety.

Active employee participation in Waller Corporation's Hazard Communication Program will result in the continued reduction of the incidence of chemical related illnesses and injuries at Waller Corporation's jobsites and facilities. This written program will be available at the office for review by any interested employee. A master copy of this program will also be maintained at the Waller Corporation main office.

PROGRAM MANAGER/COORDINATOR

The Program- Manager/Coordinator of the OSHA Hazard Communication Program is J.T. Rafail who can be reached at the following telephone number 724-223-9680 during the normal office hours of 8:00 A.M. to 5:00 P.M. Monday through Friday.

The Program Manager/Coordinator is responsible for the effective implementation of this Program.

The Program Manager/Coordinator will periodically report to management regarding the Program's implementation, effectiveness and continuing update requirements. The Program Manager/Coordinator will establish the specifics of the "Hazard Communication" Policy and coordinate the efforts and activities of employees and management.

CHEMICAL INVENTORY

The Program Manager/Coordinator is responsible for developing and compiling a hazardous chemical inventory list that identifies all hazardous chemicals used by Waller Corporation employees. This list will be contained within the written program and updated periodically to ensure completeness.

The list will also be posted at office for employee information. Copies will be provided to any Waller Corporation employee or his/her authorized representative upon request to Waller Corporation.

MATERIAL SAFETY DATA SHEET (MSDS) POLICY

The Program Manager/Coordinator has the overall responsibility for establishing and monitoring the MSDS Program. He or she will ensure that procedures are developed to obtain the necessary MSDS's for all substances and chemicals that are known to pose a health or physical hazard to employees who are exposed to them. He or she will review all incoming or updated MSDS's for new or significant health and safety information and pass it on to affected employees. A master copy of all complete and current MSDS's will be maintained and updated as necessary by the Program Manager/Coordinator. The Program Manager/Coordinator will assign responsibilities to appropriate on-site supervisory personnel for MSDS maintenance at each jobsite. He or she will ensure that current MSDS's for all chemicals and substances at the site are available to employees. If an MSDS is not available upon request, the Program Manager/Coordinator should be contacted. Periodically, site personnel shall check the MSDS collection for completeness.

CONTAINER LABELING POLICY

The Program Manager/Coordinator is responsible for adopting and enforcing Waller Corporation in-house labeling system. In general, Waller Corporation will rely on the manufacturer's applied labels whenever possible and will ensure that these labels are maintained in a legible condition. Containers which are not labeled or on which the manufacturer's label has been removed will be relabeled. Waller Corporation will ensure that each container is labeled with the identity of the hazardous chemical contained and any appropriate hazard warnings.

The Waller Corporation will verify that all containers received from manufacturers, suppliers, or importers used by employees are clearly and appropriately labeled. All chemicals on site will be stored in their original or approved containers with proper label attached. Any container not labeled should be given to Waller Corporation for labeling or proper disposal. Workers may dispense chemicals from original containers only in small quantities intended for immediate use. Any chemical left after work is completed must be returned to the original container or Waller Corporation for proper handling. At no time should any unmarked containers of any size be left in the work area after work is completed. Waller Corporation has the responsibility of monitoring and notifying the Program Manager/Coordinator of any on-site deficiencies that occur during day-to-day operations.

EMPLOYEE INFORMATION

Employees will be informed of, and will have access to, all relevant information, including this document and the standard itself, which can be found on the jobsite or in the office of the Program Manager/Coordinator. MSDS's are located in master copy form in the Program Manager/Coordinator's office. Relevant copies of a particular MSDS are made available to employees or their authorized representative upon request. Information pertaining to operations in which hazardous chemicals are present will also be provided to employees.

EMPLOYEE TRAINING

The Hazard Communication Program Manager/Coordinator is responsible for the effective dissemination of the Waller Corporation employee training and information programs.

Employees will be trained to work safely with hazardous chemicals. Employee training shall include:

1. An overview of the requirements contained in the Hazard Communication Standard.
2. The locations of the MSDS file and written Hazard Communication Program.
3. The content and importance of material safety data sheets and labels.
4. The methods and observations that may be used to detect the presence or release of a hazardous chemical.
5. Physical and health hazards associated with chemicals.
6. Methods used to protect employees.
7. Safe work procedures, emergency responses and use of personal protective equipment.

Every Waller Corporation employee is required to actively participate in Waller Corporation hazard communication training programs.

HAZARDOUS NON-ROUTINE TASKS

Periodically, employees are required to perform hazardous non-routine work. It is Waller Corporation policy that such operations not be undertaken until the employees have been provided information on the possible undesirable effects that may arise during such operations. Prior to starting the work, each affected employee will be given this information by the Louis Waller Co. This information will include the chemical and physical hazards associated with the chemical, required personal protective equipment use, and the steps that the company is using to reduce the hazards. When necessary, areas will be posted to indicate the nature of the hazard involved.

EMERGENCY PROCEDURES

In the event of an overexposure to or spill of any hazardous chemical, the Waller Corporation will be notified at once. The foreman or the immediate supervisors will be responsible for insuring that proper and appropriate emergency response actions are taken. The appropriate material safety data sheet pertaining to that chemical or substance will serve as reference for such actions.

MULTI-EMPLOYER JOBSITES

It is the policy of the Waller Corporation to adequately apprise other contractors regarding the hazardous substance that their employees may be exposed to during the course of day-to-day construction activities. Contractors, whose employees may be exposed to hazardous substances used by Waller Corporation employees, will be given access to this Hazard Communication Program. This will provide all relevant chemical information necessary to protect their employees.

Contractors should be informed of conditions existing on-site that necessitate special precautionary measures through weekly safety or toolbox meetings.

Other on-site employers working among Waller Corporation employees are also required to adhere to the provisions of the Hazard Communication Standard. They shall make available copies of MSDS's for all hazardous materials used by their employees that can be reviewed by Waller Corporation employees. MSDS's will be provided within a reasonable time period after such a request.

The Waller Corporation is firmly committed to it's employees' health and safety, and as such requires all contractors whose employees work around and among Waller Corporation employees to also be knowledgeable on chemical safety and appropriate working procedures in an effort to reduce and eliminate chemical exposures to themselves, as well as the other craftsmen.

Construction Fall Protection

Purpose

The purpose of the fall protection program is to:

- **ensure all construction areas are free from uncontrolled fall hazards**
- **all employees are properly trained in fall prevention and protection**
- **fall prevention systems are inspected and monitored to ensure effectiveness**

Policy

It is the policy of the Waller Corporation to take all practical measures possible to prevent employees from being injured by falls. We will take necessary steps to eliminate, prevent, and control fall hazards. We will comply fully with the OSHA Fall Protection standard (CFR 1926, Subpart M, Fall Protection). The first priority is given to the elimination of fall hazards. If a fall hazard cannot be eliminated, effective fall protection will be planned, implemented, and monitored to control the risks of injury due to falling.

All employees exposed to potential falls from heights will be trained to minimize the exposures. Fall protection equipment will be provided and its use required by all employees. Foreman will be responsible for implementation of a fall protection plan for their jobsite.

Hazard Identification

The foreman on each jobsite will be responsible for identifying fall hazards on their jobsite. The foreman will evaluate each situation or work procedure where employees may be exposed to a fall of 6 feet or more. The foreman will be responsible for developing a plan to eliminate the exposures, if possible, or to select the appropriate fall protection systems and/or equipment.

Hazard Control

Engineering Controls

- Personal Fall Protection
- Guard Rail Systems
- Positioning Devices
- Warning Line Systems
- Floor Opening Covers

Administrative Controls

- Controlled access zones
- Employee training
- Audits
- Inspections
- Supervision
- Signs

Fall Protection Required

The following are examples of situations where fall protection would be needed. This listing is by no means complete, and there are many other situations where a fall of 6 feet or more is possible. It should be noted that ladders and scaffolding are not included in this list because other OSHA standards and other requirements of our safety program cover them.

Wall Openings

Each employee working on, at, above, or near wall openings (including those with chutes attached) where the outside bottom edge of the wall opening is 6 feet (1.8 meters) or more above lower levels and the inside bottom edge of the wall opening is less than 39 inches (1.0 meter) above the walking/working surface must be protected from falling by the use of a guardrail system, a safety net system, or a personal fall arrest system.

Holes

Personal fall arrest systems, covers, or guardrail systems shall be erected around holes (including skylights) that are more than 6 feet (1.8 meters) above lower levels.

Leading Edges

Each employee who is constructing a leading edge 6 feet (1.8 meters) or more above lower levels shall be protected by guardrail systems, safety net systems, or personal fall arrest systems.

Excavations

Each employee at the edge of an excavation 6 feet (1.8 meters) or more deep shall be protected from falling by guardrail systems, fences, barricades, or covers. Where walkways are provided to permit employees to cross over excavations, guardrails are required on the walkway if it is 6 feet (1.8 meters) or more above the excavation.

Formwork and Reinforcing Steel

For employees, while moving vertically and/or horizontally on the vertical face of rebar assemblies built in place; fall protection is not required when employees are moving. OSHA considers the multiple hand holds and footholds on rebar assemblies as providing similar protection as that provided by a fixed ladder. Consequently, no fall protection is necessary while moving point to point for heights below 24 feet (7.3 meters). An employee must be provided with fall protection when climbing or otherwise moving at a height more than 24 feet (7.3 meters), the same as for fixed ladders.

Hoist Areas

Each employee in a hoist area shall be protected from falling 6 feet (1.8 meters) or more by guardrail systems or personal fall arrest systems. If guardrail systems (or chain gate or guardrail) or portions thereof must be removed to facilitate hoisting operations, as during the landing of materials, and a worker must lean through the access opening or out over the edge of the access opening to receive or guide equipment and materials, that employee must be protected by a personal fall arrest system.

Overhand Bricklaying and Related Work

Each employee performing overhand bricklaying and related work 6 feet (1.8 meters) or more above lower levels shall be protected by guardrail systems, safety net systems, or personal fall arrest systems, or shall work in a controlled access zone. All employees reaching more than 10 inches (25 cm) below the level of a walking/working surface on which they are working shall be protected by a guardrail system, safety net system, or personal fall arrest system.

Precast Concrete Erection and Residential Construction

Each employee who is 6 feet (1.8 meters) or more above lower levels while erecting precast concrete members and related operations such as grouting of precast concrete members and each employee engaged in residential construction, shall be protected by guardrail systems, safety net systems, or personal fall arrest systems.

Ramps, Runways, and Other Walkways

Each employee using ramps, runways, and other walkways shall be protected from falling 6 feet (1.8 meters) or more by guardrail systems.

Low-slope Roofs

Each employee engaged in roofing activities on low-slope roofs with unprotected sides and edges 6 feet (1.8 meters) or more above lower levels shall be protected from falling by guardrail systems, safety net systems, personal fall arrest systems or a combination of a warning line system and guardrail system, warning line system and safety net system, warning line system and personal fall arrest system, or warning line system and safety monitoring system. On roofs 50 feet (15.24 meters) or less in width, the use of a safety monitoring system without a warning line system is permitted.

Steep Roofs

Each employee on a steep roof with unprotected sides and edges 6 feet (1.8 meters) or more above lower levels shall be protected by guardrail systems with toeboards, safety net systems, or personal fall arrest systems.

Controlled Access Zones

A Controlled access zone is a work area designated and clearly marked in which certain types of work (such as overhand bricklaying) may take place without the use of conventional fall protection systems, guardrail, personal arrest or safety net to protect the employees working in the zone.

Controlled access zones are used to keep out workers other than those authorized to enter work areas from which guardrails have been removed. Where there are no guardrails, masons are the only workers allowed in controlled access zones.

Controlled access zones, when created to limit entrance to areas where leading edge work and other operations are taking place, must be defined by a control line or by any other means that restrict access. Control lines shall consist of ropes, wires, tapes or equivalent materials, and supporting stanchions, and each must be:

- Flagged or otherwise clearly marked at not more than 6-foot (1.8 meters) intervals with high-visibility material
- Rigged and supported in such a way that the lowest point (including sag) is not less than 39 inches (1 meter) from the walking/working surface and the highest point is not more than 45 inches (1.3 meters)--nor more than 50 inches (1.3 meters) when overhand bricklaying operations are being performed from the walking/working surface
- Strong enough to sustain stress of not less than 200 pounds (0.88 kilonewtons). Control lines shall extend along the entire length of the unprotected or leading edge and shall be approximately parallel to the unprotected or leading edge. Control lines also must be connected on each side to a guardrail system or wall. When control lines are used, they shall be erected not less than 6 feet (1.8 meters) nor more than 25 feet (7.6 meters) from the unprotected or leading edge, except when precast concrete members are being erected. In the latter case, the control line is to be erected not less than 6 feet (1.8 meters) nor more than 60 feet (18 meters) or half the length of the member being erected, whichever is less, from the leading edge.

Controlled access zones when used to determine access to areas where overhand bricklaying and related work are taking place are to be defined by a control line erected not less than 10 feet (3 meters) nor more than 15 feet (4.6 meters) from the working edge. Additional control lines must be erected at each end to enclose the controlled access zone. Only employees engaged in overhand bricklaying or related work are permitted in the controlled access zones.

On floors and roofs where guardrail systems are not in place prior to the beginning of overhand bricklaying operations, controlled access zones will be enlarged as necessary to enclose all points of access, material handling areas, and storage areas.

On floors and roofs where guardrail systems are in place, but need to be removed to allow overhand bricklaying work or leading edge work to take place, only that portion of the guardrail necessary to accomplish that day's work shall be removed.

Fall Protection Systems

When there is a potential fall of 6 feet or more, we will utilize one or more of the following means of providing protection:

Guardrail Systems

Guardrail systems must meet the following criteria. Toprails and midrails of guardrail systems must be at least one-quarter inch (0.6 centimeters)

nominal diameter or thickness to prevent cuts and lacerations. If wire rope is used for top rails, it must be flagged at not more than 6 feet intervals (1.8 meters) with high-visibility material. Steel and plastic banding cannot be used as top rails or midrails. Manila, plastic, or synthetic rope used for top rails or midrails must be inspected as frequently as necessary to ensure strength and stability.

The top edge height of top rails, or (equivalent) guardrails must be 42 inches (1.1 meters) plus or minus 3 inches (8 centimeters), above the walking/working level. When workers are using stilts, the top edge height of the top rail, or equivalent member, must be increased an amount equal to the height of the stilts.

Screens, midrails, mesh, intermediate vertical members, or equivalent intermediate structural members must be installed between the top edge of the guardrail system and the walking/working surface when there are no walls or parapet walls at least 21 inches (53 centimeters) high. When midrails are used, they must be installed to a height midway between the top edge of the guardrail system and the walking/working level.

When screens and mesh are used, they must extend from the top rail to the walking/working level and along the entire opening between top rail supports. Intermediate members, such as balusters, when used between posts, shall not be more than 19 inches (48 centimeters) apart.

Other structural members, such as additional midrails and architectural panels, shall be installed so that there are no openings in the guardrail system more than 19 inches (48 centimeters).

The guardrail system must be capable of withstanding a force of at least 200 pounds (890 newtons) applied within 2 inches of the top edge in any outward or downward direction. When the 200-pound (890 newtons) test is applied in a downward direction, the top edge of the guardrail must not deflect to a height less than 39 inches (1 meter) above the walking/working level.

Midrails, screens, mesh, intermediate vertical members, solid panels, and equivalent structural members shall be capable of withstanding a force of at least 150 pounds (667 newtons) applied in any downward or outward direction at any point along the midrail or other member.

Guardrail systems shall be surfaced to protect workers from punctures or lacerations and to prevent clothing from snagging.

The ends of top rails and midrails must not overhang terminal posts, except where such overhang does not constitute a projection hazard.

When guardrail systems are used at hoisting areas, a chain, gate or removable guardrail section must be placed across the access opening between guardrail sections when hoisting operations are not taking place.

At holes, guardrail systems must be set up on all unprotected sides or edges. When holes are used for the passage of materials, the hole shall have not more than two sides with removable guardrail sections. When the hole is not in use, it must be covered or provided with guardrails along all unprotected sides or edges.

If guardrail systems are used around holes that are used as access points (such as ladderways), gates must be used or the point of access must be offset to prevent accidental walking into the hole.

If guardrails are used at unprotected sides or edges of ramps and runways, they must be erected on each unprotected side or edge.

Personal Fall Arrest Systems

These consist of an anchorage, connectors, and a body belt or body harness and may include a deceleration device, lifeline, or suitable combinations. If a personal fall arrest system is used for fall protection, it must do the following:

- Limit maximum arresting force on an employee to 900 pounds (4 kilonewtons) when used with a body belt
- Limit maximum arresting force on an employee to 1,800 pounds (8 kilonewtons) when used with a body harness
- Be rigged so that an employee can neither free fall more than 6 feet (1.8 meters) nor contact any lower level
- Bring an employee to a complete stop and limit maximum deceleration distance an employee travels to 3.5 feet (1.07 meters)
- Have sufficient strength to withstand twice the potential impact energy of an employee free falling a distance of 6 feet (1.8 meters) or the free fall distance permitted by the system, whichever is less.

The use of body belts for fall arrest is prohibited and a full bodyharness is required.

Personal fall arrest systems must be inspected prior to each use for wear damage, and other deterioration. Defective components must be removed from service.

Positioning Device Systems

Body harness systems are to be set up so that a worker can free fall no farther than 2 feet (0.6 meters). They shall be secured to an anchorage capable of supporting at least twice the potential impact load of an employee's fall or 3,000 pounds (13.3 kilonewtons), whichever is greater.

Safety Monitoring Systems

When no other alternative fall protection has been implemented, the employer shall implement a safety monitoring system. Employers must appoint a competent person to monitor the safety of workers and the employer shall ensure that the safety monitor:

- Is competent in the recognition of fall hazards
- Is capable of warning workers of fall hazard dangers and in detecting unsafe work practices
- Is operating on the same walking/working surfaces of the workers and can see them
- Is close enough to work operations to communicate orally with workers and has no other duties to distract from the monitoring function.

Mechanical equipment shall not be used or stored in areas where safety-monitoring systems are being used to monitor employees engaged in roofing operations on low-sloped roofs.

No worker, other than one engaged in roofing work (on low-sloped roofs) or one covered by a fall protection plan, shall be allowed in an area where an employee is being protected by a safety monitoring system.

All workers in a controlled access zone shall be instructed to promptly comply with fall hazard warnings issued by safety monitors.

Safety Net Systems

Safety nets must be installed as close as practicable under the walking/working surface on which employees are working and never more than 30 feet (9.1 meters) below such levels. Defective nets shall not be used. Safety nets shall be inspected at least once a week for wear, damage, and other deterioration. Safety nets shall be installed with sufficient clearance underneath to prevent contact with the surface or structure below.

Items that have fallen into safety nets including, but not restricted to, materials, scrap, equipment, and tools must be removed as soon as possible and at least before the next work shift.

Warning Line Systems

Warning line systems consist of ropes, wires, or chains, and supporting stanchions and are set up as follows:

- Flagged at not more than 6-foot (1.8 meters) intervals with high-visibility material
- Rigged and supported so that the lowest point including sag) is no less than 34 inches (0.9 meters) from the walking/working surface and its highest point is no more than 39 inches (1 meter) from the walking/working surface
- Stanchions, after being rigged with warning lines, shall be capable of resisting, without tipping over, a force of at least 16 pounds 71 newtons) applied horizontally against the stanchion, 30 inches (0.8 meters) above the walking/working surface, perpendicular to the warning line and in the direction of the floor, roof, or platform edge
- The rope, wire, or chain shall have a minimum tensile strength of 500 pounds (2.22 kilonewtons) and after being attached to the stanchions, must support without breaking the load applied to the stanchions as prescribed above
- Shall be attached to each stanchion in such a way that pulling on one section of the line between stanchions will not result in slack being taken up in the adjacent section before the stanchion tips over.

Warning lines shall be erected around all sides of roof work areas. When mechanical equipment is being used, the warning line shall be erected not less than 6 feet (1.8 meters) from the roof edge parallel to the direction of mechanical equipment operation, and not less than 10 feet (3 meters) from the roof edge perpendicular to the direction of mechanical equipment operation.

When mechanical equipment is not being used, the warning line must be erected not less than 6 feet (1.8 meters) from the roof edge.

Covers

Covers located in roadways and vehicular aisles must be able to support at least twice the maximum axle load of the largest vehicle to which the cover might be subjected. All other covers must be able to support at least twice the weight of employees, equipment, and materials that may be imposed on the cover at any one time. To prevent accidental displacement resulting from wind, equipment, or workers activities, all covers must be secured. All covers shall be color-coded or bear the markings "HOLE" or

"COVER."

Protection From Falling Objects

When guardrail systems are used to prevent materials from falling from one level to another, any openings must be small enough to prevent passage of potential falling objects. No materials or equipment except masonry and mortar shall be stored within 4 feet (1.2 meters) of working edges. Excess mortar, broken or scattered masonry units, and all other materials and debris shall be kept clear of the working area by removal at regular intervals.

During roofing work, materials and equipment shall not be stored within 6 feet (1.8 meters) of a roof edge unless guardrails are erected at the edge, and materials piled, grouped, or stacked near a roof edge must be stable and self-supporting.

Training

Employees will be trained in the following areas:

- (a) the nature of fall hazards in the work area
- (b) the correct procedures for erecting, maintaining, disassembling, and inspecting fall protection systems
- (c) the use and operation of controlled access zones and guardrail, personal fall arrest, safety net, warning line, and safety monitoring systems
- (d) the role of each employee in the safety monitoring system when the system is in use
- (e) the limitations on the use of mechanical equipment during the performance of roofing work on low-sloped roofs
- (f) the correct procedures for equipment and materials handling and storage and the erection of overhead protection
- (g) employee's role in fall protection plans.



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Moving Pennsylvania forward and
creating economic opportunities for all.

Allegheny County
Department of Minority, Women &
Disadvantaged Business Enterprise
204 County Office Building
542 Forbes Avenue
Pittsburgh, PA 15219
Phone: (412) 350-4309 Fax: (412) 350-4915
E-mail: mwdbe@county.allegheny.pa.us

January 22, 2007

Louis E. Waller, III, President
Waller Corporation
P.O. Box 757
Washington, PA 15301

RE: Pennsylvania Unified Certification Program
Louis E. Waller, III, President
Certification I.D. #10392

Dear Mr. Waller:

Congratulations! Upon careful review of the information contained in the Recertification Application submitted by your firm, the Allegheny County Department of M/W/DBE has determined that your firm continues to comply with the local requirements to be certified as a Minority/Disadvantaged Business Enterprise. The certification entitles your firm to participate in the program as a Construction Contractor. Your certification anniversary date is January 16, 2008 and your reassessment date is January 31, 2010.

Your firm is certified to perform the following type of work:

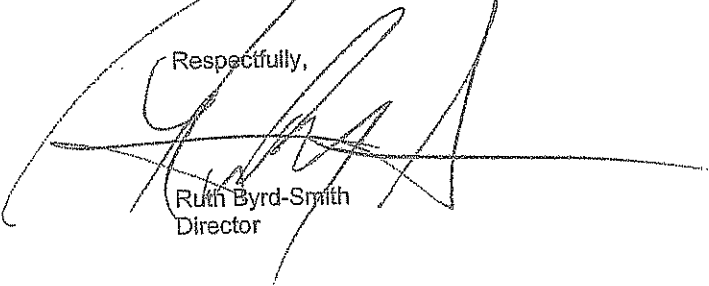
General contractor.

NAICS Code(s): 236115, 236116, 236117, 236118, 236210, 236220

As a condition of continued certification, you must notify the Allegheny County M/W/DBE Department of any change in circumstances affecting your ability to meet size, status, ownership, or control requirements of 49 CFR Part 26. Any material change in the information provided in your application must also be submitted within 30 days of the change. This notice must be in the form of a notarized affidavit and you must attach supporting documentation describing in detail the nature of such change. If you fail to make timely notification, you will be deemed to have failed to cooperate under 49 CFR Part 26.109(c).

Also, on the anniversary date of your certification, you must submit an affidavit to the M/W/DBE Department affirming that there have been no changes in the firm's circumstances. The affidavit must affirm that the firm continues to meet SBA business size criteria and the overall gross receipt cap, as outlined in 49 CFR Part 26, and you must document this affirmation.

Respectfully,


Ruth Byrd-Smith
Director

RBS/smb

Certifying Participants

Allegheny County
Department of Minority, Women &
Disadvantaged Business Enterprise

City of Philadelphia
Minority Business
Enterprise Council

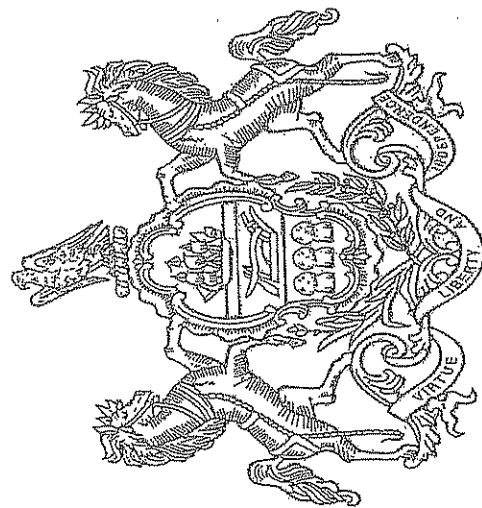
PENNDOT
Bureau of Equal
Opportunity

Port Authority of
Allegheny County
Office of Equal
Opportunity

SEPTA
Small & Disadvantaged
Business Utilization Department

Commonwealth of Pennsylvania

DEPARTMENT
OF
GENERAL SERVICES



Be it hereby known that

Waller Corporation

A

Minority Business Enterprise

Is recognized as a certified business enterprise owned and controlled in accordance with the criteria established by Executive Order No. 2004-6 and 4 Pennsylvania Code, Section 68.204.

EXPIRATION DATE: 3/31/2009

ISSUE DATE: 3/19/2007

A handwritten signature in black ink, appearing to read 'Tyrone A. Powell'.

Tyrone A. Powell, Director
Bureau of Minority and Women
Business Opportunities

AFRICAN AMERICAN CHAMBER OF COMMERCE
OF WESTERN PENNSYLVANIA



Proudly presents this certificate to

Louis E. Waller, III President
Waller Corporation

For

Regular Membership

March 7, 2007

Presented on this day

March 7, 2008

Membership expires

Doris Carson Williams

Doris Carson Williams, President and CEO

Samuel J. Stephenson

Samuel J. Stephenson, Chairman

The mission of the African American Chamber of Commerce of Western Pennsylvania is to continuously improve business and professional opportunities for African American business owners and professionals. Guided by the core values of equity in opportunity, economic advancement, self-sufficiency and entrepreneurial excellence, we will achieve economic parity for the African American Business community by insuring full participation in the public and private sectors throughout the region.