

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

Request for Quotation

DEP14868

PAGE

ADDRESS CORRESPONDENCE TO ATTENTION OF

CHUCK BOWMAN 304-558-2157

*B13104154 304-291-0383 DEVONIAN INDUSTRIES INC 297 BOY SCOUT CAMP ROAD

MORGANTOWN WV 26508

ENVIRONMENTAL PROTECTION
DEPT. OF
OFFICE OF SPECIAL RECLAMATION
105 S. RAILROAD STREET
PHILIPPI, WV
26416-9998 304-457-3219

DATE PRINTED TERMS OF SALE SHIP VIA F.O.B. FREIGHT TERMS 12/03/2009 BID OPENING DATE: 01/05/2010 OPENING TIME 01:30PM LINE QUANTITY UOP UNIT PRICE ITEM NUMBER AMOUNT 0001 JB 975-46-00-001 (VACUUM TRUCKS TO HAUL SLUDGE) TRUCK RENTAL THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTEC-TION'S OFFICE OF SPECIAL RECLAMATION, IS SOLICITING BIDS FROM QUALIFIED CONTRACTORS FOR A CONTRACT TO PRO-VIDE TRUCKS FOR SLUDGE HAULING ON THE FORFEITED SITES OF T&T, OMEGA, F&M, ALTON, ROYAL SCOT, MONONGALIA COUN-TY, PRESTON COUNTY, AND OTHER NORTHERN COUNTIES LISTED. THESE TRUCKS WILL BE ON AN HOURLY RATE FOR TANDEM AXLE VACUUM TANKER TRUCK WITH QUALIFIED DRIVER TO HAUL IRON SLUDGE FROM THE ABOVE NAMED PROJECTS (UP TO 3,500 GAL TRUCK). TRUCKS MUST MEET MSHA REQUIREMENTS. VENDOR WIL PROVIDE UP TO THREE (3) TRUCKS ON AN "AS REQUIRED" BASIS WITHIN 24 HOUR NOTICE. TIME STARTS AND ENDS AT THE SITE. FROM TIME TO TIME IT IS NECESSARY TO USE A LAGOON PUMP AS AN AGITATOR TO LIQUIFY SLUDGE THAT HAS DRIED. A 100 HP TRACTOR WITH LAGOON PUMP WILL BE ON AN HOURLY RATE FOR THE ABOVE MENTIONED PROJECTS. THE MAIN AREA OF WORK SHALL BE THE AFOREMENTIONED SITES AND COUNTIES; HOWEVER, THE AREA OF WORK SHALL ALSO INCLUDE OTHER NORTHERN COUNTIES OF WEST VIRGINIA. WORK COULD BE REQUIRED IN ANY OF THESE COUNTIES, BUT THOSE IN PARENTHESIS REPRESENT THE MOST LIKELY SITES 2010 JAN -5 A H: 19 FOR ADDITIONAL WORK TO BE PERFORMED: 1. HANCOCK 9. MARION CORACINO DIVISION 18. BRAXTON 10. DODDRIDGE BROOKE 19. (UPSHUR) STATE OF WV SEE REVERSE SIDE FOR TERMS AND CONDITIONS

TELEPHONE 304-291-0383

ADDRESS CHANGES TO BE NOTED ABOVE



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DATE PRINTED TERMS OF SALE SHIP VIA F.O.B. FREIGHT TERMS 12/03/2009 BID OPENING DATE: 01/05/2010 BID OPENING TIME 01:30PM CAT. QUANTITY LINE UOP ITEM NUMBER UNIT PRICE AMOUNT WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN. ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN STATE CONTRACT ORDER (FORM NUMBER WV-39) TO THE VENDOR FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL COPY OF THE WV-39 SHALL BE MAILED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT, A SECOND COPY MAILED TO THE PURCHASING DIVISION, AND A THIRD COPY RETAINED BY THE SPENDING UNIT. 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. THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM. REV. 05/26/2009 NOTICE A SIGNED BID MUST BE SUBMITTED TO: DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130 SEE REVERSE SIDE FOR TERMS AND CONDITIONS SIGNATURE . TELEPHONE DATE TITLE ADDRESS CHANGES TO BE NOTED ABOVE



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Rev. 09/08

State of West Virginia

VENDOR PREFERENCE CERTIFICATE

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

D10:010:	
1.	Application is made for 2.5% resident vendor preference for the reason checked: Bidder is an individual resident vendor and has resided continuously in West Virginia for four (4) years immediately preceding the date of this contification: Or
<u> </u>	ing the date of this certification; or, Bidder is a partnership, association or corporation resident vendor and has maintained its headquarters or principal place of business continuously in West Virginia for four (4) years immediately preceding the date of this certification; or 80% of the ownership interest of Bidder is held by another individual, partnership, association or corporation resident vendor who has maintained its headquarters or principal place of business continuously in West Virginia for four (4) years immediately
	preceding the date of this certification; or , Bidder is a nonresident vendor which has an affiliate or subsidiary which employs a minimum of one hundred state residents and which has maintained its headquarters or principal place of business within West Virginia continuously for the four (4) years immediately preceding the date of this certification; or ,
2.	Application is made for 2.5% resident vendor preference for the reason checked: Bidder is a resident vendor who certifies that, during the life of the contract, on average at least 75% of the employees working on the project being bid are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; or,
3.	Application is made for 2.5% resident vendor preference for the reason checked: Bidder is a nonresident vendor employing a minimum of one hundred state residents or is a nonresident vendor with an affiliate or subsidiary which maintains its headquarters or principal place of business within West Virginia employing a minimum of one hundred state residents who certifies that, during the life of the contract, on average at least 75% of the employees or Bidder's affiliate's or subsidiary's employees are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; or,
4.	Application is made for 5% resident vendor preference for the reason checked: Bidder meets either the requirement of both subdivisions (1) and (2) or subdivision (1) and (3) as stated above; or,
5.	Application is made for 3.5% resident vendor preference who is a veteran for the reason checked: Bidder is an individual resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted: or.
6.	Application is made for 3.5% resident vendor preference who is a veteran for the reason checked: Bidder is a resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years.
requir again	er understands if the Secretary of Revenue determines that a Bidder receiving preference has failed to continue to meet the rements for such preference, the Secretary may order the Director of Purchasing to: (a) reject the bid; or (b) assess a penalty est such Bidder in an amount not to exceed 5% of the bid amount and that such penalty will be paid to the contracting agency bucted from any uppaid balance on the contract or purchase order.
autho the re	abouted from any supersonable agrees to disclose any reasonably requested information to the Purchasing Division and about the Division and brizes the Department of Revenue to disclose to the Director of Purchasing appropriate information verifying that Bidder has paid appropriate information verifying that Bidder has paid appropriate information and the such information does not contain the amounts of taxes paid nor any other information and by the Tax Commissioner to be confidential.
and char	er penalty of law for false swearing (West Virginia Code, §61-5-3), Bidder hereby certifies that this certificate is true accurate in all respects; and that if a contract is issued to Bidder and if anything contained within this certificate ages during the term of the contract, Bidder will notify the Purchasing Division in writing immediately.
Bidd	er: <u>Devonian Industries, Inc</u> Signed: <u>Larry Biles Ja</u> . Title: <u>President</u>
Date	: 1-4-10 Title: President
*Chec	ck any combination of preference consideration(s) indicated above, which you are entitled to receive.

RFQ	No.	
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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.

<u> </u>	
Vendor's Name: Devonian Industries	Inc
0 7000	Date: 1-4-10
Authorized Signature: Larry Diles Ju	
Purchasing Affidavit (Revised 01/01/09)	

WV-36 Rev. 10/81

STATE OF WEST VIRGINIA PURCHASING CONTINUATION SHEET

Buyer: CB-23	Page	Req. or P.O. No: DEP14868	
Spending Ho	4.		

Vendor:

Item No:	Quantity	Description	Unit Price	Amount
To provide Preston Countries	e trucks for re ty and other o	emoval of sludge on the sites of F&M, Omega, T&T, Royal Sco counties as noted. To provide lagoon pump as an agitator.	i	
1	480 HR	F&M Project (Tunnelton, WV Preston County)	\$ PER HOUR	\$
2	1440 HR	Omega Project (Morgantown, WV Monongalia County)	\$ PER HOUR	\$
3	160 HR	T&T Project (Albright, WV Preston County)	\$ PER HOUR	\$
4	160 HR	Alton Project (Adrian, WV Upshur County)	\$ PER HOUR	\$
5	160 HR	Royal Scot (Anjean, WV Greenbrier County)	\$ PER HOUR	\$
6	1400 HR	100 HP tractor with lagoon pump	\$ PER HOUR	\$
7	20 HR	Holiday or Weekend Hourly Rate	\$ PER HOUR	\$
8	160 HR	Sites located in Monongalia County	\$ PER HOUR	\$
9.	160 HR	Sites located in Preston County	\$PER HOUR	\$
10.	80 HR	1. Hancock 10. Doddridge 19. (Upshur) 2. Brooke 11. (Harrison) 20. Pocahonta 3. Ohio 12. Taylor 21. Gilmer 4. Marshall 13. Mineral 22. Webster 5. Wetzel 14. (Grant) 23. Pleasants 6. Tyler 15. (Tucker) 24. Wood 7. Randolph 16. (Barbour) 25. Ritchie 8. Pendleton 17. Lewis 9. Marion 18. Braxton		\$
		* QUANTITIES ARE FOR BIDDING PURPOSES ONLY! WAGE RATES: The contractor/subcontractors shall pay the higher of the U.S. Department of Labor Davis-Bacon Act or the WV Prevailing wage rate as established for the county in which the work is being performed, pursuant to West Virginia Code 21-5A, ET, Seq. and 42CRS7 Rules & Regulations for the WV Prevailing Wage act. For prevailing wage rates please refer to http://www/wvsos.org/adlaw/wagerates/building06.htm		



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Request for Quotation

RFQ NUMBER DEP14868

FREIGHT TERMS

ADDRESS CORRESPONDENCE TO ATTENTION OF CHUCK BOWMAN 804-558-2157

S

SHIP VIA

304-291-0383 DEVONIAN INDUSTRIES INC 297 BOY SCOUT CAMP ROAD

TERMS OF SALE

MORGANTOWN WV 26508

*B13104154

DATE PRINTED

ENVIRONMENTAL PROTECTION DEPT. OF OFFICE OF SPECIAL RECLAMATION 105 S. RAILROAD STREET PHILIPPI, WV 26416-9998 304-457-3219

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WHEN RESPONDING TO REQ. INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'										

WV-36 Rev. 10/81

STATE OF WEST VIRGINIA PURCHASING CONTINUATION SHEET REVISED PER ADDENDUM NO. 1

Buyer:	Page	Req. or P.O. No:
CB-23	8	DEP14868

Spending Unit:

Vendor:

	Item No:	0			
+		Quantity	Description	Unit Price	Amount
	Preston Coun	e trucks for t ty and other	removal of sludge on the sites of F&M, Omega, T&T, Royal Sc counties as noted. To provide lagoon pump as an agitator.	ot, Alton, Mono	ngalia County,
	1	480 HR	F&M Project (Tunnelton, WV Preston County)	\$_90.00 PER HOUR	\$ 43,200°
	2	1440 HR	Omega Project (Morgantown, WV Monongalia County)	\$_ 80. ** PER HOUR	\$ 115, 200.
	3	160 HR	T&T Project (Albright, WV Preston County)	\$ 90.00 PER HOUR	\$ <u>14,400.</u>
	4	160 HR	Alton Project (Adrian, WV Upshur County)	\$ 115.00 PER HOUR	\$ 18,400.00
	5	160 HR	Royal Scot (Anjean, WV Greenbrier County)	\$_120.00 PER HOUR	\$ 19,200.00
	6	1400 HR	100 HP tractor with lagoon pump	\$_60.00 PER HOUR	\$ 84,000.
	7	20 HR	Holiday or Weekend Hourly Rate + \$ 10.00 ON ANY HOURLY RATE EXAMPLE - OMEGA \$ 90.00	\$ 10.00 PER HOUR	\$_200. ⁰⁰
	8	160 HR	Sites located in Monongalia County	\$_ [00. ***********************************	\$ 16,000.
	9.	160 HR	Sites located in Preston County	\$ 100.00 PER HOUR	\$ <u>16,000</u> .00
	10.	80 HR	1. Hancock 10. Doddridge 19. (Upshur) 2. Brooke 11. (Harrison) 20. Pocahonta 3. Ohio 12. Taylor 21. Gilmer 4. Marshall 13. Mineral 22. Webster 5. Wetzel 14. (Grant) 23. Pleasants 6. Tyler 15. (Tucker) 24. Wood 7. Randolph 16. (Barbour) 25. Ritchie 8. Pendleton 17. Lewis 9. Marion 18. Braxton	WI	\$ 10,000.
			* QUANTITIES ARE FOR BIDDING PURPOSES ONLY! WAGE RATES: The contractor/subcontractors shall pay the higher of the U.S. Department of Labor Davis-Bacon Act or the WV Prevailing wage rate as established for the county in which the work is being performed, pursuant to West Virginia Code 21-5A, ET, Seq. and 42CRS7 Rules & Regulations for the WV Prevailing Wage act. For prevailing wage rates please refer to http://www.sos.wv.gov/administrative-law/wagerates/Pages/default.aspx	TOTAL \$	\$ <u>336,600°°</u>