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

Request for Quotation

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RFQ NUMBER 6612C023

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ALAN CUMMINGS 304-558-2402

DIVISION OF HIGHWAYS VARIOUS LOCALES AS INDICATED BY ORDER

\*724111744 304-755-2595 RUMBLE READY MIX PO BOX 645 SCOTT DEPOT WV

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# 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. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
- **4.** 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.
- 5. Payment may only be made after the delivery and acceptance of goods or services.
- 6. Interest may be paid for late payment in accordance with the West Virginia Code.
- 7. Vendor preference will be granted upon written request in accordance with the West Virginia Code.
- 8. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
- 9. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
- 10. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern the purchasing process.
- 11. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
- 12. 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.
- 13. HIPAA BUSINESS ASSOCIATE ADDENDUM: The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, is available online at www.state.wv.us/admin/purchase/vrc/hipaa.html and 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.
- 14. 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.
- 15. 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, and the West Virginia Insurance Commission. 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.
- 16. 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 material, 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.

#### INSTRUCTIONS TO BIDDERS

- 1. Use the quotation forms provided by the Purchasing Division. Complete all sections of the quotation form.
- 2. 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. Unit prices shall prevail in case of discrepancy. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
- **4.** 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
- 5. Communication during the solicitation, bid, evaluation or award periods, except through the Purchasing Division, is strictly prohibited (W.Va. C.S.R. §148-1-6.6).



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

#### Request for Quotation

RFQ NUMBER 6612C023 PAGE 2

ALAN CUMMINGS
304-558-2402

DIVISION OF HIGHWAYS

VARIOUS LOCALES AS INDICATED
BY ORDER

\*724111744 304-755-2595
RUMBLE READY MIX
PO BOX 645
SCOTT DEPOT WV 25560

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Post Office Box 50130
Charleston WV 25205 0120 Charleston, WV 25305-0130

RFQ NUMBER 6612C023 3

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ALAN CUMMINGS 304-558-2402

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BY ORDER

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RUMBLE READY MIX

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#### 1. SCOPE OF WORK

The Division of Highways is issuing this Request for Quotation requesting bidders to furnish Concrete Barrier Blocks for use in the temporary storage of roadway salt stockpiles. Locations of these stockpiles sites are listed in Section 7. An Agency Release will be issued by the Division of Highways at the time of need.

#### 2. BIDDING INSTRUCTIONS

Vendors shall quote a delivered price, per block, to each stockpile site on the Bid Schedule. Unloading of the vendors' trucks shall be the responsibility of the Division of Highways.

Vendors should be cautioned that the quantities listed on the Bid Schedule are estimates. The Agency Release will provide the quantities needed.

Vendors may bid any or all stockpile sites.

Any qualification of bids or any modification of the specifications or conditions governing the bids, by the vendor, may be cause for their rejection.

#### 3. <u>DESCRIPTION</u>

Concrete Barrier Blocks shall have an overall dimension of 2' x 2' x 6' and shall be constructed with interlocking grooves on top, bottom and both ends to allow the blocks to be locked together when stacked or placed end to end.

A lifting device or lifting eye, capable of supporting the weight of the block, shall be cast into the top of each block.

Blocks may be constructed of any class of concrete, but must have a minimum of 400#/cubic yard of Portland cement.

#### 4. METHOD OF AWARD

All vendors meeting the specifications will be awarded a contract. Award to multiple vendors will be made in the best interest of the State of West Virginia.

#### 5. ORDERING AND DELIVERY PROCEDURE

Districts will contact the low bid vendor for each stockpile location. District will list quantities needed on the Agency Release. Delivery must begin no later than May 15, 2012 and be completed no later than June 15, 2012, unless an alternative delivery timeline can be established by the District and the vendor. If the low bid vendor is unable to fulfill the total quantity requested on the Agency Release within the delivery time frame, the vendor must advise the ordering District within 24 hours from the time of the Agency Release as to how many blocks they can produce and deliver to the stockpile site by the deadline.

If after the low bid vendor has advised the District of the number of blocks that they can produce and deliver to the stockpile site by the deadline, the District will go to the next low bid vendor and issue an Agency Release for the <u>balance of blocks</u> required to fulfill the original quantity ordered. The vendor must advise the ordering District within <u>24 hours</u> from the time of the Agency Release as to <u>how many blocks they can produce and deliver to the stockpile site by the deadline</u>.

This procedure shall continue every <u>24 hours</u> until the total quantity of blocks can be produced and delivered to the stockpile site by the deadline of June 15, 2012 or an alternate established deadline date.

Vendors shall provide the Division of Highways 48 hours notice prior to each delivery so that the site may be prepared to unload the blocks.

#### 6. <u>VENDOR'S INVOICE</u>

Vendor's invoices must be submitted in original and one copy and contain the following:

- a. The Agency Release Number and this Contract Number.
- b. Total quantity and unit price with the total cost of blocks.

Note: Under no circumstance will the Division of Highways accept, or pay for, quantities of material in excess of the quantity stated on the Agency Release.

#### 7. PURCHASING CARD ACCEPTANCE

The State of West Virginia currently utilizes a VISA Purchasing Card Program which is issued through a bank. The successful vendors must accept the State of West Virginia VISA Purchasing Card for payment of all orders placed by any state agency for orders as a condition of award.

#### 8. STOCKPILE SITES

District 1—New Putnam County Headquarters on US 35, Mile Marker 11.74, North of I-64, Frasier's Bottom, WV 25082

District 2 - District Headquarters, 801 Madison Avenue, Huntington, WV 25712

District 2 - Logan County Sub-Headquarters on CR 16 at Amherstdale, WV 25607

District 3 - Wood County Headquarters on WV 95, 905 Lubeck Avenue, Parkersburg WV 26101

District 4 – Bruceton Mills Substation, Exit 23 off of I-68 East, 14115 N. Preston Highway,

Bruceton Mills, WV 26525

District 8 – US 219 at Kerens, WV 26276, Mile Marker 40.5, East on Corridor H from I-79 at Weston

### Bid Schedule

### 6612C023

## Concrete Barrier Blocks Quote delivered price per Block.

\*Quantities listed in this RFQ are approximations only. It is understood and agreed that the contract shall cover the quantities actually ordered for delivery during the term of the contract, whether more or less than the quantities shown below in the Bid Schedule.

See Section 8 of the Specifications for exact location of each stockpile site.

			Price Per	Extended
District	Stockpile Site	Quantity	Block	Cost
District 1	Frazier's Bottom	400	131.25	52,500
District 2	Huntington	150	133.13	19,91095
District 2	Amherstdale	150	139.06	20 059
District 3	Parkersburg	200	145.00	29,000
District 4	Bruceton Mills	150	165.63	24,844,54
District 8	Kerens	400	158.17	(3252

TOTAL

\$210,425.0

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.

)	1.	Application is made for 2.5% resident vendor preference for the reason checked:  Bidder is an individual resident vendor and has resided continuously in West Virginia for four (4) years immediately preceding the date of this certification; or,
	<u></u>	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,
	F	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; <b>or</b> ,
	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.
	require	runderstands if the Secretary of Revenue determines that a Bidder receiving preference has failed to continue to meet the ements for such preference, the Secretary may order the Director of Purchasing to: (a) reject the bid; or (b) assess a penalty struck Bidder in an amount not to exceed 5% of the bid amount and that such penalty will be paid to the contracting agency

against such Bidder in an amount not to exceed 5% of the bid amount and that such penalty will be paid to the contracting agency or deducted from any unpaid balance on the contract or purchase order.

By submission of this certificate, Bidder agrees to disclose any reasonably requested information to the Purchasing Division and

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

Under penalty of law for false swearing (West Virginia Code, §61-5-3), Bidder hereby certifies that this certificate is true and accurate in all respects; and that if a contract is issued to Bidder and if anything contained within this certificate changes during the term of the contract, Bidder will notify the <u>Purchasing Division in writing immediately</u>.

Bidder:	FAST CA	57 In	Signed:	The The	o m. )	
Date:	4.25.12	RUMBLE	REPOY MIX Title:	Dres	060	

<sup>\*</sup>Check 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**

West Virginia Code §5A-3-10a states: No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owed is an amount greater than one thousand dollars in the aggregate.

#### **DEFINITIONS:**

"Debt" means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions. "Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities. "Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceed five percent of the total contract amount.

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

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.



Please use this document for	technical	questions,	posing in a	question
format				

Please refer to the section your question is in reference to.

Technical questions for RFQ# 6612 C 0 23
Vendor Name: FAST CAST TOC. / RUMBIE READY MEX
Questions:
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more Brocks NE WILL HAVE READY.
MANKS
Ris
(304) 415-0899 - 664