



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

Solicitation

NUMBER
6613C021

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
ALAN CUMMINGS 304-558-2402

VENDOR

*126161743 740-458-1167
 RON ROTHENBUHLER TRUCKING
 49975 SR 78
 CLARINGTON OH 43915

SHIP TO

DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED
01/15/2013

BID OPENING DATE: 02/06/2013 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA		750-35		
STONE, AGGREGATE & CINDERS						
OPEN-END CONTRACT						
THE WEST VIRGINIA STATE PURCHASING DIVISION FOR THE AGENCY, THE WEST VIRGINIA DIVISION OF HIGHWAYS, IS SOLICITING BIDS TO PROVIDE AN OPEN-END CONTRACT TO FURNISH ALL LABOR, MATERIALS AND EQUIPMENT NECESSARY TO SUPPLY STONE/AGGREGATE AND CINDERS PER THE ATTACHED SPECIFICATIONS.						
***** THIS IS THE END OF RFQ 6613C021 ***** TOTAL:						
02/12/13 02:51:53 PM West Virginia Purchasing Division						

SIGNATURE	<i>Ronald W. Rothenbuhler</i>	TELEPHONE	740-458-1167	DATE	02-11-13
TITLE	Owner	FEIN	34-1766373	ADDRESS CHANGES TO BE NOTED ABOVE	

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

CERTIFICATION AND SIGNATURE PAGE

By signing below, I certify that I have reviewed this Solicitation in its entirety; understand the requirements, terms and conditions, and other information contained herein; that I am submitting this bid or proposal for review and consideration; that I am authorized by the bidder to execute this bid or any documents related thereto on bidder's behalf; that I am authorized to bind the bidder in a contractual relationship; and that to the best of my knowledge, the bidder has properly registered with any State agency that may require registration.

RON ROTHENBUHLER TRUCKING

(Company)

Ronald W. Rothenbuhler

(Authorized Signature)

Owner

(Representative Name, Title)

740-458-1167

(Phone Number)

740-458-1167

(Fax Number)

02-11-13

(Date)



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ALAN CUMMINGS 804-558-2402

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 *126161743 740-458-1167
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SHIP TO
 DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED
02/01/2013

BID OPENING DATE: 02/13/2013 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 01						
ISSUED TO CHANGE BID OPENING DATE AND TIME FROM: 02/06/13 AT 1:30 P.M. TO 02/13/13 AT 1:30 P.M.						
ADDITIONALLY, THE EXCEL FILE FOR DISTRICT 4 HAS BEEN CORRECTED ON THE PURCHASING BULLETIN WEBSITE. THE FILE HAD BEEN LABELLED AS DISTRICT 4, WHEN DISTRICT 5 WAS UPLOADED INCORRECTLY IN ITS PLACE.						
0001	1	EA		750-35		
STONE, AGGREGATE & CINDERS						
***** THIS IS THE END OF RFQ 6613C021 ***** TOTAL:						

SIGNATURE <i>Ronald W. Rothenbuhler</i>	TELEPHONE 740-458-1167	DATE 02-11-13
TITLE Owner	FEIN 34-1766373	ADDRESS CHANGES TO BE NOTED ABOVE

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

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: 6613C021

Instructions: Please acknowledge receipt of all addenda issued with this solicitation by completing this addendum acknowledgment form. Check the box next to each addendum received and sign below. Failure to acknowledge addenda may result in bid disqualification.

Acknowledgment: I hereby acknowledge receipt of the following addenda and have made the necessary revisions to my proposal, plans and/or specification, etc.

Addendum Numbers Received:

(Check the box next to each addendum received)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Addendum No. 1 | <input type="checkbox"/> Addendum No. 6 |
| <input type="checkbox"/> Addendum No. 2 | <input type="checkbox"/> Addendum No. 7 |
| <input type="checkbox"/> Addendum No. 3 | <input type="checkbox"/> Addendum No. 8 |
| <input type="checkbox"/> Addendum No. 4 | <input type="checkbox"/> Addendum No. 9 |
| <input type="checkbox"/> Addendum No. 5 | <input type="checkbox"/> Addendum No. 10 |

I understand that failure to confirm the receipt of addenda may be cause for rejection of this bid. I further 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.

RON ROTHENBUHLER TRUCKING

Company



Authorized Signature

02-11-13

Date

NOTE: This addendum acknowledgment should be submitted with the bid to expedite document processing.

Revised 6/8/2012

REQUEST FOR QUOTATION
6613C021 Stone, Aggregate and Cinders

6.5 Return Due to Agency Error: Items ordered in error by the Agency will be returned for credit within 30 days of receipt, F.O.B. Vendor's location. Vendor shall not charge a restocking fee if returned products are in a resalable condition. Items shall be deemed to be in a resalable condition if they are unused and in the original packaging. Any restocking fee for items not in a resalable condition shall be the lower of the Vendor's customary restocking fee or 5% of the total invoiced value of the returned items.

7. MISCELLANIOUS:

- 7.1 No Substitutions:** Vendor shall supply only Contract Items submitted in response to the RFQ unless a contract modification is approved in accordance with the provisions contained in this Contract.
- 7.2 Vendor Supply:** Vendor must carry sufficient inventory of the Contract Items being offered to fulfill its obligations under this Contract. By signing its bid, Vendor certifies that it can supply the Contract Items contained in its bid response.
- 7.3 Reports:** Vendor shall provide quarterly reports and annual summaries to the Agency showing the Agency's items purchased, quantities of items purchased, and total dollar value of the items purchased. Vendor shall also provide reports, upon request, showing the items purchased during the term of this Contract, the quantity purchased for each of those items, and the total value of purchases for each of those items. Failure to supply such reports may be grounds for cancellation of this Contract.
- 7.4 Contract Manager:** During its performance of this Contract, Vendor must designate and maintain a primary contract manager responsible for overseeing Vendor's responsibilities under this Contract. The Contract manager must be available during normal business hours to address any customer service or other issues related to this Contract. Vendor should list its Contract manager and his or her contact information below.

Contract Manager: Jennifer Rothenbuhler
Telephone Number: 740-458-1167
Fax Number: 740-458-1167
Email Address: ronrothenbuhlertrk@att.net

A.1

Vendor's Source Information

2013 Spring/Summer #6613C021

Mandatory - Vendor shall complete this schedule and return with bid documents.

Limestone, Sandstone, Gravel, Sand, Blast Furnance Slag and Steel S	
a) SOURCE OF MATERIAL (State all sources for which bid prices apply (e.g., Quarry location if Sandstone or Limestone; dredging or pit location if Gravel; production plant name and location if Slag)	
Phoenix Services	
Weirton, WV	
b) EXACT LOCATION OF VENDOR'S STORAGE SITE(S) A separate bid schedule must be submitted when bid price varies between Vendors' storage sites.	
Phoenix Services	
900 Pennsylvania Ave.	
Weirton, WV	

Cinders	
c) SOURCE OF MATERIAL: Name and Location of plant which produces Cinder material.	
d) EXACT LOCATION OF VENDOR'S STORAGE SITE(S) A separate bid schedule must be submitted when bid price varies between Vendors' storage sites.	

A.3

F.O.B. Division's Storage Site - **DISTRICT 6**

2013 Spring/Summer #6613C021

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site	Bid Price (\$/Ton) F.O. B. DOH Storage Site		
				LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
<u>BROOKE COUNTY</u>						
A	Class 1	15000	Wellsburg			12.20
D	AASHTO #1	500	Wellsburg			
E	AASHTO #3	500	Wellsburg			
G	AASHTO #467	1000	Wellsburg			
H	AASHTO #57	2000	Wellsburg			
I	AASHTO #67	500	Wellsburg			
J	AASHTO #7	500	Wellsburg			
L	AASHTO #9	500	Wellsburg			
M	Gabion Stone	1000	Wellsburg			
N	Fine Aggregate	100	Wellsburg			
OA	Limestone Std Abr.	500	Wellsburg			
OB	Sandstone Std Abr.	500	Wellsburg			
PA	Limestone Mod Abr.	5000	Wellsburg			
PB	Sandstone Mod Abr.	5000	Wellsburg			
Q	Riprap	1000	Wellsburg			
R	Shot Rock	500	Wellsburg			
S	AASHTO #8M	2000	Wellsburg			

BROOKE COUNTY

A	Class 1	3000	Weirton			10.75
D	AASHTO #1	500	Weirton			
E	AASHTO #3	500	Weirton			
G	AASHTO #467	500	Weirton			
H	AASHTO #57	1000	Weirton			
I	AASHTO #67	500	Weirton			
J	AASHTO #7	500	Weirton			
K	AASHTO #8	5000	Weirton			
L	AASHTO #9	1000	Weirton			
M	Gabion Stone	500	Weirton			
N	Fine Aggregate	100	Weirton			
OA	Limestone Std Abr.	4000	Weirton			
OB	Sandstone Std Abr.	4000	Weirton			
PA	Limestone Mod Abr.	4000	Weirton			
PB	Sandstone Mod Abr.	4000	Weirton			
R	Shot Rock	500	Weirton			
S	AASHTO #8M	2000	Weirton			

A.3

F.O.B. Division's Storage Site - DISTRICT 6

2013 Spring/Summer #6613C021

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site	Bid Price (\$/Ton) F.O. B. DOH Storage Site		
				LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
<u>HANCOCK COUNTY</u>						
A	Class 1	5000	New Manchester			13.00
D	AASHTO #1	500	New Manchester			
E	AASHTO #3	500	New Manchester			
G	AASHTO #467	3000	New Manchester			
H	AASHTO #57	2000	New Manchester			
I	AASHTO #67	500	New Manchester			
J	AASHTO #7	500	New Manchester			
K	AASHTO #8	5000	New Manchester			
L	AASHTO #9	1000	New Manchester			
M	Gabion Stone	500	New Manchester			
N	Fine Aggregate	100	New Manchester			
OA	Limestone Std Abr.	4000	New Manchester			
OB	Sandstone Std Abr.	4000	New Manchester			
PA	Limestone Mod Abr.	4000	New Manchester			
PB	Sandstone Mod Abr.	4000	New Manchester			
R	Shot Rock	500	New Manchester			
S	AASHTO #8M	1000	New Manchester			

MARSHALL COUNTY

A	Class 1	5000	Cameron			
D	AASHTO #1	500	Cameron			
E	AASHTO #3	2000	Cameron			
G	AASHTO #467	500	Cameron			
H	AASHTO #57	500	Cameron			
I	AASHTO #67	1500	Cameron			
J	AASHTO #7	500	Cameron			
K	AASHTO #8	1000	Cameron			
L	AASHTO #9	500	Cameron			
M	Gabion Stone	500	Cameron			
N	Fine Aggregate	100	Cameron			
OA	Limestone Std Abr.	3000	Cameron			
OB	Sandstone Std Abr.	3000	Cameron			
PA	Limestone Mod Abr.	3000	Cameron			
PB	Sandstone Mod Abr.	3000	Cameron			
R	Shot Rock	500	Cameron			

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,
 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.
- 7. **Application is made for preference as a non-resident small, women- and minority-owned business, in accordance with West Virginia Code §5A-3-59 and West Virginia Code of State Rules.**
 Bidder has been or expects to be approved prior to contract award by the Purchasing Division as a certified small, women- and minority-owned business.

Bidder understands if the Secretary of Revenue determines that a Bidder receiving preference has failed to continue to meet the requirements for such preference, the Secretary may order the Director of Purchasing to: (a) reject the bid; or (b) assess a penalty against such Bidder in an amount not to exceed 5% of the bid amount and that such penalty will be paid to the contracting agency or deducted from any unpaid balance on the contract or purchase order.

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

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

Bidder: RON ROTHENBUHLER TRUCKING

Signed: Ronald W. Rothenbuhler

Date: 02-11-13

Title: Owner

RFQ No. 6613C021STATE OF WEST VIRGINIA
Purchasing Division**PURCHASING AFFIDAVIT**

MANDATE: Under W. Va. Code §5A-3-10a, 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: (1) the debt owed is an amount greater than one thousand dollars in the aggregate; or (2) the debtor is in employer default.

EXCEPTION: The prohibition listed above does not apply where a vendor has contested any tax administered pursuant to chapter eleven of the W. Va. 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.

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.

"Employer default" means having an outstanding balance or liability to the old fund or to the uninsured employers' fund or being in policy default, as defined in W. Va. Code § 23-2c-2, failure to maintain mandatory workers' compensation coverage, or failure to fully meet its obligations as a workers' compensation self-insured employer. An employer is not in employer default if it has entered into a repayment agreement with the Insurance Commissioner and remains in compliance with the obligations under the repayment agreement.

"Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceeds five percent of the total contract amount.

AFFIRMATION: By signing this form, the vendor's authorized signer affirms and acknowledges under penalty of law for false swearing (W. Va. Code §61-5-3) that neither vendor nor any related party owe a debt as defined above and that neither vendor nor any related party are in employer default as defined above, unless the debt or employer default is permitted under the exception above.

WITNESS THE FOLLOWING SIGNATURE:Vendor's Name: RON ROTHENBUHLER TRUCKINGAuthorized Signature: Ronald W. RothenbuhlerDate: 2-11-13State of OhioCounty of Monroe, to-wit:Taken, subscribed, and sworn to before me this 11th day of February, 2013.My Commission expires 10-2-2015.

AFFIX SEAL HERE

NOTARY PUBLIC Linda K. Lude

LINDA K. LUDE
Notary Public, State of Ohio
My Commission Expires 10-2-2015

Purchasing Affidavit (Revised 07/01/2012)

NOTE:

Vendor and Notary's date must be the same.

Notary required to AFFIX SEAL on Purchasing Affidavit.