



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

**Solicitation**

NUMBER
DEFK13016

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
TARA LYLE
304-558-2544

RFQ COPY  
 TYPE NAME/ADDRESS HERE  
*Babcock Fence Company*  
*1261 Laurel Ridge Rd*  
*Lowell, OH 45744*

DIV ENGINEERING & FACILITIES  
 ARMORY BOARD SECTION  
 1707 COONSKIN DRIVE  
 CHARLESTON, WV  
 25311-1095/24/1305-34186968  
 West Virginia Purchasing Division

DATE PRINTED
05/03/2013

BID OPENING DATE: 05/28/2013 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB	988-15			\$195,400.00
<p>*****                  PLEASE NOTE A MANDATORY PRE-BID MEETING IS SCHEDULED FOR 05/15/2013 AT 10:00 AM AT THE GLEN JEAN AFRC LOCATED AT 409 WOOD MOUNTAIN ROAD GLEN JEAN, WV 25846.                  *****                  PLEASE NOTE THE DRUG FREE WORKPLACE AFFIDAVIT AND BID BOND ARE REQUIRED WITH BID SUBMISSION.                  *****</p> <p>FENCE, GUARDRAIL AND GATE INSTALLATION</p> <p>THE WEST VIRGINIA PURCHASING DIVISION FOR THE AGENCY, WV NATIONAL GUARD, IS SOLICITING BIDS TO PROVIDE LABOR, MATERIALS, EQUIPMENT AND INSTALLATION TO INSTALL NEW FENCING, GUARDRAILS AND GATE AT THE GLEN JEAN AFRC LOCATED IN GLEN JEAN, WV, PER THE ATTACHED SPECIFICATIONS.</p> <p>ATTACHMENTS INCLUDE:</p> <ol style="list-style-type: none"> <li>1. INSTRUCTIONS TO VENDORS SUBMITTING BIDS</li> <li>2. GENERAL TERMS AND CONDITIONS</li> <li>3. ADDITIONAL TERMS AND CONDITIONS (CONSTRUCTION CONTRACTS ONLY)</li> <li>4. DEFK13016 SPECIFICATIONS</li> </ol>						

05/24/13 03:43:32 PM West Virginia Purchasing Division

SIGNATURE	TELEPHONE	DATE
<i>[Signature]</i>	740 896 2211	5/24/2013
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
owner	31-1246960	

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



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**Solicitation**

NUMBER	PAGE
DEFK13016	2
ADDRESS CORRESPONDENCE TO ATTENTION OF:	
TARA LYLE 304-558-2544	

VENDOR

RFQ COPY  
 TYPE NAME/ADDRESS HERE

*Babcock Fence Company  
 261 Laurel Ridge Rd  
 Lowell, OH 45744*

BUYER

DIV ENGINEERING & FACILITIES  
 ARMORY BOARD SECTION  
 1707 COONSKIN DRIVE  
 CHARLESTON, WV  
 25311-1099 304-341-6368

DATE PRINTED:  
 05/03/2013

BID OPENING DATE: 05/28/2013 BID OPENING TIME: 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
5.				CERTIFICATION AND SIGNATURE PAGE		
6.				PURCHASING AFFIDAVIT		
7.				DRUG-FREE WORKPLACE AFFIDAVIT		
8.				BID BOND INSTRUCTIONS AND FORM		
9.				WV-75-CONSTRUCTION BID SUBMISSION REVIEW FORM		
***** THIS IS THE END OF RFQ DEFK13016 ***** TOTAL:						<u>\$95,400.00</u>
<p><i>I acknowledge receipt of                  addendum 1 MSB                  addendum 2 MSB</i></p>						

SIGNATURE <i>[Signature]</i>	TELEPHONE 740 896 2211	DATE 5/24/2013
TITLE <i>Owner</i>	FEIN 31-1246960	ADDRESS CHANGES TO BE NOTED ABOVE

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

000019

**ADDITIONAL TERMS AND CONDITIONS (Construction Contracts Only)**

- 1. **CONTRACTOR'S LICENSE:** West Virginia Code § 21-11-2 requires that all persons desiring to perform contracting work in this state be licensed. The West Virginia Contractors Licensing Board is empowered to issue the contractor's license. Applications for a contractor's license may be made by contacting the West Virginia Division of Labor.

West Virginia Code § 21-11-11 requires any prospective Vendor to include the contractor's license number on its bid. Failure to include a contractor's license number on the bid shall result in Vendor's bid being disqualified. Vendors should include a contractor's license number in the space provided below.

Contractor's Name: MICHAEL S. BABCOCK dba BABCOCK FENCE COMPANY  
 Contractor's License No. WV031115

The apparent successful Vendor must furnish a copy of its contractor's license prior to the issuance of a purchase order/contract.

- 2. **DRUG-FREE WORKPLACE:** W. Va. Code § 21-1D-5 provides that any solicitation for a public improvement contract requires each Vendor that submits a bid for the work to submit at the same time an affidavit that the Vendor has a written plan for a drug-free workplace policy. To comply with this law, Vendor must either complete the enclosed drug-free workplace affidavit and submit the same with its bid or complete a similar affidavit that fulfills all of the requirements of the applicable code. Failure to submit the signed and notarized drug-free workplace affidavit, or a similar affidavit that fully complies with the requirements of the applicable code, with the bid shall result in disqualification of Vendor's bid.
- 3. **AIA DOCUMENTS:** All construction contracts that will be completed in conjunction with architectural services procured under Chapter 5G of the West Virginia Code will be governed by the AIA A101-2007 and A201-2007 or the A107-2007 documents, as amended by the Supplementary Conditions for the State of West Virginia, in addition to the terms and conditions contained herein.
- 4. **SUBCONTRACTOR LIST SUBMISSION:** In accordance with W. Va. Code § 5-22-1, The apparent low bidder on a contract for the construction, alteration, decoration, painting or improvement of a new or existing building or structure valued at more than \$500,000.00 shall submit a list of all subcontractors who will perform more than \$25,000.00 of work on the project including labor and materials. This provision shall not apply to any other construction projects, such as highway, mine reclamation, water or sewer projects.

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**RFQ # DEFK13016**

ALL LABOR, MATERIALS, EQUIPMENT, AND SUPPLIES NECESSARY TO INSTALL NEW FENCING, GUARD RAIL, AND GATE AT THE GLEN JEAN AFRC FACILITY IN GLEN JEAN, WV

**BID FORM**

The undersigned, hereafter called the Bidder, being familiar with and understanding the bidding documents; and being familiar with the site and all local conditions affecting the Project, hereby proposes to furnish labor, material, equipment, supplies, and transportation to perform the work as described in the bidding documents

BIDDERS COMPANY NAME: BABCOCK FENCE COMPANY

VENDOR ADDRESS: 1261 LAUREL RIDGE RD  
LOWELL, OH 45744

TELEPHONE: 740 896 2211

FAX NUMBER: 740 896 2277


E-MAIL ADDRESS: mikebabcock@frontier.com

WV CONTRACTOR'S LICENSE NO. WV031115

CONTRACT TOTAL BID:  
ninety five thousand four hundred dollars and no/100<sup>ths</sup>  
(\$95,400.<sup>00</sup>) \*\*\* (Contract bid to be written in words and numbers.)

The contract will be awarded to the Bidder with the lowest contract total bid meeting all of the specifications. Bidder understands that to the extent allowed by the West Virginia Code, the OWNER reserves the right to waive any informality or irregularity in any bid, or bids, and to reject any and all bids in whole or in part; to reject a bid not accompanied by the required bid security or by other data required by the bidding documents; to reject any conditions of the bid by the Bidder that is any way inconsistent with the requirements, terms, and conditions of the bidding documents; or to reject a bid that is in any way incomplete or irregular.

Failure to use this bid form may result in bid disqualification.


SIGNATURE:  DATE: 5/24/2013  
NAME: Michael S. Babcock  
(Please Print)  
TITLE: owner

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**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.

Babcock Fence Company  
(Company)

  
(Authorized Signature)

Michael S. Babcock, owner  
(Representative Name, Title)

740 896 2211      740 896 2277  
(Phone Number)      (Fax Number)

5/24/2013  
(Date)

000033



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

STATE OF Ohio

COUNTY OF Washington, TO-WIT:

I, Michael S. Babcock, after being first duly sworn, depose and state as follows:

- 1. I am an employee of Babcock Fence Company; and,  
(Company Name)
- 2. I do hereby attest that Babcock Fence Company  
(Company Name)

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.

Babcock Fence Company  
(Company Name)

By: [Signature]

Title: owner

Date: 5/24/2013

Taken, subscribed and sworn to before me this 28<sup>th</sup> day of May, 2013

By Commission expires Nov. 13, 2017

(Seal)

[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.**



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RFQ No. DEFK13016

STATE 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 §81-5-3) 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: Babcock Fence Company  
Authorized Signature: [Signature] Date: 5/24/2013

State of Ohio  
County of Washington, to-wit:

Taken, subscribed, and sworn to before me this 28th day of May, 2013.  
My Commission expires Nov 13, 2014

AFFIX SEAL HERE

NOTARY PUBLIC Angela Woodell

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Agency  
REQ. P. O# DEFK13016  
Bond No: 71417737

**BID BOND**

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Michael S. Babcock dba Babcock Fence Company of Lowell, OH, as Principal, and WESTERN SURETY COMPANY of Chicago, IL, a corporation organized and existing under the laws of the State of South Dakota with its principal office in the City of Chicago, as Surety, are held and firmly bound unto the State of West Virginia, as Obligee, in the penal sum of: Five % of Amount Bid (\$ 5% of Amount Bid) 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 Gen Jean AFRC - Glen Jean, WV: DEFK13016 Fence and Guardrail Project

**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 each 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 28th day of May, 2013.

Principal Corporate Seal

no seal

Michael S. Babcock dba Babcock Fence Company  
(Name of Principal)  
By: [Signature]  
(Must be President or Vice President)  
owner  
(Title)

Surety Corporate Seal

WESTERN SURETY COMPANY  
(Name of Surety)

[Signature]  
Attorney-in-Fact  
**TONYA E TULLIUS**

**IMPORTANT - Surety executing bonds must be licensed in West Virginia to transact surety insurance. Related corporate seals must be affixed, a power of attorney must be attached.**



STATE OF Ohio } **ACKNOWLEDGMENT OF SURETY**  
 COUNTY OF Washington } **(Attorney-in-Fact)** Bond No. 71417737

On this 28th day of May, 2013, before me, a notary public in and for said County, personally appeared TONYA E TULLIUS to me personally known and being by me duly sworn, did say, that he is the Attorney-in-Fact of WESTERN SURETY COMPANY, a corporation of Sioux Falls, South Dakota, created, organized and existing under and by virtue of the laws of the State of South Dakota, that the said instrument was executed on behalf of the said corporation by authority of its Board of Directors and that the said TONYA E TULLIUS acknowledges said instrument to be the free act and deed of said corporation and that he has authority to sign said instrument without affixing the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Marietta, Ohio, the day and year last above written.

My commission expires February 12th, 2014

[Signature] Notary Public

# Western Surety Company

## POWER OF ATTORNEY - CERTIFIED COPY

Bond No. 71417737

Know All Men By These Presents, that WESTERN SURETY COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office in Sioux Falls, South Dakota (the "Company"), does by these presents make, constitute and appoint TONYA E TULLIUS

its true and lawful attorney(s)-in-fact, with full power and authority hereby conferred, to execute, acknowledge and deliver for and on its behalf as Surety, bonds for:

Principal: Michael S. Babcock dba Babcock Fence Company

Obligee: West Virginia Department of Administration

Amount: \$500,000.00

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the Senior Vice President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said attorney(s)-in-fact may do within the above stated limitations. Said appointment is made under and by authority of the following bylaw of Western Surety Company which remains in full force and effect.

"Section 7. 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."

All authority hereby conferred shall expire and terminate, without notice, unless used before midnight of August 28, 2013, but until such time shall be irrevocable and in full force and effect.

In Witness Whereof, Western Surety Company has caused these presents to be signed by its Vice President, Paul T. Bruflat, and its corporate seal to be affixed this 28th day of May, 2013.

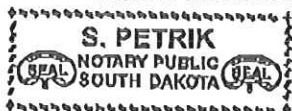


WESTERN SURETY COMPANY

*Paul T. Bruflat*

Paul T. Bruflat, Vice President

On this 28th day of May, in the year 2013, before me, a notary public, personally appeared Paul T. Bruflat, who being to me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of WESTERN SURETY COMPANY and acknowledged said instrument to be the voluntary act and deed of said corporation.



My Commission Expires August 11, 2016

*S. Petrik*

Notary Public - South Dakota

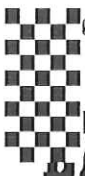
I the undersigned officer of Western Surety Company, a stock corporation of the State of South Dakota, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable, and furthermore, that Section 7 of the bylaws of the Company as set forth in the Power of Attorney is now in force.

In testimony whereof, I have hereunto set my hand and seal of Western Surety Company this 28th day of May, 2013.

WESTERN SURETY COMPANY

*Paul T. Bruflat*

Paul T. Bruflat, Vice President



# BABCOCK FENCE CO

Agricultural • Commercial • Industrial



1261 Laurel Ridge Rd • Lowell, Ohio 45744  
(740)896-2211 • Fax: (740)896-2277  
Email: mikebabcock@frontier.com

## FAX COVER SHEET

To: Purchasing

Company: State of WV Purchasing

Fax Number: 304-558-3970

Phone Number: 304-558-2306

Re: DEFK13016

From: Mike Babcock

Date: 5/24/2013

Total No. of Pages Including Cover: \_\_\_\_\_

Sender's Fax Number: 740-896-2277

Sender's Phone Number: 740-896-2211

Urgent

[ X ]

For Review

[ X ]

Please Reply

[ ]

No Reply Necessary

[ ]

BID FOR OPENING 5/28/13 AT 1:30 PM

BUYER: TARA LYLE  
 SOLICITATION: DEFK13016  
 BID OPENING DATE: 5/28/2013  
 BID OPENING TIME: 1:30 PM  
 FAX NUMBER: 740 896 2277