



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

Solicitation

NUMBER
DEP16113

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
FRANK WHITTAKER 304-558-2316

VENDOR

*Victory Construction Co.
 PO Box 134
 Flemington, WV 26347*

SHIP TO

ENVIRONMENTAL PROTECTION
 DEPARTMENT OF
 DIVISION OF LAND RESTORATION
 601 57TH STREET SE
 CHARLESTON, WV
 25304 304-926-0499

DATE PRINTED
01/07/2013

BID OPENING DATE: 02/13/2013 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-86		8.90
LEACHATE HAULING PER 100 GAL.						
REQUEST FOR SOLICITATION (RFQ)						
THE WEST VIRGINIA PURCHASING DIVISION, ON BEHALF OF THE WEST VIRGINIA DEPARTMENT OF ENVIROMENTAL PROTECTION IS SOLICITING BIDS FROM QUALIFIED VENDORS FOR AN "OPEN-END CONTRACT" TO HAUL LEACHATE FROM THE MINGO CO. LANDFILL TO THE CITY OF WILLIAMSON WASTEWATER TREATMENT PLANT, OR THE NEAREST DEP APPROVED WTP AS DIRECTED BY THE DEP.						
A MANDATORY PRE-BID CONFERENCE WILL BE HELD AT THE MINGO COUNTY LANDFILL. FAILURE TO ATTEND THE PRE-BID CONFERENCE WILL RESULT IN DISQUALIFICATION OF THE BID.						
DIRECTIONS TO SITE: MINGO COUNTY LANDFILL IS LOCATED NEAR CHATTAROY IN MINGO COUNTY, WV. FROM WILLIAMSON, TAKE RT. 1190N APPROXIMAETLY 2 MILES TO CHATTAROY ROAD ON RIGHT (COUNTY RT.14). TAKE CHATTAROY ROAD APPROXIMATELY 4.5 MILES TO INTERSECTION OF US 52. TURN LEFT ON US 52. TAKE US 52 APPROXIMATLEY 1/2 MILE TO PAVED ROAD ON RIGHT. TAKE THE PAVED ROAD APPROXIMATLEY 1/2 MILE TO THE LANDFILL.						
GPS COORDINATES: 37.696292 LAT, 82.218527LON						

02/08/13 09:42:02 AM
West Virginia Purchasing Division

SIGNATURE <i>Randall Kelley</i>	TELEPHONE 304 677 5561	DATE 2-6-13
TITLE <i>owner</i>	FEIN 55-0781517	ADDRESS CHANGES TO BE NOTED ABOVE

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



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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
***** THIS IS THE END OF RFQ DEP16113 ***** TOTAL:						8.90

SIGNATURE <i>Randall Kelley</i>	TELEPHONE 304 677-5561	DATE 2-6-13
TITLE <i>owner</i>	FEIN 55-0781517	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.

Victory Construction Co.
(Company)

Randall Kelley
(Authorized Signature)

Randall Kelley owner
(Representative Name, Title)

304 677 5561 304 739 2333
(Phone Number) (Fax Number)

2-6-13
(Date)

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: DEP16113

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 checked="" type="checkbox"/> Addendum No. 2 | <input type="checkbox"/> Addendum No. 7 |
| <input checked="" 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.

Victory Construction Co.
Company

Randall Kelley
Authorized Signature

2-6-13
Date

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



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DATE PRINTED
01/17/2013

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

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
				ADDENDUM NO. 1		
				THIS ADDENDUM IS ISSUED TO:		
				1) REPLACE PAGE 8 OF THE SOLICITATION WITH THE ATTACHED REVISED PAGE REQUIRING A \$5,000.00 BID BOND		
				2) PROVIDE THE ATTACHED BID BOND FORM AND PREPARATION INSTRUCTIONS.		
				3) PROVIDE THE ATTACHED LANGUAGE CONCERNING COMMERCIAL DRIVER'S LICENSE REQUIREMENT AND TRUCK SAFETY INSPECTION.		
				***** END ADDENDUM NO. 1 *****		
0001	1	JB		962-86		8.90
				LEACHATE HAULING PER 100 GAL.		

SIGNATURE <i>Randall Kelley</i>	TELEPHONE 304-677-5561	DATE 2-6-13
TITLE <i>owner</i>	FEIN 55-0781517	ADDRESS CHANGES TO BE NOTED ABOVE

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RFQ COPY
 TYPE NAME/ADDRESS HERE

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DATE PRINTED
 01/17/2013

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

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
***** THIS IS THE END OF RFQ DEP16113 ***** TOTAL:						8.90

SIGNATURE: *Randall Kelley* TELEPHONE: 304 677 5561 DATE: 2-6-13
 TITLE: *owner* FEIN: 55-0781517 ADDRESS CHANGES TO BE NOTED ABOVE.

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DATE PRINTED
02/04/2013

BID OPENING DATE:

02/13/2013

BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
				ADDENDUM NO. 02		
				1. ADDENDUM IS ISSUED TO PROVIDE MANDATORY PRE-BID MEETING SIGN-IN SHEET. PRE-BID SIGN-IN IS ATTACHED.		
				2. TO PROVIDE ADDENDUM ACKNOWLEDGEMENT. THIS DOCUMENT SHOULD BE SIGNED AND RETURNED WITH YOUR BID. FAILURE TO SIGN AND RETURN MAY RESULT IN THE DISQUALIFICATION OF YOUR BID.		
				----- END OF ADDENDUM NO. 02 -----		
0001	1	JB		962-86		
				LEACHATE HAULING PER 100 GAL.		
				***** THIS IS THE END OF RFQ DEP16113 *****		
				TOTAL:		8.90

02/11/13 02:56:24 PM
 West Virginia Purchasing Division

SIGNATURE <i>Randell Keller</i>	TELEPHONE 304 677 5561	DATE 2-6-13
TITLE <i>owner</i>	FEIN 55-0781517	ADDRESS CHANGES TO BE NOTED ABOVE

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DATE PRINTED
02/08/2013

BID OPENING DATE: 02/21/2013 BID OPENING TIME: 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
				ADDENDUM NO. 03		9.90
				1. ADDENDUM IS ISSUED TO MOVE THE BID OPENING DATE FROM: FEBRUARY 13, 2013 TO: FEBRUARY 21, 2013 BID OPENING TIME @ 1:30 P.M. REMAIN UNCHANGED.		
				2. TO CLARIFY GENERAL LIABILITY INSURANCE REQUIREMENT. THE GENERAL LIABILITY IS TO BE \$250,000.00 OR MORE.		
				3. TO PROVIDE ADDENDUM ACKNOWLEDGEMENT. THIS DOCUMENT IS TO BE SIGNED AND RETURNED WITH YOUR BID. FAILURE TO SIGN AND RETURN MAY RESULT IN THE DISQUALIFICATION OF YOUR BID.		
				----- END OF ADDENDUM NO. 03 -----		

02/20/13 02:36:10 PM
West Virginia Purchasing Division

SIGNATURE <i>Randall Kelley</i>	TELEPHONE 304 739-2333	DATE 2-18-13
TITLE <i>owner</i>	FEIN 550781517	ADDRESS CHANGES TO BE NOTED ABOVE

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



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BID OPENING DATE: 02/21/2013 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		962-86		
LEACHATE HAULING PER 100 GAL.						
***** THIS IS THE END OF RFQ DEP16113 ***** TOTAL:						9.90

SIGNATURE <i>Randall Kelley</i>	TELEPHONE 304 739 2333	DATE 2-18-13
TITLE <i>...</i>	FEIN 55 0781517	ADDRESS CHANGES TO BE NOTED ABOVE

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

SOLICITATION NUMBER: DEP16113

Addendum Number: 03

The purpose of this addendum is to modify the solicitation identified as ("Solicitation") to reflect the change(s) identified and described below.

Applicable Addendum Category:

- Modify bid opening date and time
- Modify specifications of product or service being sought
- Attachment of vendor questions and responses
- Attachment of pre-bid sign-in sheet
- Correction of error
- Other

Description of Modification to Solicitation:

The bid opening is extended to: 02/21/2013 at 1:30 PM

Clarify General Liability insurance requirement. The General Liability is to be \$250,000.00 or more.

Additional Documentation: Documentation related to this Addendum (if any) has been included herewith as Attachment A and is specifically incorporated herein by reference.

Terms and Conditions:

1. All provisions of the Solicitation and other addenda not modified herein shall remain in full force and effect.
2. Vendor should acknowledge receipt of all addenda issued for this Solicitation by completing an Addendum Acknowledgment, a copy of which is included herewith. Failure to acknowledge addenda may result in bid disqualification. The addendum acknowledgement should be submitted with the bid to expedite document processing.

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: DEP16113

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)

- | | |
|--|--|
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Victory Construction Company
Company

Randall Kelley
Authorized Signature

2-18-13
Date

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

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK



CASHIER'S CHECK

9037505133

25-3
440

Date 02/06/2013

Remitter VICTORY CONSTRUCTION

Pay: FIVE THOUSAND DOLLARS AND 00 CENTS

Pay To The Order Of DEPARTMENT OF ENVIRONMENTAL PROTECTION

\$ *****5,000.00 ****

Drawer: JPMORGAN CHASE BANK, N.A.

Michael Andrews

Senior Vice President
JPMorgan Chase Bank, N.A.
Columbus, OH



Bid Bond Dep 16 13



BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, _____
_____ of _____, _____, as Principal, and _____
_____ of _____, _____, a corporation organized and existing under the laws of the State of _____
_____ with its principal office in the City of _____, as Surety, are held and firmly bound unto the State
of West Virginia, as Obligee, in the penal sum of _____ (\$ _____) 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

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
_____ day of _____, 20 _____.

Principal Corporate Seal

(Name of Principal)

By _____

(Must be President or
Vice President)

(Title)

Surety Corporate Seal

(Name of Surety)

Attorney-in-Fact

**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.**

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: Victory Construction Co

Signed: Randall Kelley

Date: 2-6-13

Title: owner

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 §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: Victory Construction Company

Authorized Signature: Randal Kelley Date: 1-6-13

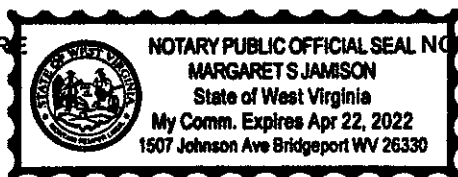
State of WV

County of Harrison, to-wit:

Taken, subscribed, and sworn to before me this 6 day of February, 2013.

My Commission expires April 22, 2022, 20 .

AFFIX SEAL HERE



NOTARY PUBLIC

Margaret S. Jamison