



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

Solicitation

NUMBER
PHB00031

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
GUY NISBET 304-558-8802

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE
 N-Powell Company, Inc.
 3828 Main Street
 P.O. Box 239
 Weirton, WV 26062

SHIP TO

BOARD OF PHARMACY
 236 CAPITOL STREET

 CHARLESTON, WV
 25301 558-0558

DATE PRINTED
02/26/2013

BID OPENING DATE: 04/16/2013 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		968-42	\$ 703,707.00	\$ 703,707.00
GENERAL CONSTRUCTION REQUEST OF QUOTATION (RFQ) THE WEST VIRGINIA PURCHASING DIVISION FOR THE AGENCY, THE WEST VIRGINIA BOARD OF PHARMACY, IS SOLICITING BIDS FROM QUALIFIED VENDORS TO RENOVATE THE AGENCY'S OFFICE BUILDING ON KANAWHA BLVD. PER THE TERMS AND CONDITIONS, CONTRACT DOCUMENTS AND SPECIFICATIONS. PLANS AND SPECIFICATIONS MAY BE OBTAINED FROM: THRASHER ENGINEERING, INC. 30 COLUMBIA BLVD. CLARKSBURG, WV. 26301 TELEPHONE: 304.624.4108 REFERENCE: PROJECT NO. 060-0389 FEE: \$125.00 FOR PRINTED DOCUMENTS \$ 50.00 FOR ELECTRONIC CD VERSION ***** THIS IS THE END OF RFQ PHB00031 ***** TOTAL: \$ 703,707.00						

04/16/13 01:15:23 PM
 West Virginia Purchasing Division

SIGNATURE <i>[Signature]</i>	TELEPHONE 304-748-3338	DATE 04.16.13
TITLE President	FEN 47-0947745	ADDRESS CHANGES TO BE NOTED ABOVE

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

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:

Contractor's License No.

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.

c. **Required Information.** The subcontractor list shall contain the following information:

**WEST VIRGINIA BOARD OF PHARMACY
KANAWHA COUNTY, WEST VIRGINIA
PROPOSED
WEST VIRGINIA BOARD OF PHARMACY NEW OFFICE RENOVATIONS**

BID

TOTAL BASE BID -

In general, the work consists of all labor, materials, equipment, taxes, fees, insurance, bonds, licenses, and permits required for the renovation of a 7,065 SF residential structure for use as business occupancy.

Seven hundred three thousand seven hundred seven and $\frac{00}{100}$ Dollars (\$ 703,707.⁰⁰)

(Amounts are to be shown in both words and figures. In case of discrepancy, the amount shown in words will govern.)

NOTE: Bids shall include all applicable taxes and fees.

METHOD OF AWARD

If at the time this contract is to be awarded, the lowest base bid submitted by a qualified, responsible Bidder does not exceed the amount of funds then estimated by the Owner, as available to finance the contract, the construction contract will be awarded. If such bids exceeds such amount, the owner may reject all bids. The Owner may award the contract on the base bid submitted by a qualified responsible bidders, less the amounts of the deductive alternates subtracted in numerical order, as listed in contract to produce the lowest bid within the funds available for financing.

DEDUCTIVE ALTERNATE BID ITEMS

Deductive Alternate Bid Item #1 – Delete removal and replacement of existing raised sidewalk and tile inlay.

Deduct the sum of Eight thousand five hundred six and $\frac{00}{100}$ Dollars (\$ 8506.00)

Deductive Alternate Bid Item #2 – Delete removal and replacement of full width driveway.

Deduct the sum of Eleven thousand six hundred F.F.Ty eight dollars and $\frac{00}{100}$ Dollars (\$ 11658.00)

Deductive Alternate Bid Item #3 – Delete replacement windows for attic areas and repair existing windows.

Deduct the sum of Thirty thousand three hundred sixty four and $\frac{00}{100}$ Dollars (\$ 30,364.00)

Deductive Alternate Bid Item #4 – Delete new French door replacements and refit and refinish existing doors.

Deduct the sum of Sixteen thousand five hundred seventy nine and $\frac{00}{100}$ Dollars (\$ 16,579.00)

Deductive Alternate Bid Item #5 – Delete exterior painting.

Deduct the sum of Eight thousand two hundred thirty eight and $\frac{00}{100}$ Dollars (\$ 8238.00)

Deductive Alternate Bid Item #6 – Delete ramp and railing working including replacement of Door #106.

Deduct the sum of Twenty Five thousand one hundred sixty seven and $\frac{00}{100}$ Dollars (\$ 25,167.00)

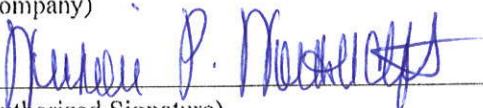
(Amounts are to be shown in both words and figures. In case of discrepancy, the amount shown in words will govern.)

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.

N-Powell Company, Inc.

(Company)



(Authorized Signature)

Nichole P. Northcraft, President

(Representative Name, Title)

304-748-3338

(Phone Number)

304-748-2307

(Fax Number)

April 16, 2013

(Date)

ADDENDUM ACKNOWLEDGEMENT FORM

SOLICITATION NO.: PHB00031

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:

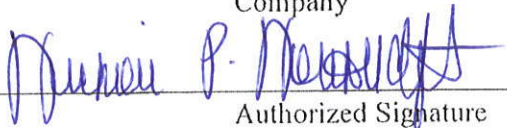
(Check the box next to each addendum received)

- Addendum No. 1 (3-12-13) Addendum No. 6
- Addendum No. 2 (3-25-13) Addendum No. 7
- Addendum No. 3 Addendum No. 8
- Addendum No. 4 Addendum No. 9
- Addendum No. 5 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.

N-Powell Company, Inc. _____

Company

 _____

Authorized Signature

April 16, 2013 _____

Date

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



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

STATE OF West Virginia

COUNTY OF Brooke, TO-WIT:

I, Nichole P. Northcraft, after being first duly sworn, depose and state as follows:

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

N-Powell Company, Inc.
(Company Name)

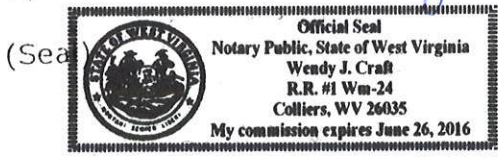
By: Nichole P. Northcraft

Title: Nichole P. Northcraft, President

Date: April 16, 2013

Taken, subscribed and sworn to before me this 16th day of April.

By Commission expires June 26, 2016



Wendy J. Craft
(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.

RFQ No. PHB00031

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: N-Powell Company, Inc.

Authorized Signature: *[Signature]* Date: April 16, 2013

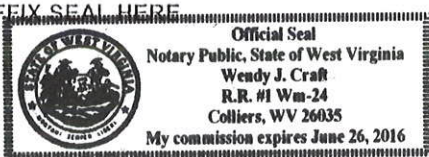
State of West Virginia

County of Brooke, to-wit:

Taken, subscribed, and sworn to before me this 16th day of April, 2013.

My Commission expires June 26, 2016.

AFFIX SEAL HERE



NOTARY PUBLIC *Wendy J. Craft*
Purchasing Affidavit (Revised 07/01/2012)

Agency _____
REQ.P.O# _____

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, N-Powell Company, Inc.
_____ of Weirton, West Virginia, as Principal, and Western Surety Company
_____ of Sioux Falls, South Dakota, a corporation organized and existing under the laws of the State of South Dakota with its principal office in the City of Sioux Falls, as Surety, are held and firmly bound unto the State of West Virginia, as Oblgee, in the penal sum of Five Percent (5%) of 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 Renovation of WV State Board of Pharmacy Office, Charleston, WV

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 Oblgee 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 seats, 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 16th day of April, 20 13.

Principal Corporate Seal

N-Powell Company, Inc.
(Name of Principal)
By [Signature]
(Must be President or Vice President)
President
(Title)

Surety Corporate Seal

Western Surety Company
(Name of Surety)

[Signature]
Maggie Loeser 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.

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Mark N Coleman, Frank P Middelberg, Kyp L Ross, Lori A Proch, Gary E Roadruck, Robert W Lampus, Faith A Studeny, Kathy Van Tassel, Linda M Cowin, Louis A Colagrossi, Sandy Kruger, Maggie Loeser, Individually

of Cleveland, OH, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 3rd day of October, 2012.



WESTERN SURETY COMPANY

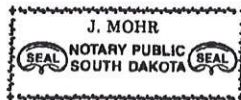
Paul T. Bruflat
Paul T. Bruflat, Vice President

State of South Dakota }
County of Minnehaha } ss

On this 3rd day of October, 2012, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

June 23, 2015



J. Mohr
J. Mohr, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 16th day of April, 2013.



WESTERN SURETY COMPANY

L. Nelson
L. Nelson, Assistant Secretary

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

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, and 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.

WESTERN SURETY COMPANY
Sioux Falls, South Dakota
Statement of Net Admitted Assets and Liabilities
December 31, 2011

ASSETS

Bonds	\$1,403,423.957
Stocks	22,726.363
Cash and short-term investments	66,852.340
Uncollected premiums and agents' balances	34,207.619
Funds held by or deposited with reinsured companies	13,980.081
Net deferred tax asset	25,802.839
Investment income due and accrued	17,647.175
Other assets	2,489.406
Total Assets	<u><u>\$1,587,129.780</u></u>

LIABILITIES AND SURPLUS

Losses	\$296,352.421
Loss adjustment expense	82,551.462
Contingent and other commissions payable	5,246.025
Other expense	28,831.919
Taxes, licenses and fees	1,925.642
Federal and foreign income taxes payable	5,637.067
Unearned premiums	247,814.064
Other liabilities	29,286.547
Total Liabilities	<u><u>697,645.147</u></u>

Surplus Account:		
Capital paid up	\$4,000,000	
Gross paid in and contributed surplus	176,435.232	
Special Surplus	7,321.616	
Unassigned funds	701,727.785	
Surplus as regards policyholders		<u>\$889,484.633</u>
Total Liabilities and Capital		<u><u>\$1,587,129.780</u></u>

I, Amy M. Smith, Assistant Vice President of Western Surety Company hereby certify that the above is an accurate representation of the financial statement of the Company dated December 31, 2011, as filed with the various Insurance Departments and is a true and correct statement of the condition of Western Surety Company as of that date.

Western Surety Company

By Amy M. Smith
Assistant Vice President

Subscribed and sworn to me this 12th day of March, 2012.

My commission expires:



Kathleen Schroeder
Notary Public