



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

# Solicitation

NUMBER
DEP16327

PAGE
1

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

\*709060602      304-465-0941

VENDOR

EAGLE CARBON INC  
 PO BOX 187

LOCHGELLY WV 25866-0187

SHIP TO

ENVIRONMENTAL PROTECTION  
 DEPT. OF  
 OFFICE OF SPECIAL RECLAMATION  
 116 INDUSTRIAL DRIVE  
 OAK HILL, WV  
 25901      304-465-1911


DATE PRINTED
11/14/2013

BID OPENING DATE: 12/12/2013

BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION IS SOLICITING BIDS FOR AN OPEN-END CONTRACT TO PROVIDE AND DELIVER GRANULATED, GROUND BURNT, HYDRATED AND BAGGED LIME IN BULK, AND BOX TRAILER(S) TO VARIOUS SPECIAL RECLAMATION JOB SITES PER THE ATTACHED SPECIFICATIONS, TERMS, AND CONDITIONS.						
C001	40	TN	885-78	GRANULATED BURNT LIME (1 - 20 TONS)	\$325.00/Ton	\$13,000.00
C002	21	TN	885-78	GRANULATED BURNT LIME (20 PLUS TON)	\$325.00/Ton	\$ 6,825.00
C003	10	TN	885-78	GROUND BURNT LIME (1 TO 20 TONS)	\$425.00/Ton	\$ 4,250.00

RECEIVED  
 2013 DEC 12 PM 12:28  
 WV PURCHASING  
 DIVISION

SIGNATURE 	TELEPHONE 304-465-0941	DATE 12-11-13
TITLE President	FEIN 55-0697700001	ADDRESS CHANGES TO BE NOTED ABOVE

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



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0004	21	TN		885-78		
	GROUND BURNT LIME		(20 TONS PLUS)		\$425.00/Ton	\$ 8,925.00
0005	10	TN		885-78		
	HYDRATED LIME		(1 TO 20 TONS)		\$375.00/Ton	\$ 3,750.00
0006	21	TN		885-78		
	HYDRATED LIME		(20 PLUS TONS)		\$375.00/Ton	\$ 7,875.00
0007	10	TN		885-78		
	GRANULATED BURNT LIME		(40 LB BAGS)		\$425.00/Ton	\$ 4,250.00
0008	180	EA		070-87		
	BOX TRAILER				\$ 12.00/Day	\$ 2,160.00

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LOCHGELLY WV 25866-0187

VENDOR

SHIP TO

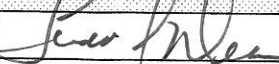
ENVIRONMENTAL PROTECTION  
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DATE PRINTED
11/14/2013

BID OPENING DATE: 12/12/2013

BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
	*****	THIS IS THE END OF RFQ		DEP16327	***** TOTAL:	<u>\$51,035.00</u>

SIGNATURE 	TELEPHONE 304-465-0941	DATE 12-11-13
TITLE President	FEIN 55-0697700001	ADDRESS CHANGES TO BE NOTED ABOVE

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

REQUEST FOR QUOTATION  
DEP16327

Granulated, Ground Burnt, Hydrated, Bagged Lime, and Box Trailer for Lime Storage

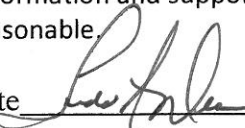
**BID SCHEDULE**

Item No.	Qty.	Description	Unit Price	Amount
1	<u>40</u> tons	To supply, transport & deliver granulated burnt lime to water treatment sites in partial loads of one (1) to twenty (20) tons	\$ <u>325.00</u> per ton	\$ <u>13,000.00</u>
2	<u>21</u> tons	To supply, transport & deliver granulated burnt lime to water treatment sites as a full load (20 tons plus), which may be split among projects.	\$ <u>325.00</u> per ton	\$ <u>6,825.00</u>
3	<u>10</u> tons	To supply, transport & deliver ground burnt lime to water treatment sites in partial loads of one (1) to twenty (20) tons	\$ <u>425.00</u> per ton	\$ <u>4,250.00</u>
4	<u>21</u> tons	To supply, transport & deliver ground burnt lime to water treatment sites as a full load (20 tons plus), which may be split among projects.	\$ <u>425.00</u> per ton	\$ <u>8,925.00</u>
5	<u>10</u> tons	To supply, transport & deliver hydrated lime to water treatment sites in partial loads of one (1) to twenty (20) tons	\$ <u>375.00</u> per ton	\$ <u>3,750.00</u>
6	<u>21</u> tons	To supply, transport & deliver hydrated lime to water treatment sites as a full load (20 tons plus), which may be split among projects.	\$ <u>375.00</u> per ton	\$ <u>7,875.00</u>
7	<u>10</u> tons	To supply, transport & deliver granulated burnt lime packaged in 40 lb bags to water treatment sites	\$ <u>425.00</u> per ton	\$ <u>4,250.00</u>
8	<u>180</u> days	To supply, transport and deliver each of one or multiple box trailers with rear and side entrance doors for the storage of bagged granulated burnt lime.	\$ <u>12.00</u> per day	\$ <u>2,160.00</u>
			Total	\$ <u>51,035.00</u>

\*These are estimated annual quantities for bidding purposes only.

The DEP reserves the right to request additional information and supporting documentation regarding unit prices when the unit price appears to be unreasonable.

Signature and Date

 12-11-13

# 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**,
- 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.**

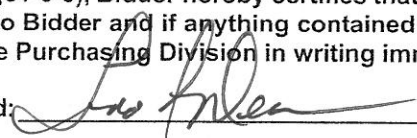
- Bidder has been or expects to be approved prior to contract award by the Purchasing Division as a certified small, women- and minority-owned business.

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: Eagle Carbon, Inc

Signed: 

Date: 12-11-13

Title: President

RFQ No. DEP16327

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: EAGLE CARBON, INC.

Authorized Signature: [Signature] Date: 12-11-13

State of West Virginia

County of Fayette, to-wit:

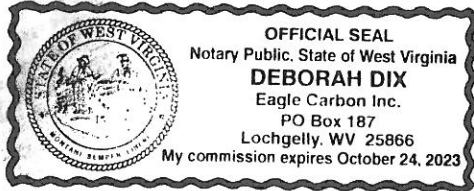
Taken, subscribed, and sworn to before me this 11 day of December, 2013.

My Commission expires October 24, 2023.

**AFFIX SEAL HERE**

**NOTARY PUBLIC** Deborah Dix

*Purchasing Affidavit (Revised 07/01/2012)*



**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.

Eagle Carbon, Inc

(Company)

(Authorized Signature)

Todd A Dean, President

(Representative Name, Title)

304-465-0941    304-465-5801

(Phone Number)

(Fax Number)

12-11-13

(Date)