



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

**Solicitation**

NUMBER
FOR140017

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
PAUL REYNOLDS 304-558-0468

\*709041106      304-752-7950  
 FERRELL EXCAVATING CO INC  
 PO BOX 367  
 PECKS MILL WV 25547

VENDOR

DIVISION OF FORESTRY  
 7 PLAYERS CLUB DRIVE  
 CHARLESTON, WV  
 25311      304-558-2788

SHIP TO

DATE PRINTED
06/28/2013

BID OPENING DATE: 07/16/2013      BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001		EA		770-06		
STONE AND AGGREGATE						
<p>THE WEST VIRGINIA STATE DIVISION OF PURCHASING FOR THE AGENCY, THE WEST VIRGINIA DIVISION OF FORESTRY IS SOLICITING BIDS TO PROVIDE AN OPEN END CONTRACT TO FURNISH ALL LABOR AND MATERIALS AND EQUIPMENT NECESSARY TO SUPPLY STONE AND AGGREGATE PER THE ATTACHED SPECIFICATIONS.</p>						
***** THIS IS THE END OF RFQ FOR140017 ***** TOTAL:						
<p>07/09/13 10:02:48 AM          West Virginia Purchasing Division</p>						

SIGNATURE <i>Charles N. Ferrell</i>	TELEPHONE 304-752-7950	DATE 7/8/13
TITLE <i>President</i>	FEIN 55-0463286	ADDRESS CHANGES TO BE NOTED ABOVE

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

Exhibit FOR140017 Pricing Page Schedule

A.3

Item No.	Description of Material	Estimated Quantities	Unit of Measure	Cost Per Ton Delivered	Extended Cost
1	3" CRUSHER RUN 3" TO FINES	4,800	TON		
2	3" CLEAN 3.5" TO 1.5"	1,200	TON		
3	#1 CRUSHER RUN 1.5" to FINES	1,000	TON		
4	RIP RAP 10" TO 4"	1,000	TON		
<b>Total Delivered Cost</b>					

Vendor's Storage Site to CABWAYLINGO State Forest Located in Wayne County

The Vendor should provide pick up pricing to the WVDOP by completing the schedule below which shall include the loading of loggers trucks by the Vendor.

Item No.	Description of Material	Estimated Quantities	Unit of Measure	Cost Per Ton Delivered	Extended Cost
1	3" CRUSHER RUN 3" TO FINES	4,800	TON	27.00	\$129,600
2	3" CLEAN 3.5" TO 1.5"	1,200	TON	27.00	32,400
3	#1 CRUSHER RUN 1.5" to FINES	1,000	TON	27.00	27,000
4	RIP RAP 10" TO 4"	1,000	TON	29.40	29,400
<b>Total Delivered Cost</b>					

Exhibit FOR140017 Source Location

A.1

Vendor's Source Information

Limestone and Gravel							
a) SOURCE OF MATERIAL (State all sources for which bid prices apply (e.g., Quarry location if Limestone; dredging or pit location if Gravel);	<table border="1"><tr><td>Mountain Aggregates, Pine Mountain Stone Co.</td></tr><tr><td>Jenkins, KY</td></tr><tr><td> </td></tr><tr><td> </td></tr><tr><td> </td></tr><tr><td> </td></tr></table>	Mountain Aggregates, Pine Mountain Stone Co.	Jenkins, KY				
Mountain Aggregates, Pine Mountain Stone Co.							
Jenkins, KY							
b) EXACT LOCATION OF VENDOR'S STORAGE SITE(S) A separate bid schedule must be submitted when bid price varies between Vendors' storage sites.	<table border="1"><tr><td>Peach Creek Industrial Park, facility operated by Ferrell Excavating Co.</td></tr><tr><td>2.5 miles north of Logan, WV on C/R 12</td></tr><tr><td>adjacent to CSX Rail Yard</td></tr><tr><td> </td></tr><tr><td> </td></tr><tr><td> </td></tr></table>	Peach Creek Industrial Park, facility operated by Ferrell Excavating Co.	2.5 miles north of Logan, WV on C/R 12	adjacent to CSX Rail Yard			
Peach Creek Industrial Park, facility operated by Ferrell Excavating Co.							
2.5 miles north of Logan, WV on C/R 12							
adjacent to CSX Rail Yard							



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\*709041106      304-752-7950  
 FERRELL EXCAVATING CO INC  
 PO BOX 367  
 PECKS MILL WV 25547

VENDOR

DIVISION OF FORESTRY  
 7 PLAYERS CLUB DRIVE  
 CHARLESTON, WV  
 25311      304-558-2788

SHIP TO

DATE PRINTED
07/15/2013

BID OPENING DATE: 07/25/2013      BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
				ADDENDUM #01		
				THIS ADDENDUM IS CREATED TO:		
				CHANGE BID OPENING DATE:		
				FROM: JULY 17, 2013 AT 1:30 P.M.		
				TO: JULY 25, 2013 AT 1:30 P.M.		
0001		EA		770-06		
				STONE AND AGGREGATE		
				***** THIS IS THE END OF RFQ FOR140017 ***** TOTAL:		
				07/22/13 09:57:44 AM West Virginia Purchasing Division		

SIGNATURE <i>[Signature]</i>	TELEPHONE 304-752-7950	DATE 7/18/13
TITLE VP ENGINEERING	FEIN 55-0463286	ADDRESS CHANGES TO BE NOTED ABOVE

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

**SOLICITATION NUMBER: FOR140017**  
**Addendum Number: 1**

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The purpose of this addendum is to modify the solicitation identified as FOR140017 ("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: Revised Pricing Page

**Description of Modification to Solicitation: Change Bid Opening date**

**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.

## ATTACHMENT A

1. Bid date changed

2.

From: July 16, 2013 at 1:30 P.M.

To: July 25, 2013, at 1:30 P.M.

3. The addendum acknowledgement is attached. This document should be signed and returned with your bid. Failure to sign and return may result in disqualification.

**ADDENDUM ACKNOWLEDGEMENT FORM**  
**SOLICITATION NO.: FOR140017**

**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.

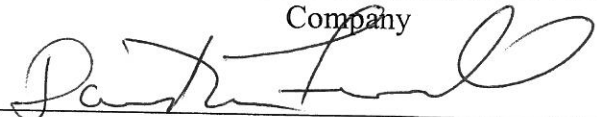
**Addendum Numbers Received:**

(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 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.

FERRER EXCAVATING CO, INC  
Company

  
Authorized Signature

7/18/13  
Date

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



State of West Virginia  
 Department of Administration  
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# Solicitation

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ADDRESS CORRESPONDENCE TO ATTENTION OF:
BUYER 43 304-558-0468

VENDOR

\*709041106      304-752-7950  
 FERRELL EXCAVATING CO INC  
 PO BOX 367  
 PECKS MILL WV 25547


SHIP TO

DIVISION OF FORESTRY  
 7 PLAYERS CLUB DRIVE  
 CHARLESTON, WV  
 25311      304-558-2788

DATE PRINTED
07/18/2013

BID OPENING DATE: 07/25/2013      BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 2						
ADDENDUM FOR THE WV. DIVISION OF FORESTRY'S SOLICITATION FOR STONE AND AGGREGATE IS ISSUED TO PUBLISH AND DISTRIBUTE THE ATTACHED INFORMATION TO THE VENDOR COMMUNITY.						
0001		EA		770-06		
	STONE AND AGGREGATE					
***** THIS IS THE END OF RFQ FOR140017 ***** TOTAL:						
<div style="border: 1px solid black; padding: 5px; display: inline-block;">           07/24/13 10:04:17 AM            West Virginia Purchasing Division         </div>						

SIGNATURE 	TELEPHONE 304-752-7950	DATE 7/23/13
TITLE VP Engineering	FEIN 55-0463286	ADDRESS CHANGES TO BE NOTED ABOVE

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



Exhibit FOR140017 Pricing Page Schedule

A.3

Item No.	Description of Material	Estimated Quantities	Unit of Measure	Cost Per Ton Picked UP	Extended Cost
1	3" CRUSHER RUN 3" TO FINES	4,800	TON		
2	3" CLEAN 3.5" TO 1.5"	1,200	TON		
3	#1 CRUSHER RUN 1.5" to FINES	1,000	TON		
4	RIP RAP 10" TO 4"	1,000	TON		
<b>Total</b>					

Vendor's Storage Site to CABWAYLINGO State Forest Located in Wayne County

The Vendor must provide pick up pricing to the WVDOT by completing the schedule below which shall include the loading of loggers trucks by the Vendor.

Item No.	Description of Material	Estimated Quantities	Unit of Measure	Cost Per Ton Picked UP	Extended Cost
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3	#1 CRUSHER RUN 1.5" to FINES	1,000	TON	\$ 27.00	27,000
4	RIP RAP 10" TO 4"	1,000	TON	\$ 29.40	29,400
<b>Total</b>					

**ADDENDUM ACKNOWLEDGEMENT FORM**  
**SOLICITATION NO.: FOR140017**

**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 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 |

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FERRUCI EXCAVATING CO, INC  
Company

[Signature]  
Authorized Signature

7/23/2013  
Date

NOTE: This addendum acknowledgement should be submitted with the bid to expedite document processing.  
Revised 6/8/2012



State of West Virginia  
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**Solicitation**

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BUYER 43 304-558-0468

V E N D O R	*709041106      304-752-7950
	FERRELL EXCAVATING CO INC PO BOX 367
	PECKS MILL WV 25547

S H I P T O	DIVISION OF FORESTRY
	7 PLAYERS CLUB DRIVE CHARLESTON, WV
	25311                      304-558-2788

DATE PRINTED
07/22/2013

BID OPENING DATE: 07/30/2013                      BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO.3						
ADDENDUM FOR THE WV. DIVISION OF FORESTRY'S SOLICITATION FOR STONE AND AGGREGATE IS ISSUED TO PUBLISH AND DISTRIBUTE THE ATTACHED INFORMATION TO THE VENDOR COMMUNITY.						
CHANGE BID OPENING DATE; FROM: 7/25/2013 AT 1:30 PM. EST TO: 7/30/2013 AT 1:30 PM. EST.						
0001		EA		770-06		
STONE AND AGGREGATE						
***** THIS IS THE END OF RFQ FOR140017 ***** TOTAL:						
07/29/13 10:11:23 AM West Virginia Purchasing Division						

SIGNATURE <i>[Signature]</i>	TELEPHONE 304-752-7950	DATE 7/26/13
TITLE VP Engineering	FEIN 55-0463286	ADDRESS CHANGES TO BE NOTED ABOVE

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

SOLICITATION NUMBER:                      FOR140017  
 Addendum Number:                              No. 03

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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:**

Addendum for WV. Division of Forestry Stone and Aggregate Solicitation issued to publish and distribute the attached information.

1. Revise Pick-Up Pricing Pages.
2. Move Bid Opening date from; 07/25/2013 at 1:30 PM. EST.  
to: 07/30/2013 at 1:30 PM. EST.
3. No other changes.

**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.
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Exhibit FOR140017 Pricing Page Schedule  
A.3

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**Vendor's Storage Site to CABWAYLINGO State Forest Located in Wayne County**

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FERRILL EXCAVATING CO INC  
Company

  
Authorized Signature

7/26/2013  
Date

NOTE: This addendum acknowledgment should be submitted with the bid to expedite document processing.  
Revised 6/8/2012

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: Ferrell Excavating Co., Inc.

Signed: Charles W. Funesee

Date: 7/8/13

Title: President

RFQ No. FOR140017

STATE OF WEST VIRGINIA  
Purchasing Division

**PURCHASING AFFIDAVIT**

**West Virginia Code §5A-3-10a states:** 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 the debt owed is an amount greater than one thousand dollars in the aggregate.

**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.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions. "Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities. "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 exceed five percent of the total contract amount.

**EXCEPTION:** The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this 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.

Under penalty of law for false swearing (*West Virginia Code §61-5-3*), it is hereby certified that the vendor affirms and acknowledges the information in this affidavit and is in compliance with the requirements as stated.

**WITNESS THE FOLLOWING SIGNATURE**

Vendor's Name: Ferrell Excavating Co., Inc.

Authorized Signature: Charles W. Ferrell Date: 7/8/13

State of West Virginia

County of Logan, to-wit:

Taken, subscribed, and sworn to before me this 8<sup>th</sup> day of July, 2013.

My Commission expires January 5, 2022, 20  .

**AFFIX SEAL HERE**

NOTARY PUBLIC Lisa M. Conner

