



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

**Solicitation**

NUMBER
GSD146404

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
KRISTA FERRELL 304-558-2596

RFQ COPY

TYPE NAME/ADDRESS HERE

N-Powell Company, Inc.  
 P.O. Box 239  
 3828 Main Street  
 Weirton, WV 26062

VENDOR

DEPARTMENT OF ADMINISTRATION  
 GENERAL SERVICES DIVISION  
 JOBSITE  
 SEE SPECIFICATIONS

SHIP TO

304-558-2317

DATE PRINTED
07/24/2013

BID OPENING DATE: 08/22/2013

BID OPENING TIME 1:30PM

LINE	QUANTITY	UCP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		968-42	\$ 269,363.00	\$ 269,363.00
CAMPUS CONCRETE REPAIRS						
REQUEST FOR QUOTATION (RFQ)						
THE WEST VIRGINIA PURCHASING DIVISION FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ADMINISTRATION'S GENERAL SERVICES DIVISION, IS SOLICITING BIDS TO ESTABLISH A CONTRACT TO REPLACE DAMAGED CONCRETE SIDEWALKS WITHIN THE CAPITOL COMPLEX IN CHARLESTON, WV, PER THE ATTACHED SPECIFICATIONS AND TERMS AND CONDITIONS.						
0002	1	SF		968-42	\$ 67.00	\$ 67.00
ADDITIONAL SIDEWALK REPLACEMENT PER SQ. FT.						
0003	1	LF		968-42	\$ 67.00	\$ 67.00
ADDITIONAL SIDEWALK JOINT REPAIRS						

08/27/13 01:22:54 PM  
 West Virginia Purchasing Division

SIGNATURE <i>Nathan S. Newberry</i>	TELEPHONE 304-748-3338	DATE August 27, 2013
TITLE President	FEIN 47-0947745	ADDRESS CHANGES TO BE NOTED ABOVE

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



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 Department of Administration  
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DEPARTMENT OF ADMINISTRATION  
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 SEE SPECIFICATIONS

304-558-2317

DATE PRINTED
07/24/2013

BID OPENING DATE: 08/27/2013 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0004	1	LF		968-42	\$90.00	\$90.00
				ADDITIONAL CONCRETE CURB REPLACEMENT		
0005	1	EA		968-42	\$2763.00	\$2763.00
				ADDITIONAL ADA TRANSITION INSTALLATION		
***** THIS IS THE END OF RFQ GSD146404 ***** TOTAL:						\$269,363.00

SIGNATURE <i>Michael P. Powell</i>	TELEPHONE 304-748-3338	DATE August 27, 2013
TITLE President	FEIN 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:** N-Powell Company, Inc.

**Contractor's License No.** WV 037247

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 AFFIDAVIT:** 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. **DRUG FREE WORKPLACE REPORT:** Pursuant to W. Va. Code § 21-1D-7b, no less than once per year, or upon completion of the project, every contractor shall provide a certified report to the public authority which let the contract. For contracts over \$25,000, the public authority shall be the West Virginia Purchasing Division. For contracts of \$25,000 or less, the public authority shall be the agency issuing the contract. The report shall include:
- (1) Information to show that the education and training service to the requirements of West Virginia Code § 21-1D-5 was provided;
  - (2) The name of the laboratory certified by the United States Department of Health and Human Services or its successor that performs the drug tests;
  - (3) The average number of employees in connection with the construction on the public improvement;

State of West Virginia  
Department of Administration

General Services Division  
GSD146404 Campus Concrete Repairs

REQUEST FOR QUOTATIONS 146404  
Capitol Campus Concrete Repairs

BID FORM

Company Name: N-Powell Company, Inc.

Having examined the site and being familiar with the local conditions affecting the cost of the work and also being familiar with the general conditions to bidders, drawings, and specifications, hereby propose to furnish all materials, equipment, and labor to complete all work in a workmanlike manner, as described in the Bidding Documents.

**TOTAL CONTRACT BID**

Two hundred sixty nine thousand three hundred sixty three and <sup>00</sup>/<sub>100</sub> dollars —

(\$ 269,363.<sup>00</sup>)

(Total to be written in words and numbers. Where words and numbers differ, words will prevail.)

Unit Pricing:

For the purposes of processing any change orders to this contract at a later date, please provide the following Unit Prices:

Item 1 - ADDITIONAL SIDEWALK REPLACEMENT: Unit Price is based on flat concrete surfaces, including removal of existing concrete, preparation of sub base and base materials, placing concrete, and landscape restoration after repair. Unit Price shall be on a square foot basis.

Cost per Square Foot: \$ 67 .00

Sixty seven and <sup>00</sup>/<sub>100</sub> dollars —

Item 2- ADDITIONAL SIDEWALK JOINT REPAIRS: Unit Price is based on saw cutting the existing concrete slabs at eight (8") inches either side of a deteriorated concrete joint, removing the deteriorated area, replacing the concrete and cleanup after the repair. Unit Price shall be on a lineal foot basis.

Cost per Lineal Foot: \$ 67. 00

Sixty seven and <sup>00</sup>/<sub>100</sub> dollars —

State of West Virginia  
Department of Administration

General Services Division  
GSD146404 Campus Concrete Repairs

Item 3 - ADDITIONAL CONCRETE CURB REPLACEMENT: Unit Price is based on saw cutting the existing concrete curb, removing the deteriorated area, replacing the concrete curb and cleanup after the repair. Unit Price shall be on a lineal foot basis.

Cost per Lineal Foot: \$ 90.00  
*Ninety and 00/100 dollars*

Item 4 - ADDITIONAL ADA TRANSITION INSTALLATION: Unit Price is based on complete preparation of an area and the installation of an ADA compliant transition on either a straight sidewalk or sidewalk corner.

Cost Each: \$ 2763.00  
*Two thousand seven hundred sixty three and 00/100 dollars*

It is expressly understood that the Unit Prices are for the purposes of change orders only, and that their value does not need to correlate to, nor will it be factored into, calculation or evaluation of the Total Contract Bid.

### References

Reference Name: Robert (Jim) Skaggs  
Position: WV National Guard - Technical Analyst  
Address: Div. Engineering-WV Armory Board-170 Coonskin Dr.,  
Telephone Number: 304-564-6550 Charleston, WV 25311  
Project Name: Sol# DEFK13015 - Emergency Generator  
Project Description: Replace Emergency Generator at Glen Jean, Gassaway, WV

Reference Name: Kathy Pope  
Position: Contracting Officer  
Address: NAVFAC-Mid Atlantic, Yorktown, VA  
Telephone Number: 757-887-4705  
Project Name: Various Renovations  
Project Description: Sugar Grove, WV (Navy Information Operations Command)

Reference Name: April Rohrbaugh  
Position: Project Engineer  
Address: Thrasher Engineering, 3000 Thayer Center, Oakland, MD 21541  
Telephone Number: 301-334-3866 21550  
Project Name: Observatory Boardwalk Trail, Loch Lymm Heights, MD  
Project Description: Gravel Walking Trail and Wooden Boardwalk



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)

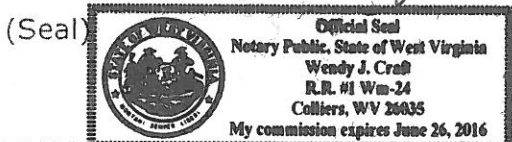
By: Nichole P. Northcraft

Title: President

Date: August 27, 2013

Taken, subscribed and sworn to before me this 27 day of Aug, 2013.

By Commission expires June 26, 2016



Wendy J. Craft  
(Notary Public)

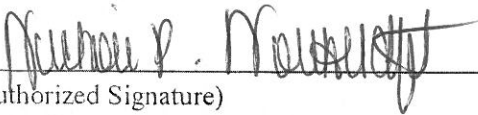
**THIS AFFIDAVIT MUST BE SUBMITTED WITH THE BID IN ORDER TO COMPLY WITH WV CODE PROVISIONS. FAILURE TO INCLUDE THE AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF THE BID.**

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)

August 27, 2013

(Date)

RFQ No. GSD146404

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 exceed 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: August 27, 2013

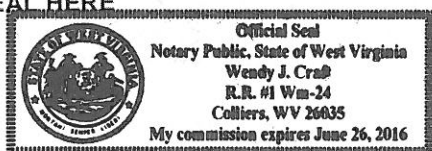
State of West Virginia

County of Brooke, to-wit:

Taken, subscribed, and sworn to before me this 27 day of Aug., 2013

My Commission expires June 26, 2016

AFFIX SEAL HERE



NOTARY PUBLIC *[Signature]*

Purchasing Affidavit (Revised 07/01/2012)



**ADDENDUM ACKNOWLEDGEMENT FORM**  
**SOLICITATION NO.: GSD146404**

**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 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  
 August 27, 2013  
 \_\_\_\_\_  
 Date

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

# CONTRACTOR LICENSE

Authorized by the

## West Virginia Contractor Licensing Board

**Number:** WV037247

**Classification:**  
GENERAL BUILDING

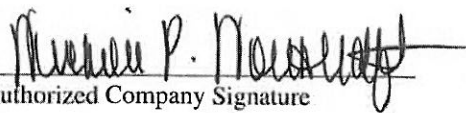
N-POWELL COMPANY INC  
DBA N-POWELL COMPANY INC  
PO BOX 239  
WEIRTON, WV 26062


**Date Issued**

**Expiration Date**

JULY 12, 2013

JULY 12, 2014

  
Authorized Company Signature

  
Chair, West Virginia Contractor  
Licensing Board

**WEST VIRGINIA  
CONTRACTOR  
LICENSING  
BOARD**

This license, or a copy thereof, must be posted in a conspicuous place at every construction site where work is being performed. This license number must appear in all advertisements, on all bid submissions and on all fully executed and binding contracts. This license cannot be assigned or transferred by licensee. Issued under provisions of West Virginia Code, Chapter 21, Article 11.

**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 Obliges, 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 Campus Concrete Repairs

**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 22nd day of August, 2013.

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. Brufat*

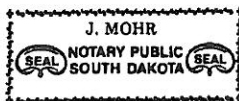
Paul T. Brufat, Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 3rd day of October, 2012, before me personally came Paul T. Brufat, 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 22nd day of August, 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.