



Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

**State of West Virginia  
 Request for Quotation**

**Proc Folder:** 94723

**Doc Description:** Open-end contract for a Claims Administrator and Adjustor

**Proc Type:** Central Master Agreement

Date Issued	Solicitation Closes	Solicitation No	Version
2015-11-23	2015-12-29 13:30:00	CRFQ 0313 DEP1600000029	1

**BID RECEIVING LOCATION**

BID CLERK  
 DEPARTMENT OF ADMINISTRATION  
 PURCHASING DIVISION  
 2019 WASHINGTON ST E  
 CHARLESTON WV 25305  
 US

**VENDOR**

Custard Insurance Adjusters, Inc.  
 4875 Avalon Ridge Parkway  
 Norcross, GA 30071  
 770.263.6800

12/21/15 10:37:40  
 WV Purchasing Division

**FOR INFORMATION CONTACT THE BUYER**

Beth Collins  
 (304) 558-2157  
 beth.a.collins@wv.gov

Signature X

FEIN # 35-1188325

DATE 12/20/2015

All offers subject to all terms and conditions contained in this solicitation

**ADDITIONAL INFORMATION:**

**OPEN END CONTRACT FOR CLAIMS ADMINISTRATOR AND ADJUSTER**

THE WEST VIRGINIA STATE PURCHASING DIVISION FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FOR AN OPEN END CONTRACT FOR A CLAIMS ADMINISTRATOR AND ADJUSTER, PER THE ATTACHED SPECIFICATIONS AND DOCUMENTATION.

INVOICE TO		SHIP TO	
ENVIRONMENTAL PROTECTION DIV OF MINING & RECLAMATION 601 57TH STSE CHARLESTON WV25304 US		ENVIRONMENTAL PROTECTION OFFICE OF EXPLOSIVES AND BLASTING 601 57TH ST SE CHARLESTON WV 25304 US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
1	Claims Administrator	400.00000	HOUR	98.00 per hour plus expenses as shown on attached schedule.	

Comm Code	Manufacturer	Specification	Model #
84000000			

**Extended Description :**  
Claims Administrator. These are estimated quantities for bidding purposes only.

INVOICE TO		SHIP TO	
ENVIRONMENTAL PROTECTION DIV OF MINING & RECLAMATION 601 57TH STSE CHARLESTON WV25304 US		ENVIRONMENTAL PROTECTION OFFICE OF EXPLOSIVES AND BLASTING 601 57TH ST SE CHARLESTON WV 25304 US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
2	Claims Adjustor	400.00000	HOUR	\$98.00 per hour plus expenses as shown on attached schedule.	

Comm Code	Manufacturer	Specification	Model #
84000000			

**Extended Description :**  
Claims Adjustor. These are estimated quantities for bidding purposes only.

**SCHEDULE OF EVENTS**

Line	Event	Event Date
1	Tech Question Submittal Deadline at 5:00 PM	08-12-09

<b>DEP1600000029</b>	<b>Document Phase</b> Final	<b>Document Description</b> Open-end contract for a Claims Administrator and Adjustor	<b>Page 3</b> <b>of 3</b>
----------------------	--------------------------------	---	------------------------------

**ADDITIONAL TERMS AND CONDITIONS**

See attached document(s) for additional **Terms and Conditions**



# STATE OF WEST VIRGINIA NATIONAL COMPOSITE SERVICE RATES

## Area I - \$98.00 per hour Claims Administrator and Adjuster

Alabama	Maryland (excluding Baltimore/DC)	Oregon
Arizona	Minnesota	Pennsylvania (excluding Philadelphia)
Arkansas	Mississippi	South Carolina
Colorado	Missouri	South Dakota
Georgia (excl. Atlanta metro area)	Montana	Tennessee
Idaho	Nebraska	Texas
Illinois (excluding Chicago area)	Nevada	Utah
Indiana (excluding Gary)	New Hampshire	Vermont
Iowa	New Mexico	West Virginia
Kansas	North Carolina	Wisconsin
Kentucky	North Dakota	Wyoming
Louisiana	Ohio	
Maine	Oklahoma	

## Area II - \$98.00 per hour Claims Administrator and Adjuster

California	New Jersey
Connecticut	New York
Delaware	Pennsylvania (Philadelphia area only)
Florida	Puerto Rico
Georgia (Atlanta metro area only)	Rhode Island
Illinois (Chicago area only)	Virginia
Indiana (Gary only)	Washington
Maryland (Baltimore/DC only)	
Massachusetts	
Michigan	

## Specialty Divisions

Environmental .....	\$117.00 per hour
Marine/Cargo.....	\$110.00 per hour
International.....	\$130.00 per hour
Product Liability.....	\$125.00 per hour

- Hotel and Meals Actual cost only when required
- Photographs \$2.00 per photo
- Transportation \$0.80 per mile, plus drive time at the prevailing composite hourly rate; actual expense for air or alternative travel
- Police, Fire or Other Report Fees Actual cost if incurred
- Miscellaneous Includes items such as cassettes for recorded statements at \$2.50 per tape
- File Set-Up & Storage One hour
- Photocopies \$0.35 per copy
- Office Expense *Included in composite hourly rate*
- Sales Tax Only in states where applicable
- Telecommunications (phone/fax) *Included in composite hourly rate*
- Invoice Surcharge \$4.00 per invoice
- Other Expenses (not covered above) Charged at actual cost incurred
- Cell Phones \$0.45/min for immediate response calls

Customer agrees to pay all applicable state and local sales/use taxes.  
All rates herein are subject to change without notice.

Custard Insurance Adjusters response to:

State of West Virginia

Solicitation No: CRFQ 0313 DEP1600000029

Doc Description: Open-end contract for a Claims Administrator and Adjustor

## GENERAL REQUIREMENTS

**3.1 Contract Items and Mandatory Requirements:** Vendor shall provide Agency with the Contract Items listed below on an open-end and continuing basis. Contract Items must meet or exceed the mandatory requirements as shown below:

### 3.1.1 Claims Administrator

- **Background:** The office of Explosives and Blasting (OEB) is charged by legislative rule Title 199, Series 1 (199CSFI), attached, to establish a claims and arbitration process that provides property owners with reduced cost resolution to alleged blast-related damage.

Section 5.3 of 199CSR1 specifically outlines the claims process and provides that the Claims Administrator will make the determination on the merit of the claim and value of any loss. The Office of Explosives and Blasting plays no role in the determination made by the Claims Administrator. The decision of the Claims Administrator may be taken to binding arbitration.

**CIA agrees.**

- **Site Visit.** The vendor must have the ability to physically visit the site of the alleged blasting damage within 4 business days of assignment by OEB.

**CIA agrees.**

- **Claims administrator Information:**  
The Claims Administrator is solely responsible for all work performed under this contract and shall assume prime contractor responsibility for all services offered under the terms of this contract. The agency will consider the Claims Administrator to be the sole point of contact with regard to all contractual matters.

The Claims Administrator shall be responsible for insuring their staff, and all contractual work conducted, shall use proven scientifically accepted industry guidelines to evaluate blasting damage claims. All findings must be based on the following:

- Sound, scientific principals established by proven leaders in their field and peer-reviewed by others.
- Research published in scientific journals, text books, or in proceedings.

- Evidence, testing, or observations which are reproducible and can be defended by any other expert.

All information collected during the initial merit investigation by OEB will be made available to the Claims Administrator upon notification of a claim.

All materials and information collected, compiled, and used for claims processing by the Claims Administrator will be considered the property of the State of West Virginia Department of Environmental Protection, Office of Explosives and Blasting and must be made available and/or returned to the State upon request at no cost to the agency. All records are considered confidential.

The Claims Administrator will be the approving authority of a claim, and will be required to comply with conflict of interest requirements.

**CIA agrees.**

### **3.1.1.2 Qualifications:**

- 3.1.1.2.1 The Claims Administrator must have a minimum of five (5) years' experience investigating blast-related structural damage and **must provide resumes for verification of qualifications with bid submittal or within 48 hours of request. Failure to provide resumes may result in bid disqualification.**

**Attached please find resume for Kevin Mullins who will serve as the Claims Administrator for the State.**

- 3.1.1.2.2 The Claims Administrator is responsible for selecting and assigning a licensed adjuster, whose qualifications include a minimum of five (5) years' experience in adjusting structural and cosmetic damage to real estate property.

**Kevin Mullins and Wells Hann will be the licensed adjusters for the State.**

- 3.1.1.2.3 The Claims Administrator will possess a thorough knowledge of studies and research of blasting damage to structures as published in peer-reviewed literature that presents state-of-the-art on the subject. A list of publications with which the Administrator must be familiar is given in Attachment A.

**Mr. Mullins possesses a thorough knowledge of above.**

- 3.1.1.2.4 The Claims Administrator shall have a working knowledge of construction practices and building codes sufficient to distinguish alleged blast damage from other, non-blasting causes of cracking and/or other naturally-occurring defects in structures.

**Mr. Mullins possesses a working knowledge of construction practices and building codes as shown above.**



**Kevin R Mullins**  
**Branch Manager**

CONTACT INFORMATION	
CIA Branch Location	Charleston, WV
Office Phone	304-760-1044
Fax Number	304-760-1046
Cell Phone	606-483-1159
E-mail Address	kmullins@custard.com
EXPERIENCE	
26 years of experience handling multi-line insurance claims.	
SPECIALTIES	
<ul style="list-style-type: none"><li>• Catastrophe claims</li><li>• Mediations/Litigation</li><li>• Commercial Liability</li></ul> <p>Handled mining claims involving fatalities, inspecting and preserving evidence, determining causation to buildings related to blasting, working professionally with engineers and attorneys, writing estimates to repair landslides as it relates to work product versus liability, providing depositions, handling multiple claims at one time with property owners due to mineral spills and blasting claims and researching manufacture defects with mining equipment</p> <p>6 years' experience as Branch Manager here at Custard Insurance Adjusters.</p>	
PROFESSIONAL EDUCATION	
Attended Kentucky Banking School, completed multiple insurance seminars for 18 years while working for State Farm and Farm Bureau, Top of class in State Farm School of Policies, Passed Certified Catastrophic Testing for State Farm and Farm Bureau, Completed Vail Tech Estimating School, Completed Southern Farm Bureau Property School. CPCU courses completed	
PROFESSIONAL ASSOCIATIONS	
FORMAL EDUCATION	
Bachelor's Degree in Physical Education with a minor in Business including Accounting 1 & 2, Business Law and Economics.	
LICENSES	
Adjusters License for Kentucky, West Virginia, North Carolina	



**Wells L. Hann**  
**General Adjuster**

CONTACT INFORMATION	
<b>CIA Branch Location</b>	Pittsburgh, PA/ Wheeling, WV/ Morgantown, WV
<b>Office Phone</b>	(412) 856-1139
<b>Fax Number</b>	(412) 856-1829
<b>Cell Phone</b>	(412) 969-1284
<b>E-mail Address</b>	whann@custard.com
EXPERIENCE	
2004 – Present: Custard Insurance Adjusters, Inc. Pittsburgh, PA	General Adjuster
2003-2004: Beazer East, Inc. Pittsburgh, PA	Claims management, class action
2002-2003: Royal & SunAlliance Insurance Co. Pittsburgh, PA	Staff adjuster, runoff policy US market
1999-2001 The Littleton Group. Austin, TX	Claims management, class action
1996-1999 The Travelers Group. Pittsburgh, PA	Staff adjuster, commercial property & casualty
1994-1995 The Littleton Group. Austin, TX	Establish CAT team, regional catastrophe/flood claims
1989-1993 Crawford & Company. Atlanta, GA	Environmental pollution adjuster, supervisor, manager
1981-1989 E.A. Hann & Associates. Houston, TX	Property & casualty adjuster
SPECIALTIES	
<ul style="list-style-type: none"> <li>• <b>Commercial property</b></li> <li>• <b>Extensive experience in shale gas related claims, pipeline excavation and blasting claims</b></li> <li>• <b>CATASTROPHE</b></li> <li>• <b>Commercial liability</b></li> <li>• <b>Bodily injury</b></li> <li>• <b>Environmental pollution</b></li> <li>• <b>Inland marine</b></li> </ul>	
PROFESSIONAL EDUCATION	
Self-educated	
PROFESSIONAL ASSOCIATIONS	
None	
FORMAL EDUCATION	
1975 – 1977 Emerson College, Boston, MA. BA Mass Communication. Magna Cum Laude	
1972 – 1974 University of Northern Colorado, Greeley, CO.	
1968-1972 Glens Falls High School, Glens Falls, NY. Honors graduate	
LICENSES	
WV – company adjuster , no. 649820	



**CERTIFICATION AND SIGNATURE PAGE**

By signing below, or submitting documentation through wvOASIS, I certify that I have reviewed this Solicitation in its entirety; that I understand the requirements, terms and conditions, and other information contained herein; that this bid, offer or proposal constitutes an offer to the State that cannot be unilaterally withdrawn; that the product or service proposed meets the mandatory requirements contained in the Solicitation for that product or service, unless otherwise stated herein; that the Vendor accepts the terms and conditions contained in the Solicitation, unless otherwise stated herein; that I am submitting this bid, offer or proposal for review and consideration; that I am authorized by the vendor to execute and submit this bid, offer, or proposal, or any documents related thereto on vendor's behalf; that I am authorized to bind the vendor in a contractual relationship; and that to the best of my knowledge, the vendor has properly registered with any State agency that may require registration.

Custard Insurance Adjusters, Inc.

(Company)

  
\_\_\_\_\_  
(Authorized Signature) (Representative Name, Title)

Rick Lirville, Chairman

~~770-263-6800 / 770-368-3356~~ / ~~rlirville@custard.com~~  
(Phone Number) (Fax Number) (Date)

12/15/2015

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: Ostard Insurance Adjusters, Inc.

Authorized Signature: [Signature] Date: 12/16/2015

State of Georgia

County of DeWitt, to-wit:

Taken, subscribed, and sworn to before me this 16 day of December, 2015

My Commission expires October 19, 2017.

AFFIX SEAL HERE

NOTARY PUBLIC [Signature]

