

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

State of West Virginia Request for Quotation 19 — Highways

Proc Folder: 118042

Doc Description: STONE, AGGREGATE AND CINDERS - MAT & PICKUP BY WVDOH FORCES

Proc Type: Central Master Agreement

BID RECEIVING LOCATION

BID CLERK

DEPARTMENT OF ADMINISTRATION

PURCHASING DIVISION 2019 WASHINGTON ST E

CHARLESTON

WV 25305

US

VENDOR

Vendor Name, Address and Telephone Number:

Boxley Aggregates of WV, LLC 304-392-5872

HC 40, Box 49

Lewisburg, WV 24901

11/09/15 11:12:27 WV Purchasing Division

FOR INFORMATION	CONTACT	THE BUYER
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Misty Delong (304) 558-8802

Signature X 1

misty.m.delong@wv.gov

010640503

11/6/15

DATE

All offers subject to all terms a

FEIN #

Page: 1

FORM ID: WV-PRC-CRFQ-001

ADDITIONAL INFORMATION:

The West Virginia Purchasing Division is soliciting bids on behalf of the West Virginia Division of Highways to establish an open-end contract for various sizes and types of Stone, Aggregate and Cinders for pick up by West Virginia Division of Highways Forces from the Vendor's Storage Site.

This contract shall be F.O.B. Vendor's Storage Site ONLY, PICKUP by WVDOH forces.

INVOICE TO		SHIP TO	
ALL STATE AGENCIE VARIOUS LOCATIONS	S S AS INDICATED BY ORDER	STATE OF WEST VII VARIOUS LOCATION	RGINIA NS AS INDICATED BY ORDER
No City	WV99999	No City	WV 99999
US		us	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
1	STONE, AGGREGATE AND CINDERS - MAT & PICKUP BY	0.00000	TON		

Comm Code	Manufacturer	Specification	Model #	
11111600	-			
				ì

Extended Description:

STONE, AGGREGATE AND CINDERS - MAT & PICKUP BY WVDOH FORCES

Enter pricing in attached pricing pages. If bidding online - enter the price of the first line that you are bidding into the WVOasis commodity line. The WVOasis commodity line will not be evaluated as part of the bid.

SCHOOL OF SAME

<u>Line</u>	<u>Event</u>	Event Date	
1	Technical Questions Due	2 015-10-19	

	Document Phase	Document Description	Page 3
DOT1600000033	Draft	STONE, AGGREGATE AND CINDERS -	of 3
		MAT & PICKUP BY WVDOH FORCES	

ADDITIONAL TERMS AND CONDITIONS

See attached document(s) for additional Terms and Conditions

CERTIFICATIONAND SIGNATURE PAGE

By signing below, or submitting documentation through wvOASIS, 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, 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.

Boxley Aggregates of WV, LLC

(Company)

Doug Canterbury, Sales Manager

(Authorized Signature) (Representative Name, Title)

304-646-8118 304-392-5828 November 6, 2015

(Phone Number) (Fax Number) (Date)

ADDENDUM ACKNOWLEDGEMENT FORM SOLICITATION NO.:

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.

	umbers Received: ox next to each addendum rec	ceived)	
	Addendum No. 1		Addendum No. 6
	Addendum No. 2		Addendum No. 7
	Addendum No. 3		Addendum No. 8
	Addendum No. 4		Addendum No. 9
	Addendum No. 5		Addendum No. 10
I further unde discussion hel	rstand that any verbal repres Id between Vendor's repress	entation entatives	addenda may be cause for rejection of this bid made or assumed to be made during any oral and any state personnel is not binding. Only he specifications by an official addendum is
	ggregates of WV, L	LC	
Company Authorized Si	mature Cunton		
November	6, 2015		
Date			
NOTE: This document prod		ent shou	uld be submitted with the bid to expedite

REQUEST FOR QUOTATION Stone, Aggregate and Cinders – Materials and Pickup by Agency ONLY

- 9.2 Vendor Supply: Vendor must carry sufficient inventory of the Contract Items being offered to fulfill its obligations under this Contract. By signing its bid, Vendor certifies that it can supply the Contract Items contained in its bid response.
- 9.3 Reports: Vendor shall provide quarterly reports and annual summaries to the Agency showing the Agency's items purchased, quantities of items purchased and total dollar value of the items purchased. Vendor shall also provide reports, upon request, showing the items purchased during the term of this Contract, the quantity purchased for each of those items and the total value of purchases for each of those items. Failure to supply such reports may be grounds for cancellation of this Contract.
- 9.4 Contract Manager: During its performance of this Contract, Vendor must designate and maintain a primary contract manager responsible for overseeing Vendor's responsibilities under this Contract. The Contract manager must be available during normal business hours to address any customer service or other issues related to this Contract. Vendor should list its Contract manager and his or her contact information below.

Contract Manager: Doug Canterbury
Telephone Numbers: 304-646-8118
Fax Number: 304-392-5828

Email Address: dcanterbury@boxley.com

1

INFORMATION ATTACHMENT Vendor's Storage Sites

2015/2016 Stone and Aggregate - Materials and Pickup by WVDOH ONLY

VENDOR NAME	Boxley Aggregates of WV, LL

Mandatory - Vendor shall complete this form and return with bid submission.

A Vendor may submit more than one Vendor's Storage Sites information on one Information Attachment form ONLY if bid pricing is the SAME for all Storage Sites and all WVDOH locations bid. A separate bid submission and Information Attachment form MUST be submitted when bid price varies between Vendor's Storage Sites.

Limestone, Sandstone, Gravel, Sand, Blast Furnance Slag and Steel Slag

Lillesto	ne, Sandstone, Graver, Sand, Diast Furnance Siag and Steel Siag	
	 a) SOURCE OF MATERIAL (<u>all</u> sources for which bid prices apply (e.g., Quarry location if Sand or Limestone; dredging or pit location if Gravel; production plant name and location if Slag) 	dstone
	Alta, West Virginia	
	b) EVACT LOCATION OF VENDODIS STORAGE SITE(S). A secreta bid sub-diff	
	b) EXACT LOCATION OF VENDOR'S STORAGE SITE(S): A separate bid schedule must be submitted when bid price varies between Vendors' storage sites.	
	Alta- 12 Miles West of Lewisburg On Route 60	
Cinders		
	c) SOURCE OF MATERIAL: Name and Location of plant which produces Cinder material.	
ſ	d) EXACT LOCATION OF VENDOR'S STORAGE SITE(S) A separate bid schedule must be submitted when bid price varies between Vendors' storage sites.	
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FOB Alta Location

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Material and pick up by the WVDOH forces from the Vendor's Storage Site, ONLY.

		Bid Price p	per Ton Items A-	W and AA
		F.O.B	. Vendor's Storag	e Site
]	Limestone,		
Contract		Sandstone,	Blast Furnace	
Item	Description of Material	Gravel, Sand	Slag	Steel Slag
A	Class 1 Aggregate	7.50		
В	Class 2 Aggregate	7.50		
С	Class 10 Aggregate	7.35		
D	AASHTO #1 Aggregate	10.50		
Е	AASHTO #3 Aggregate	10.50		
F	AASHTO #4 Aggregate	10.50		
G	AASHTO #467 Aggregate	10.50		
H	AASHTO #57 Aggregate	10.50		
Ι	AASHTO #67 Aggregate	10.50		•
J	AASHTO #7 Aggregate	No Bid		
K	AASHTO #8 Aggregate	10.50		
L	AASHTO #9 Aggregate	15.50		
M	Stone for Gabions	10.50		
N	Fine Aggregate	14.20		
OA	Limestone Standard Abrasives	12.50		
OB	Sandstone Standard Abrasives	No Bid		·····
PA	Limestone Modified Abrasives	12.50		
PB	Sandstone Modified Abrasives	No Bid		
Q	Rip Rap	15.20		
R	Shot Rock	14.15		
S	AASHTO #8 Modified	10.50		
T	AASHTO #9 Modified	15.50		
U	Pea Gravel	No Bid		
V	#11 Limestone Abrasives	No Bid		
W	Quarry Waste	8.50		
AA	Cinders	No Bid		

INFORMATION ATTACHMENT Vendor's Storage Sites 2015/2016 Stone and Aggregate - Materials and Pickup by WVDOH ONLY

VENDOR NAME	Boxley Aggregates	of \\/\/	HC
A PLADOLY LAWINE	DOVIDA WARECAGICO	OI VV V.	LLV

Mandatory - Vendor shall complete this form and return with bid submission.

A Vendor may submit more than one Vendor's Storage Sites information on one Information Attachment form ONLY if bid pricing is the SAME for all Storage Sites and all WVDOH locations bid. A separate bid submission and Information Attachment form MUST be submitted when bid price varies between Vendor's Storage Sites.

,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	e, Sandstone, Gravel, Sand, Blast Furnance Slag and Steel Slag	
a	a) SOURCE OF MATERIAL (all sources for which bid prices apply (e.g., Quarry location if San	dstone
	or Limestone; dredging or pit location if Gravel; production plant name and location if Siag)	
]
	Mt Hope, West Virginia - Sandstone	1
		1
		1
		1
-		
b) EXACT LOCATION OF VENDOR'S STORAGE SITE(S): A separate bid schedule	
	<u>must</u> be submitted when bid price varies between Vendors' storage sites.	
Г	mass so dustritud when the price varies between verteers storage sites.	1
\vdash	1700 North Sandbranch Road	
-		
\vdash	Mt Hope, West Virginia	
-		
L		
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rs		
	SOURCE OF MATERIAL: Name and Location of plant which produces Cinder material.	
	SOURCE OF MATERIAL: Name and Location of plant which produces Cinder material.	
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VENDOR NAME Boxley Aggregates of WV, LLC FOB Beckley Location

Material and pick up by the WVDOH forces from the Vendor's Storage Site, ONLY.

		Bid Price per Ton Items A-W and AA		
		F.O.B	. Vendor's Storag	ge Site
		Limestone,		
Contract		Sandstone,	Blast Furnace	
Item	Description of Material	Gravel, Sand	Slag	Steel Slag
A	Class 1 Aggregate	14.35		
В	Class 2 Aggregate	14.10		
С	Class 10 Aggregate	14.10		
D	AASHTO #1 Aggregate	No Bid	ļ.) +
E	AASHTO #3 Aggregate	15.60		
F	AASHTO #4 Aggregate	15.60		
G	AASHTO #467 Aggregate	No Bid		
Н	AASHTO #57 Aggregate	15.60		
I	AASHTO #67 Aggregate	No Bid		
J	AASHTO #7 Aggregate	No Bid		
K	AASHTO #8 Aggregate	17.50		
L	AASHTO #9 Aggregate	No Bid		
M	Stone for Gabions	16.90		
N	Fine Aggregate	No Bid		,
OA	Limestone Standard Abrasives	No Bid		
OB	Sandstone Standard Abrasives	14.85		
PA	Limestone Modified Abrasives	No Bid		
PB	Sandstone Modified Abrasives	14.85		
Q	Rip Rap	18.20		
R	Shot Rock	17.60		
S	AASHTO #8 Modified	17.50		
T	AASHTO #9 Modified	17.50		
U	Pea Gravel	No Bid		
V	#11 Limestone Abrasives	No Bid		
W	Quarry Waste	13.10		
AA	Cinders	No Bid		

INFORMATION ATTACHMENT Vendor's Storage Sites 2015/2016 Stone and Aggregate - Materials and Pickup by WVDOH ONLY

VENDOR NAME Boxley Aggrega	es of WV,	LLC
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Mandatory - Vendor <u>shall</u> complete this form and return with bid submission.

<u>A Vendor may submit more than one Vendor's Storage Sites information on one Information Attachment form ONLY if bid pricing is the SAME for all Storage Sites and all WVDOH locations bid. A separate bid submission and Information Attachment form MUST be submitted when bid price varies between Vendor's Storage Sites.</u>

Limestone	e, Sandstone, Gravel, Sand, Blast Furnance Slag and Steel Slag	
а	 SOURCE OF MATERIAL (<u>all</u> sources for which bid prices apply (e.g., Quarry location if San or Limestone; dredging or pit location if Gravel; production plant name and location if Slag) 	dstone
	Mill Point, West Virginia - Limestone	
b	EXACT LOCATION OF VENDOR'S STORAGE SITE(S): A separate bid schedule must be submitted when bid price varies between Vendors' storage sites.	,
- 	Mill Point - 1/2 Mile West of Intersection of Rte 39 and Rte 219 Mt Hope, West Virginia	
-		
Cinders		
c) SOURCE OF MATERIAL: Name and Location of plant which produces Cinder material.	
d) EXACT LOCATION OF VENDOR'S STORAGE SITE(S) A separate bid schedule	
	<u>must</u> be submitted when bid price varies between Vendors' storage sites.	

VENDOR NAME Boxley Aggregates of WV, LLC FOB Mill Point Location

Material and pick up by the WVDOH forces from the Vendor's Storage Site, ONLY.

		Bid Price per Ton Items A-W and AA			
		F.O.B	F.O.B. Vendor's Storage Site		
		Limestone,			
Contract		Sandstone,	Blast Furnace		
Item	Description of Material	Gravel, Sand	Slag	Steel Slag	
A	Class 1 Aggregate	9.95			
В	Class 2 Aggregate	9.95			
С	Class 10 Aggregate	9.95			
D	AASHTO #1 Aggregate	12.45			
E	AASHTO #3 Aggregate	12.45			
F	AASHTO #4 Aggregate	12.45			
G	AASHTO #467 Aggregate	12.45			
H	AASHTO #57 Aggregate	12.45			
Ι	AASHTO #67 Aggregate	12.45			
J	AASHTO #7 Aggregate	No Bid			
K	AASHTO #8 Aggregate	13.10			
L	AASHTO #9 Aggregate	No Bid			
M	Stone for Gabions	13.65			
N	Fine Aggregate	No Bid			
OA	Limestone Standard Abrasives	12.90			
OB	Sandstone Standard Abrasives	No Bid			
PA	Limestone Modified Abrasives	12.90			
PB	Sandstone Modified Abrasives	No Bid			
Q	Rip Rap	17.10			
R	Shot Rock	16.10			
S	AASHTO #8 Modified	13.10			
T	AASHTO #9 Modified	No Bid			
U	Pea Gravel	No Bid			
V	#11 Limestone Abrasives	No Bid			
W	Quarry Waste	9.85			
AA	Cinders	No Bid			



CERTIFICATE OF LIABILITY INSURANCE

WWBOX-1

OP ID: M2

04/22/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s). PRODUCER CONTACT NAME: Melanie Hackworth Scott Insurance (Rke) PHONE (A/C, No. Ext): 540-343-8071 E-MAIL ADDRESS: mhackwor@scottins.com FAX (A/C, No): 540-345-2958 10 Franklin Road SE Ste. 550 Roanoke, VA 24011 Bruce Wilsie-Roanoke **INSURER(S) AFFORDING COVERAGE** NAIC # INSURER A : BRICKSTREET MUTUAL INS CO(A-) 12372 INSURED **Boxley Aggregates of West** INSURER B: Virginia, LLC Post Office Box 13527 INSURER C : Roanoke, VA 24035 INSURER D : INSURER E : INSURER F: **COVERAGES CERTIFICATE NUMBER:** REVISION NUMBER: THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD

INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. INSR ADDL SUBR TYPE OF INSURANCE POLICY NUMBER COMMERCIAL GENERAL LIABILITY **EACH OCCURRENCE** \$ DAMAGE TO RENTED PREMISES (Ea occurrence) CLAIMS-MADE OCCUR \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GEN'L AGGREGATE LIMIT APPLIES PER: GENERAL AGGREGATE \$ POLICY LOC PRODUCTS - COMP/OP AGG \$ OTHER: \$ **AUTOMOBILE LIABILITY** COMBINED SINGLE LIMIT (Ea accident) \$ ANY AUTO BODILY INJURY (Per person) \$ ALL OWNED AUTOS SCHEDULED **BODILY INJURY (Per accident)** 5 AUTOS NON-OWNED PROPERTY DAMAGE HIRED AUTOS 5 (Per accident) \$ UMBRELLA LIAB OCCUR EACH OCCURRENCE \$ EXCESS LIAB CLAIMS-MADE AGGREGATE \$ DED RETENTION \$ \$ WORKERS COMPENSATION X PER STATUTE AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE WCB1006220 04/01/2015 04/01/2016 1,000,000 E.L. EACH ACCIDENT \$ OFFICER/MEMBER EXCLUDED: N/A (Mandatory in NH) 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ If yes, describe under DESCRIPTION OF OPERATIONS below 1,000,000 E.L. DISEASE - POLICY LIMIT | \$ DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

WYDIVHW CANCELLATION

WV Department of Highways 1900 Kanawha Boulevard

Charleston, WV 25305-0430

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Becky Hugg

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WV-10 Approved / Revised 08/01/15

Bidder: Boxley Aggregates of WV, LLC

Date: November 6, 2015

State of West Virginia /ENDOR 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 Vendor Preference, if applicable.

Division	will make the determination of the Vendor Preference, if applicable.
	Application is made for 2.5% 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% 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% 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% 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% 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% 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.
requiren against	understands if the Secretary of Revenue determines that a Bidder receiving preference has failed to continue to meet the nents for such preference, the Secretary may order the Director of Purchasing to: (a) reject the bid; or (b) assess a penalty such Bidder in an amount not to exceed 5% of the bid amount and that such penalty will be paid to the contracting agency cted from any unpaid balance on the contract or purchase order.
authoriz the requ	nission of this certificate, Bidder agrees to disclose any reasonably requested information to the Purchasing Division and es the Department of Revenue to disclose to the Director of Purchasing appropriate information verifying that Bidder has paid lired business taxes, provided that such information does not contain the amounts of taxes paid nor any other information I by the Tax Commissioner to be confidential.
and acc	penalty of law for false swearing (West Virginia Code, §61-5-3), Bidder hereby certifies that this certificate is true curate in all respects; and that if a contract is issued to Bidder and if anything contained within this certificate is during the term of the contract. Bidder will notify the Purchasing Division in writing immediately.

Title: Sales Manage

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.

Wendor's Name: Boxley Aggregates of WV, LLC Authorized Signature: Document Date: November 6, 2015 State of West Virginia County of Greenbrier , to-wit: Taken, subscribed, and sworn to before me this 6th day of Novmber , 2015. My Commission expires May 18 , 2020. AFFIX SEAL HERE NOTARY PUBLIC Purchasing Affidavit (Revised 08/01/2015)

