



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

State of West Virginia  
 Request for Quotation  
 09 - Construction

Proc Folder: 569801

Doc Description: Addendum 2 - SBVR Ties and Surfacing

Proc Type: Central Purchase Order

Date Issued	Solicitation Closes	Solicitation No	Version
2019-05-21	2019-05-30 13:30:00	CRFQ 0804 RMA1900000004	3

**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:

Frontier Railroad Services LLC  
 100 Brady Place Suite 200 New Stanton Pa 15672  
 724-925-1210

RECEIVED

2019 MAY 30 AM 9:49

WV PURCHASING  
 DIVISION

**FOR INFORMATION CONTACT THE BUYER**

Linda B Harper  
 (304) 558-0468  
 linda.b.harper@wv.gov

Scott A Sepesky CCO

Signature X

FEIN # 47-1693362

DATE May 28, 2019

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

**ADDITIONAL INFORMATION:**

Addendum 2 issued for the following reasons:

1. To publish a copy of vendor questions with responses.

No other changes

INVOICE TO		SHIP TO	
STATE RAIL AUTHORITY 120 WATER PLANT DR		STATE RAIL AUTHORITY (DBA) SOUTH BRANCH VALLEY RAILROAD	
MOOREFIELD	WV26836	120 WATER PLANT DR	MOOREFIELD
US		MOOREFIELD	WV 26836
		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
1	Replace 6000 crossties	6000.00000	EA	\$ 122.30	\$ 733,800.00

Comm Code	Manufacturer	Specification	Model #
72141603			

**Extended Description :**

Replace 6000 crossties between MP32-42 on SBVR - This includes tamping of this area.

INVOICE TO		SHIP TO	
STATE RAIL AUTHORITY 120 WATER PLANT DR		STATE RAIL AUTHORITY (DBA) SOUTH BRANCH VALLEY RAILROAD	
MOOREFIELD	WV26836	120 WATER PLANT DR	MOOREFIELD
US		MOOREFIELD	WV 26836
		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
2	Gaging of Additional Ties	900.00000	FT	\$ 7.40	\$ 6,660.00

Comm Code	Manufacturer	Specification	Model #
72141603			

**Extended Description :**

Gaging of additional ties - 900 feet

INVOICE TO		SHIP TO	
STATE RAIL AUTHORITY 120 WATER PLANT DR		STATE RAIL AUTHORITY (DBA) SOUTH BRANCH VALLEY RAILROAD	
MOOREFIELD	WW26836	120 WATER PLANT DR	
US		MOOREFIELD	WW 26836
		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
3	Additional Surfacing -	10.80000	MILE	\$ 6,770.00	\$ 73,116.00

Comm Code	Manufacturer	Specification	Model #
72141603			

Extended Description :  
Continual Surfacing between MP15.5 - 16.8 & MP 22 - 31.5.

RMA1900000004	<b>Document Phase</b> Final	<b>Document Description</b> Addendum 2 - SBVR Ties and Surfacing	<b>Page 4</b> of 4
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**ADDITIONAL TERMS AND CONDITIONS**

See attached document(s) for additional Terms and Conditions

**SOLICITATION NUMBER: RMA1900000004**

**Addendum Number: 1**

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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 1 issued for the following reasons:

1. To modify the bid opening date and time to 05/30/2019, 1:30 p.m. in order to give the agency more time to respond to vendor questions. Responses to vendor questions will follow in a separate addendum.
2. To publish a copy of the mandatory pre-bid sign-in sheet.

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.
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.

**SOLICITATION NUMBER: RMA1900000004**

**Addendum Number: 2**

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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 2 issued for the following reasons:

1. To publish a copy of vendor questions with responses.

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.
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.

**ADDENDUM ACKNOWLEDGEMENT FORM**  
**SOLICITATION NO.: RMA1900000004**

**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:**

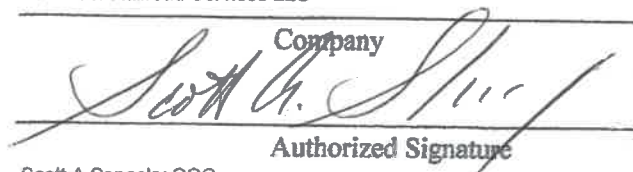
(Check the box next to each addendum received)

- |  |  |
|--|--|
| <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 |

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.

Frontier Railroad Services LLC

Company



Authorized Signature

Scott A Sepesky CCO

May 28, 2019

Date

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





**REQUEST FOR QUOTATION**  
**Replacement of Cross ties and Surfacing on the SBVR**

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**Contract Manager:** Scott A Sepesky CCO

**Telephone Number:** 724-925-1210

**Fax Number:** 724-925-9847

**Email Address:** ssepesky@frontierailroad.com

**Exhibit "A"**  
**Price Sheet**

<b>Replace Crossties and Surface on the SBVR</b>					
<b>Line</b>	<b>Description</b>	<b>Unit of</b>	<b>Unit</b>	<b>Quantity</b>	<b>Extended</b>
<b>Item</b>	<b>Replace Crossties and Surfacing on SBVR</b>	<b>Measure</b>	<b>Cost</b>	<b>Needed</b>	<b>Cost</b>
1	Replace 6,000 crossties between MP 32-42 (This includes tamping of this area)	Each	\$ 122,30	6,000	\$ 733,800,00
2	Gaging of additional Ties	Ft	\$ 7.40	900	\$ 6,660,00
3	Continual Surfacing between MP15.5-16.8 & MP 22-31.5	Per Mile	\$ 6,770,00	10.8	\$ 73,116,00
<b>Total Bid Amount</b>					<b>\$ 813,576,00</b>

**BID BOND**

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Frontier Railroad Services, LLC  
of New Stanton, Pennsylvania, as Principal, and Philadelphia Indemnity Insurance Company  
of Bala Cynwyd, Pennsylvania, a corporation organized and existing under the laws of the State of Pennsylvania  
with its principal office in the City of Bala Cynwyd, as Surety, are held and firmly bound unto the State of West Virginia, as Obligees, in the penal sum of Five Percent of Amount Bid (\$5%) 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 FRS Proposal #0992 WV CRFQ RMA1900000004 Install 6000 cross ties, gaging, and surfacing on the South Branch Valley Railroad in Moorefield WV

**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 Obligees may accept such bid, and said Surety does hereby waive notice of any such extension.

WITNESS, the following signatures and seals of Principal and Surety, executed and sealed by a proper officer of Principal and Surety, or by Principal individually if Principal is an individual, this 16th day of May, 2019.

Principal Seal

Frontier Railroad Services, LLC  
(Name of Principal)

By [Signature]  
(Must be President, Vice President, or Duly Authorized Agent)

CHIEF COMMERCIAL OFFICER  
(Title)

Surety Seal

Philadelphia Indemnity Insurance Company  
(Name of Surety)

[Signature]  
Wendy A. Bright, Attorney-in-Fact

**IMPORTANT – Surety executing bonds must be licensed in West Virginia to transact surety insurance, must affix its seal, and must attach a power of attorney with its seal affixed.**

**PHILADELPHIA INDEMNITY INSURANCE COMPANY**

One Bala Plaza, Suite 100  
Bala Cynwyd, PA 19004-0950

**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint **Brian F. Jeffe, Jay Black, Brian W. Long, Brian G. Hartman, Barbara A. Leeper, Josephine M. Strevle, Patti K. Lindsey, Wendy A. Bright and Alexandra C. Machnik of Seubert and Associates, Inc.**, its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed **\$100,000,000.00**.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14<sup>th</sup> of November, 2016.

**RESOLVED:** That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

**FURTHER RESOLVED:** That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

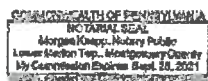
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 27<sup>TH</sup> DAY OF OCTOBER, 2017.



(Seal)

Robert D. O'Leary Jr., President & CEO  
Philadelphia Indemnity Insurance Company

On this 27<sup>th</sup> day of October, 2017, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



(Notary Seal)

Notary Public: \_\_\_\_\_

residing at: \_\_\_\_\_

Bala Cynwyd, PA

My commission expires: \_\_\_\_\_

September 25, 2021

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and the Power of Attorney issued pursuant thereto on the 27<sup>th</sup> day of October, 2017 are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 16<sup>th</sup> day of May, 2019.



Edward Sayago, Corporate Secretary  
PHILADELPHIA INDEMNITY INSURANCE COMPANY

**DESIGNATED CONTACT:** Vendor appoints the individual identified in this Section as the Contract Administrator and the initial point of contact for matters relating to this Contract.

Scott A. Sepecky CCO  
(Name, Title)  
Scott A Sepecky CCO

Scott A. Sepecky CCO  
(Printed Name and Title)  
100 Brady Place Suite 200 New Stanton Pa 15672

100 Brady Place Suite 200 New Stanton Pa 15672  
(Address)  
724-925-1210 724-925-9847

724-925-1210 724-925-9847  
(Phone Number) / (Fax Number)  
ssepecky@frontierrailroad.com

ssepecky@frontierrailroad.com  
(email address)

**CERTIFICATION AND SIGNATURE:** 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.

Frontier Railroad Services LLC  
(Company)

Scott A. Sepecky CCO SCOTT A. SEPECKY C.C.O.  
(Authorized Signature) (Representative Name, Title)

Scott A Sepecky CCO  
(Printed Name and Title of Authorized Representative)

May 28, 2019  
(Date)

724-925-1210 Fax 724-925-9847  
(Phone Number) (Fax Number)

**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.

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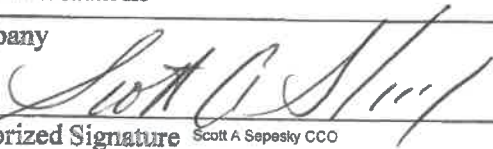
*(Check the box next to each addendum received)*

- |  |  |
|--|--|
| <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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Frontier Railroad Services LLC

Company \_\_\_\_\_

Authorized Signature  \_\_\_\_\_  
Scott A Sepesky CCO

May 28, 2019

Date \_\_\_\_\_

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

## West Virginia Ethics Commission



### Disclosure of Interested Parties to Contracts

Pursuant to *W. Va. Code* § 6D-1-2, a state agency may not enter into a contract, or a series of related contracts, that has/have an actual or estimated value of \$1 million or more until the business entity submits to the contracting state agency a Disclosure of Interested Parties to the applicable contract. In addition, the business entity awarded a contract is obligated to submit a supplemental Disclosure of Interested Parties reflecting any new or differing interested parties to the contract within 30 days following the completion or termination of the applicable contract.

For purposes of complying with these requirements, the following definitions apply:

**"Business entity"** means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership or corporation, but does not include publicly traded companies listed on a national or international stock exchange.

**"Interested party" or "Interested parties"** means:

- (1) A business entity performing work or service pursuant to, or in furtherance of, the applicable contract, including specifically sub-contractors;
- (2) the person(s) who have an ownership interest equal to or greater than 25% in the business entity performing work or service pursuant to, or in furtherance of, the applicable contract. (This subdivision does not apply to a publicly traded company); and
- (3) the person or business entity, if any, that served as a compensated broker or intermediary to actively facilitate the applicable contract or negotiated the terms of the applicable contract with the state agency. (This subdivision does not apply to persons or business entities performing legal services related to the negotiation or drafting of the applicable contract.)

**"State agency"** means a board, commission, office, department or other agency in the executive, judicial or legislative branch of state government, including publicly funded institutions of higher education: Provided, that for purposes of *W. Va. Code* § 6D-1-2, the West Virginia Investment Management Board shall not be deemed a state agency nor subject to the requirements of that provision.

The contracting business entity must complete this form and submit it to the contracting state agency prior to contract award and to complete another form within 30 days of contract completion or termination.

This form was created by the State of West Virginia Ethics Commission, 210 Brooks Street, Suite 300, Charleston, WV 25301-1804. Telephone: (304)558-0664; fax: (304)558-2169; e-mail: [ethics@wv.gov](mailto:ethics@wv.gov); website: [www.ethics.wv.gov](http://www.ethics.wv.gov).

West Virginia Ethics Commission  
Disclosure of Interested Parties to Contracts

(Required by W. Va. Code § 6D-1-2)

Name of Contracting Business Entity: Frontier Railroad Services LLC Address: 100 Brady Place Suite 200

New Stanton Pa 15672

Name of Authorized Agent: Scott A Sepesky CCO Address: 100 Brady Place Suite 200 New Stanton Pa 15672

Contract Number: WV CRFQ 0804 RMA 1900000004 Contract Description: SBVR Ties and Surfacing

Governmental agency awarding contract: State of West Virginia Purchasing

Check here if this is a Supplemental Disclosure

List the Names of Interested Parties to the contract which are known or reasonably anticipated by the contracting business entity for each category below (attach additional pages if necessary):

1. Subcontractors or other entities performing work or service under the Contract

Check here if none, otherwise list entity/individual names below.

2. Any person or entity who owns 25% or more of contracting entity (not applicable to publicly traded entities)

Check here if none, otherwise list entity/individual names below.

3. Any person or entity that facilitated, or negotiated the terms of, the applicable contract (excluding legal services related to the negotiation or drafting of the applicable contract)

Check here if none, otherwise list entity/individual names below.

Signature:   
- Scott A Sepesky CCO

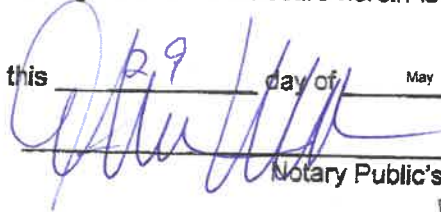
Date Signed 5-29-19

**Notary Verification**

State of Pennsylvania, County of Westmoreland

I, Scott A Sepesky, the authorized agent of the contracting business entity listed above, being duly sworn, acknowledge that the Disclosure herein is being made under oath and under the penalty of perjury.

Taken, sworn to and subscribed before me this 29 day of May, 2019.

  
Notary Public's Signature

To be completed by State Agency:  
Date Received by State Agency: \_\_\_\_\_  
Date submitted to Ethics Commission: \_\_\_\_\_  
Governmental agency submitting Disclosure: \_\_\_\_\_

Commonwealth of Pennsylvania - Notary Seal  
Eileen Williams, Notary Public  
Westmoreland County  
My commission expires April 12, 2023  
Commission number 1232521  
Member, Pennsylvania Association of Notaries  
Revised June 8, 2018



State of West Virginia  
Purchasing Division

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## CERTIFIED DRUG-FREE WORKPLACE REPORT COVERSHEET

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In accordance with *West Virginia 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. That report must include each of the items identified below in the Required Report Content section.

**Instructions:** Vendor should complete this coversheet, attach it to the required report, and submit it to the appropriate location as follows: For contracts more than \$25,000, the report should be mailed to the West Virginia Purchasing Division at 2019 Washington Street East, Charleston, WV 25305. For contracts of \$25,000 or less, the vendor should mail the report to the public authority issuing the contract.

**Contract Identification:**

Contract Number: WV CRFQ 0804 RMA 1900000004

Contract Purpose: SBVR Ties and Surfacing

Agency Requesting Work: State of West Virginia Purchasing

**Required Report Content:** The attached report must include each of the items listed below. The vendor should check each box as an indication that the required information has been included in the attached report.

- Information indicating the education and training service to the requirements of *West Virginia Code* § 21-1D-5 was provided;
- Name of the laboratory certified by the United States Department of Health and Human Services or its successor that performs the drug tests;
- Average number of employees in connection with the construction on the public improvement;
- Drug test results for the following categories including the number of positive tests and the number of negative tests: (A) Pre-employment and new hires; (B) Reasonable suspicion; (C) Post-accident; and (D) Random.

**Vendor Contact Information:**

Vendor Name: Scott A Sepesky CCO

Vendor Telephone: 724-925-1210

Vendor Address: 100 Brady Place Suite 200

Vendor Fax: 724-925-9847

New Stanton Pa 15672

Vendor E-Mail: ssepesky@frontierrailroad.com



**State of West Virginia**  
**DRUG FREE WORKPLACE CONFORMANCE AFFIDAVIT**  
**West Virginia Code §21-1D-5**

~~STATE OF WEST VIRGINIA,~~ Pennsylvania

COUNTY OF Westmoreland, TO-WIT:

I, Scott A Sepesky CCO, after being first duly sworn, depose and state as follows:

1. I am an employee of Frontier Railroad Services LLC; and,  
(Company Name)
2. I do hereby attest that Frontier Railroad Services LLC  
(Company Name)

maintains a written plan for a drug-free workplace policy and that such plan and policy are in compliance with **West Virginia Code §21-1D**.

The above statements are sworn to under the penalty of perjury.

Printed Name: Scott A Sepesky

Signature:

Title: CCO

Company Name: Frontier Railroad Services LLC

Date: 5-29-19

Taken, subscribed and sworn to before me this 29 day of May, 2019.

By Commission expires April 12, 2023

(Seal)

Commonwealth of Pennsylvania - Notary Seal Eileen Williams, Notary Public Westmoreland County My commission expires April 12, 2023 Commission number 1232521 Member, Pennsylvania Association of Notaries	<u></u> (Notary Public)
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STATE OF WEST VIRGINIA  
Purchasing Division

**PURCHASING AFFIDAVIT**

**CONSTRUCTION CONTRACTS:** Under W. Va. Code § 5-22-1(i), the contracting public entity shall not award a construction contract to any bidder that is known to be in default on any monetary obligation owed to the state or a political subdivision of the state, including, but not limited to, obligations related to payroll taxes, property taxes, sales and use taxes, fire service fees, or other fines or fees.

**ALL CONTRACTS:** 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: (1) for construction contracts, the vendor is not in default on any monetary obligation owed to the state or a political subdivision of the state, and (2) for all other contracts, 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: Frontier Railroad Services LLC

Authorized Signature:  Date: 5-29-19

Scott A Sepesky CCO

State of \_\_\_\_\_

County of Westmoreland Pa, to-wit:

Taken, subscribed, and sworn to before me this 29 day of May, 2019

My Commission expires April 12 2023

**AFFIX SEAL HERE**

Commonwealth of Pennsylvania - Notary Seal  
Eileen Williams, Notary Public  
Westmoreland County  
My commission expires April 12, 2023  
Commission number 1232521  
Member, Pennsylvania Association of Notaries

**NOTARY PUBLIC**



*Purchasing Affidavit (Revised 01/19/2018)*

# CONTRACTOR LICENSE

Authorized by the

**West Virginia Contractor Licensing Board**

**Number:** WV052828

**Classification:**

GENERAL ENGINEERING

FRONTIER RAILROAD SERVICES LLC  
DBA FRONTIER RAILROAD SERVICES LLC  
200 BRADY PLACE  
NEW STANTON, PA 15672

**Date Issued**

**Expiration Date**

OCTOBER 10, 2018

OCTOBER 10, 2019

  
Authorized Company Signature

  
Chair, 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.



**WEST VIRGINIA  
CONTRACTOR  
LICENSING  
BOARD**