

SEALED BID: DIESEL FUEL FOR SOUTH BRANCH VALLEY RAILROAD

BUYER: LINDA HARPER

SOLICITATION NO: CRFQ RMA2000000005

BID OPENING DATE: MARCH 4, 2020

BID OPENING TIME: 1:30 P.M.

FAX NUMBER: 304-558-3970

RECEIVED  
2020 MAR -4 AM 9:00  
WV PURCHASING  
DIVISION



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

State of West Virginia  
Request for Quotation  
17 - Fuels

Proc Folder: 687534

Doc Description: Diesel fuel for South Branch Valley Railroad

Proc Type: Central Master Agreement

Date Issued	Solicitation Closes	Solicitation No	Version
2020-02-19	2020-03-04 13:30:00	CRFQ 0804 RMA2000000005	1

**BID CLERK**  
DEPARTMENT OF ADMINISTRATION  
PURCHASING DIVISION  
2019 WASHINGTON ST E  
CHARLESTON WV 25306  
US

**Vendor Name, Address and Telephone Number:**  
R.T. Rogers Oil Company, Inc.  
153 Grace Street  
Hinton, WV 25951

**FOR INFORMATION CONTACT THE BUYER**  
Linda B Harper  
(304) 558-0468  
linda.b.harper@wv.gov

Signature X *Matt Brudette* FEIN # 55-0575547 DATE 3/4/20  
All offers subject to all terms and conditions contained in this solicitation

The West Virginia Purchasing Division for the Agency, the West Virginia State Rail Authority is soliciting bids from qualified vendors to establish an "Open-End" contract for the purchase of diesel fuel for the South Branch Valley Railroad per the Specifications, Terms & Conditions and bid requirements as attached.

STATE RAIL AUTHORITY 120 WATER PLANT DR  MOOREFIELD WV26836  US	STATE RAIL AUTHORITY (DBA) SOUTH BRANCH VALLEY RAILROAD 120 WATER PLANT DR  MOOREFIELD WV 26836  US
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Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
1	Enter Total Bid Amount from the Exhibit A Pricing Page	1.00000	EA		\$241,059. <sup>00</sup>

Comm Code	Manufacturer	Specification	Model #
25121501			

**Extended Description :**

Enter Total Bid Amount from the Exhibit A Pricing Page and attach a copy of the Exhibit A Pricing Page with bid response.

Line	Event	Event Date
1	Question Deadline 3:00 p.m.	2020-02-26

	<b>Document Phase</b>	<b>Document Description</b>	<b>Page 3</b>
<b>RMA2000000005</b>	Final	Diesel fuel for South Branch Valley Railroad	<b>of 3</b>

**ADDITIONAL TERMS AND CONDITIONS**

See attached document(s) for additional Terms and Conditions

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**ADDITIONAL TERMS AND CONDITIONS**

See attached document(s) for additional Terms and Conditions

WV-10  
Approved / Revised  
06/08/18

# State of West Virginia VENDOR PREFERENCE CERTIFICATE

Certification and application is hereby made for Preference in accordance with *West Virginia Code*, §5A-3-37. (Does not apply to construction contracts). *West Virginia Code*, §5A-3-37, provides an opportunity for qualifying vendors to request (at the time of bid) preference for their residency status. Such preference is an evaluation method only and will be applied only to the cost bid in accordance with the *West Virginia Code*. This certificate for application is to be used to request such preference. The Purchasing Division will make the determination of the Vendor Preference, if applicable.

1.  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, 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,
  - Bidder is a resident vendor partnership, association, or corporation with at least eighty percent of ownership interest of bidder held by another entity that meets the applicable four year residency requirement; 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 that employs a minimum of one hundred state residents, or a nonresident vendor which has an affiliate or subsidiary which maintains its headquarters or principal place of business within West Virginia and employs a minimum of one hundred state residents, and for purposes of producing or distributing the commodities or completing the project which is the subject of the bidder's bid and continuously over the entire term of the project, on average at least seventy-five percent of the bidder's employees or the bidder's affiliate's or subsidiary's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years and the vendor's 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.
8.  Application is made for reciprocal preference.  
Bidder is a West Virginia resident and is requesting reciprocal preference to the extent that it applies.

Bidder understands if the Secretary of Revenue determines that a Bidder receiving preference has failed to continue to meet the requirements for such preference, the Secretary may order the Director of Purchasing to: (a) rescind the contract or purchase order; or (b) assess a penalty against such Bidder in an amount not to exceed 5% of the bid amount and that such penalty will be paid to the contracting agency or deducted from any unpaid balance on the contract or purchase order.

By submission of this certificate, Bidder agrees to disclose any reasonably requested information to the Purchasing Division and authorizes the Department of Revenue to disclose to the Director of Purchasing appropriate information verifying that Bidder has paid the required business taxes, provided that such information does not contain the amounts of taxes paid nor any other information deemed by the Tax Commissioner to be confidential.

Bidder hereby certifies that this certificate is true and accurate in all respects; and that if a contract is issued to Bidder and if anything contained within this certificate changes during the term of the contract, Bidder will notify the Purchasing Division in writing immediately.

Bidder: R.T. Rogers Oil Co., Inc. Signed: Matt J. Medeth  
 Date: 3/4/20 Title: Commercial Sales

\*Check any combination of preference consideration(s) indicated above, which you are entitled to receive.

STATE OF WEST VIRGINIA  
Purchasing Division  
**PURCHASING AFFIDAVIT**

**CONSTRUCTION CONTRACTS:** Under W. Va. Code § 5-22-1(f), 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: R.T. Rogers Oil Co., Inc.

Authorized Signature: Matt Z... Date: 3/3/20

State of West Virginia

County of Summers, to-wit:

Taken, subscribed, and sworn to before me this 3 day of March, 2020.

My Commission expires May 26, 2020.

**AFFIX SEAL HERE**

**NOTARY PUBLIC**

Kathy J. Mitchell

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



**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.

**Addendum Numbers Received:**  
*(Check the box next to each addendum received)*

- |   |  |
|---|--|
| <input 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.

B.T. Rogers Oil Co, Inc  
Company

Matt Burdette  
Authorized Signature

3/4/20  
Date

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



**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.

Matt Burdette, Commercial Sales  
 (Name, Title)  
Matt Burdette, Commercial Sales  
 (Printed Name and Title)  
153 Grace St. Hinton, WV 25951  
 (Address)  
304-466-1733 ext. 115 304-466-1735  
 (Phone Number) / (Fax Number)  
mburdette@rtrogers.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.

R.T. Rogers Oil Co, Inc  
 (Company)  
Matt Burdette, Commercial Sales  
 (Authorized Signature) (Representative Name, Title)  
Matt Burdette, Commercial Sales  
 (Printed Name and Title of Authorized Representative)  
3/4/20  
 (Date)  
304-466-1733 ext. 115 304-466-1735  
 (Phone Number) (Fax Number)

**REQUEST FOR QUOTATION**  
**Open End Contract to supply diesel fuel for the SRA on SBVR**

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**7.1.8** Any other remedies available in law or equity.

**8. MISCELLANEOUS:**

- 8.1 No Substitutions:** Vendor shall supply only Contract Items submitted in response to the Solicitation unless a contract modification is approved in accordance with the provisions contained in this Contract.
- 8.2 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.
- 8.3 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:**           Matt Burdette          

**Telephone Number:**           304-466-1733          

**Fax Number:**           304-466-1735          

**Email Address:**           mburdette@rtrogers.com

Exhibit "A"  
Diesel Fuel for State Rail Authority - South Branch Railroad

Description	Unit of Measure	Terminal Location	Enter Terminal	OPIS Cost as of: 1/12/2020*	Vendor Mark Up	Unit Cost (Per Gallon)	Estimated Quantity (gallons per year)	Extended Price
Diesel Fuel; Southern States Super Green or Equal - Delivered to Green Spring, WV	Per Gallon	Roanoke, VA		\$2.08		\$2.30	26,250	\$60,264.75
Diesel Fuel; Southern States Super Green or Equal - Delivered to Moorefield, WV	Per Gallon	Roanoke, VA		\$2.08		\$2.30	63,000	\$144,635.40
Diesel Fuel; Southern States Super Green or Equal - Delivered to Petersburg, WV	Per Gallon	Roanoke, VA		\$2.08		\$2.30	15,750	\$36,158.85

**TOTAL BID AMOUNT      \$241,059.00**

**Vendor is to enter (Vendor Mark-up), Price Sheet is an Excel document and Extended Price will calculate automatically.**

\* Date and Price for OPIS is for illustration only.