

WV Army National Guard - Camp Dawson Rappel Tower Support Facilities

SECTION 00 41 00
BID FORM

RECEIVED

2020 SEP -2 PM 1:25

WV PURCHASING
DIVISION

THE PROJECT AND THE PARTIES

1.01 TO:

- A. Owner
WV Army National Guard
1703 Coonskin Drive
Charleston, WV 25301

1.02 FOR:

- A. Project: Camp Dawson Rappel Tower Support Facilities
Camp Dawson
Preston County, WV

1.03 DATE: 9/2/2020 (BIDDER TO ENTER DATE)

1.04 SUBMITTED BY: (BIDDER TO ENTER NAME AND ADDRESS)

- A. Bidder's Full Name Waller Corporation
1. Address 2051 W. Chestnut Street
2. City, State, Zip Washington, PA 15301

1.05 OFFER

- A. Having examined the Place of The Work and all matters referred to in the Instructions to Bidders and the Contract Documents prepared by Pickering Associates for the above mentioned project, we, the undersigned, hereby offer to enter into a Contract to perform the Work for the Sum of:
- B. Bid Amount: Three hundred eighty eight thousand seven hundred dollars
(\$ 388,700.00), in lawful money of the United States of America.
- C. We have included the required security deposit as required by the Instruction to Bidders.

1.06 ACCEPTANCE

- A. This offer shall be open to acceptance and is irrevocable for sixty days from the bid closing date.
- B. If this bid is accepted by Owner within the time period stated above, we will:
1. Execute the Agreement within seven days of receipt of Notice of Award.
 2. Furnish the required bonds within seven days of receipt of Notice of Award.
- C. If this bid is accepted within the time stated, and we fail to commence the Work or we fail to provide the required Bond(s), the security deposit shall be forfeited as damages to Owner by reason of our failure, limited in amount to the lesser of the face value of the security deposit or the difference between this bid and the bid upon which a Contract is signed.

1.07 ADDENDA

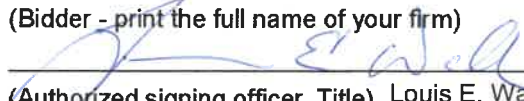
- A. The following Addenda have been received. The modifications to the Bid Documents noted below have been considered and all costs are included in the Bid Sum.
1. Addendum # _____ Dated _____.
 2. Addendum # _____ Dated _____.
 3. Addendum # _____ Dated _____.
 4. Addendum # _____ Dated _____.

1.08 BID FORM SUPPLEMENTS

- A. The following information is included with Bid submission:
1. State of WV Purchasing Affidavit
 2. WV Contractor's License

WV Army National Guard - Camp Dawson Rappel Tower Support Facilities

1.09 BID FORM SIGNATURE(S)

- A. Waller Corporation
- B. (Bidder - print the full name of your firm)
- C.  _____
- D. (Authorized signing officer, Title) Louis E. Waller, President

1.10 IF THE BID IS A JOINT VENTURE OR PARTNERSHIP, ADD ADDITIONAL FORMS OF EXECUTION FOR EACH MEMBER OF THE JOINT VENTURE IN THE APPROPRIATE FORM OR FORMS AS ABOVE.

END OF SECTION 00 41 00

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: Waller Corporation

Authorized Signature: [Signature] Date: September 2, 2020

State of Pennsylvania

County of Washington, to-wit:

Taken, subscribed, and sworn to before me this 2nd day of September, 2020.

My Commission expires August 20, 2020.

AFFIX SEAL HERE

Commonwealth of Pennsylvania - Notary Seal
Linell Alexis Mankey, Notary Public
Washington County
My commission expires February 7, 2023
Commission number 1260562

NOTARY PUBLIC

[Signature]
Purchasing Affidavit (Revised 01/19/2018)

Member, Pennsylvania Association of Notaries

CONTRACTOR LICENSE

Authorized by the

West Virginia Contractor Licensing Board

Number:

WV012558

Classification:

GENERAL BUILDING

WALLER CORPORATION
DBA WALLER CORPORATION
PO BOX 757
WASHINGTON, PA 15301-0757


Date Issued

Expiration Date

DECEMBER 10, 2019

DECEMBER 10, 2020


Authorized Company Signature


Chair, West Virginia Contractor
Licensing Board

**WEST VIRGINIA
CONTRACTOR
LICENSING
BOARD**

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



Allegheny County
Department of Equity and Inclusion
204 County Office Building
542 Forbes Avenue
Pittsburgh, PA 15219
Phone: (412) 350-4309 Fax: (412) 350-4915
Email: DEICertification@AlleghenyCounty.US

Continued Eligibility Letter

June 19, 2020

Louis Waller, President
Waller Corporation
2051 West Chestnut Street
Washington, PA 15301

RE: Pennsylvania Unified Certification Program
DBE Continued Eligibility Letter for
Waller Corporation

DBE Certification # : **10392**
Anniversary Date - Annually, on: **February 12**

Attention Louis Waller:

The Allegheny County Department of Equity and Inclusion, a certifying participant in the Pennsylvania Unified Certification Program (PA UCP), has reviewed your Annual Affidavit as a Disadvantaged Business Enterprise (DBE) and is pleased to inform you that your firm appears to meet the requirements established by the United States Department of Transportation in Title 49, Part 26 of the Code of Federal Regulations. Consequently, your firm can continue as a DBE to participate in the program in the following classification(s) only:

General construction contractor

NAICs Code(s): 236115, 236116, 236117, 236118, 236210, 236220

If you wish to expand your status to include another type of business, you must contact the PA UCP for reevaluation prior to undertaking any projects as a DBE in the expanded area.

In the event of a change in circumstances affecting your ability to meet size, disadvantage, ownership, and control requirements of Part 26 or any material change in the information provided; you must inform the PA UCP by means of a sworn affidavit by the owners, describing in detail the nature of such changes.

Certifying Participants

Allegheny County
Department of Equity
and Inclusion

**Philadelphia
International Airport**
Office of Business Diversity

PENNDOT
Bureau of Equal Opportunity

**Port Authority of
Allegheny County**
Office of Disadvantaged Business
Enterprise & Diverse Business

SEPTA
DBE Program
Office

June 19th, 2020

Page 2

You must provide this written "Notice of Change" within 30 days of the occurrence of the change. Failure to do so will be deemed a failure to cooperate.

We would also remind you that the PA UCP reserves the right to review your firm at any time to ensure compliance with the program.

We are pleased to continue to have you as a Disadvantaged Business Enterprise and wish you continued success in acquiring work within the DBE program. If you have any questions, please contact this office at 412-350-4309.

Sincerely,



Lisa L. Edmonds, MCA
Acting Director

LLE/rb

COUNTY OF



ALLEGHENY

RICH FITZGERALD

COUNTY EXECUTIVE

June 19, 2020

Louis Waller, President
Waller Corporation
2051 West Chestnut Street
Washington, PA 15301

Dear Louis Waller:

Please be advised that Allegheny County has a goal of 13% Minority and 2% Woman business participation and tracks MBE/WBE participation on all county contracts. This is in accordance with the Allegheny County Administrative Code.

The designation of Minority, Woman or Minority/Woman does not appear on the official PA UCP certification approval letters. Therefore, this letter serves as a secondary letter to reflect your designation as a Minority Business Enterprise (MBE) for tracking purposes only.

After the annual affidavit has been processed and approved, you will receive this letter in addition to the official PA UCP certification letter.

Sincerely,

Lisa L. Edmonds, MCA
Acting Director

LLE/rb

LISA L. EDMONDS, MCA, ACTING DIRECTOR

DEPARTMENT OF EQUITY AND INCLUSION

204 COUNTY OFFICE BUILDING • 542 FORBES AVENUE • PITTSBURGH, PA 15219

PHONE (412) 350-4309 • FAX (412) 350-4915 • WWW.ALLEGHENYCOUNTY.US

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Waller Corporation
_____ of PO Box 757, 2051 West Chestnut Street, Washington, PA 15301, as Principal, and Hudson Insurance Company
_____ of 100 William Street, 5th Floor, New York, NY 10038, a corporation organized and existing under the laws of the State of _____
Delaware with its principal office in the City of New York, NY, as Surety, are held and firmly bound unto the State
of West Virginia, as Obligee, in the penal sum of Five Percent of the Bid Amount (\$ 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
Camp Dawson Rappel Tower Support Facilities, Camp Dawson, Preston County, WV, Project ID:2020-0C53, Contract #: AD\2100000018

NOW THEREFORE,

- (a) If said bid shall be rejected, or
- (b) If said bid shall be accepted and the Principal shall enter into a contract in accordance with the bid or proposal
attached hereto and shall furnish any other bonds and insurance required by the bid or proposal, and shall in all other respects perform
the agreement created by the acceptance of said bid, then this obligation shall be null and void, otherwise this obligation shall remain in
full force and effect. It is expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no
event, exceed the penal amount of this obligation as herein stated.

The Surety, for the value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no
way impaired or affected by any extension of the time within which the Obligee may accept such bid, and said Surety does hereby
waive notice of any such extension.

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 2nd day of September, 2020.

Principal Seal

Waller Corporation
(Name of Principal)
By [Signature]
(Must be President, Vice President, or
Duly Authorized Agent)
Louis E. Waller, President
(Title)

Surety Seal

Hudson Insurance Company
(Name of Surety)
[Signature]
Scott C. Mahorsky, 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.**

CONSENT OF SURETY

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of \$1.00, lawful money of the United States of America, the receipt whereof is hereby acknowledged, paid the undersigned corporation, and for other valuable consideration, the Hudson Insurance Company organized and existing under the laws of the State of DE and licensed to do business in the State of WV certifies and agrees, that if contract for Camp Dawson Rappel Tower Support Facilities, Camp Dawson, Preston County, WV, Project ID:2020-0C53, Contract #: ADJ2100000018

for State of West Virginia, WV Army National Guard

is awarded to Waller Corporation

the undersigned Corporation will execute the bond or bonds as required of the contract documents and will become Surety in the full amount set forth in the contract documents for the faithful performance of all obligations of the Contractor .

Signed and sealed this 2nd day of September, 2020.

Hudson Insurance Company

By:

Scott C. Mahorsky , Attorney-in-Fact



West Virginia Offices of the Insurance Commissioner



Certificate of Authority

Whereas, **HUDSON INSURANCE COMPANY**, domiciled in the State of **DELAWARE**, has complied with all the requirements of the laws of this State so as to entitle it to transact its appropriate business in the State of West Virginia.

Therefore, I the undersigned, Insurance Commissioner of the State of West Virginia, pursuant to the authority vested in me by the laws of this State, do hereby authorize it to transact the business of insurance as defined in Chapter 33

ACCIDENT & SICKNESS - ARTICLE 1, SECTION 10(b)
CASUALTY - ARTICLE 1, SECTION 10(e)
FIRE - ARTICLE 1, SECTION 10(c)
MARINE - ARTICLE 1, SECTION 10(d)
SURETY - ARTICLE 1, SECTION 10(f) (1)
SURETY - ARTICLE 1, SECTION 10(f) (2)
SURETY - ARTICLE 1, SECTION 10(f) (3)

of the 1931 Code of West Virginia as amended, in the State of West Virginia in accordance with the laws thereof until midnight on the 31st day of May, 2016, unless this license be sooner revoked. Pursuant to W. Va. Code §33-3-2(c), the above authorization does not allow the insurer to transact a kind of insurance in this State unless duly authorized or qualified to transact such insurance in the state or country of its domicile.

In Testimony Whereof, I have hereunto set my hand and affixed my seal of office at the City of Charleston this 1st day of June, 2015.

A handwritten signature in black ink that reads "Michael D. Riley".

Michael D. Riley
Insurance Commissioner

NAIC # 25054
WV File # 1442



BID BOND POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That HUDSON INSURANCE COMPANY, a corporation of the State of Delaware, with offices at 100 William Street, New York, New York, 10038, has made, constituted and appointed, and by these presents, does make, constitute and appoint

Scott C. Mahorsky, Richard V. Dobbs, Jr., Christine A. Hartung
of the State of Pennsylvania

its true and lawful Attorney(s)-in-Fact, at New York City in the State of New York, each of them alone to have full power to act without the other or others, to make, execute and deliver on its behalf, as Surety, bid bonds for any and all purposes.

Such bid bonds, when duly executed by said Attorney(s)-in-Fact, shall be binding upon said Company as fully and to the same extent as if signed by the President of said Company under its corporate seal attested by its Secretary.

In Witness Whereof, HUDSON INSURANCE COMPANY has caused these presents to be of its Senior Vice President thereunto duly authorized, on this 11th day of December, 20 17 at New York, New York.



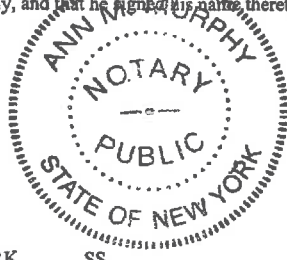
Attest.....
Dina Daskalakis
Dina Daskalakis, Corporate Secretary

HUDSON INSURANCE COMPANY
By.....
Michael P. Cifone
Michael P. Cifone, Senior Vice President

STATE OF NEW YORK
COUNTY OF NEW YORK SS.

On the 11th day of December, 20 17 before me personally came Michael P. Cifone to me known, who being by me duly sworn did depose and say that he is a Senior Vice President of HUDSON INSURANCE COMPANY, the Company described herein and which executed the above instrument, that he knows the seal of said Company, that the seal affixed to said instrument is the corporate seal of said Company, that it was so affixed by order of the Board of Directors of said Company, and that he signed his name thereto by like order.

(Notarial Seal)



.....
Ann M. Murphy
ANN M. MURPHY
Notary Public, State of New York
No. 01MU6067553
Qualified in Nassau County
Commission Expires December 10, 2021

STATE OF NEW YORK
COUNTY OF NEW YORK SS.

CERTIFICATION

The undersigned Dina Daskalakis hereby certifies:

THAT the original resolution, of which the following is a true and correct copy, was duly adopted by unanimous written consent of the Board of Directors of Hudson Insurance Company dated July 27th, 2007, and has not since been revoked, amended or modified:

“RESOLVED, that the President, the Executive Vice Presidents, the Senior Vice Presidents and the Vice Presidents shall have the authority and discretion, to appoint such agent or agents, or attorney or attorneys-in-fact, for the purpose of carrying on this Company’s surety business, and to empower such agent or agents, or attorney or attorneys-in-fact, to execute and deliver, under this Company’s seal or otherwise, bonds obligations, and recognizances, whether made by this Company as surety thereon or otherwise, indemnity contracts, contracts and certificates, and any and all other contracts and undertakings made in the course of this Company’s surety business, and renewals, extensions, agreements, waivers, consents or stipulations regarding undertakings so made; and

FURTHER RESOLVED, that the signature of any such Officer of the Company and the Company’s seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seal when so used whether heretofore or hereafter, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.”

THAT the above and foregoing is a full, true and correct copy of Power of Attorney issued by said Company, and of the whole of the original and that the said Power of Attorney is still in full force and effect and has not been revoked, and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney is now in force.

Witness the hand of the undersigned and the seal of said Company this 2nd day of September, 20 20.



By.....
Dina Daskalakis
Dina Daskalakis, Corporate Secretary



Main Office:
2100 Quaker Pointe Drive
Quakertown, PA 18951
Phone: (215) 536-0253 • Fax: (215) 536-0257

Branch Offices:

Pennsylvania
Pittsburgh

New York
Williamsville

Virginia
Norfolk

South Carolina
Charleston

Florida
Orlando