





The following documentation is an electronically-submitted vendor response to an advertised solicitation from the *West Virginia Purchasing Bulletin* within the Vendor Self-Service portal at [wvOASIS.gov](http://wvOASIS.gov). As part of the State of West Virginia's procurement process, and to maintain the transparency of the bid-opening process, this documentation submitted online is publicly posted by the West Virginia Purchasing Division at [WVPurchasing.gov](http://WVPurchasing.gov) with any other vendor responses to this solicitation submitted to the Purchasing Division in hard copy format.

Header  [List View](#)**General Information** | [Contact](#) | [Default Values](#) | [Discount](#) | [Document Information](#) | [Clarification Request](#)**Procurement Folder:** 823901**Procurement Type:** Central Master Agreement**Vendor ID:**  **Legal Name:** KLUG BROS INC**Alias/DBA:****Total Bid:** \$0.00**Response Date:**  **Response Time:** **Responded By User ID:**  **First Name:** **SO Doc Code:** CRFQ**SO Dept:** 0803**SO Doc ID:** DOT2100000085**Published Date:** 2/18/21**Close Date:** 2/23/21**Close Time:** 13:30**Status:** Closed**Solicitation Description:** **Total of Header Attachments:** 8**Total of All Attachments:** 8



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

**State of West Virginia  
 Solicitation Response**

**Proc Folder:** 823901  
**Solicitation Description:** Asphalt Materials, Pick Up by Agency - Statewide 6621C048  
**Proc Type:** Central Master Agreement

Solicitation Closes	Solicitation Response	Version
2021-02-23 13:30	SR 0803 ESR02182100000005665	1

**VENDOR**  
 000000203859  
 KLUG BROS INC

**Solicitation Number:** CRFQ 0803 DOT2100000085  
**Total Bid:** 0  
**Response Date:** 2021-02-23  
**Response Time:** 07:24:29  
**Comments:**

**FOR INFORMATION CONTACT THE BUYER**  
 John W Estep  
 304-558-2566  
 john.w.estep@wv.gov

**Vendor Signature X** **FEIN#** **DATE**

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

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
1	Asphalts	0.00000	TON	1.000000	0.00

Comm Code	Manufacturer	Specification	Model #
30121600			

**Commodity Line Comments:**

**Extended Description:**

Asphalts

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
2	Asphalt	0.00000	TON	1.000000	0.00

Comm Code	Manufacturer	Specification	Model #
30121601			

**Commodity Line Comments:**

**Extended Description:**

Asphalt

**ADDENDUM ACKNOWLEDGEMENT FORM**  
**SOLICITATION NO.: CRFQ DOT21\*85**

**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 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 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.

KLUG BROS., INC.  
Company

Mark J. Klug  
Authorized Signature

2-23-21  
Date

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

Asphalt Materials Pick Up by Agency  
ATTACHMENT A PRICING PAGE (ATT A)

**VENDOR INSTRUCTIONS:**

**Vendor shall complete Parts I, II and III below in their entirety. Failure to provide the Asphalt Plant Name and Asphalt Plant Location will result in the disqualification of corresponding Contract Items. Vendor must complete a separate Pricing Page (ATT A) for EVERY sourced Asphalt Plant providing Contract Items for pick up by WVDOH forces.**

**PART I: VENDOR & ASPHALT PLANT INFORMATION (Required)**

Vendor Name: Klug Bros.,Inc.  
 Asphalt Plant Name: Plant #1  
 Asphalt Plant Location: State Route 2 South Lafayette Avenue  
 (911 Address) Moundsville, West Virginia

**PART II: WVDOH DISTRICTS SERVED BY ABOVE ASPHALT PLANT (Required). Mark all Districts which include one or more counties served by the Asphalt Plant listed above in Part I.**

- District 1:** Boone, Clay, Kanawha, Mason and Putnam counties
- District 2:** Cabell, Lincoln, Logan, Mingo and Wayne counties
- District 3:** Calhoun, Jackson, Pleasants, Ritchie, Roane, Wirt and Wood counties
- District 4:** Doddridge, Harrison, Marion, Monongalia, Preston and Taylor counties
- District 5:** Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral and Morgan
- District 6:** Brooke, Hancock, Marshall, Ohio, Tyler and Wetzel counties
- District 7:** Barbour, Braxton, Gilmer, Lewis, Upshur and Webster counties
- District 8:** Pendleton, Pocahontas, Randolph and Tucker counties
- District 9:** Fayette, Greenbrier, Monroe, Nicholas and Summers counties
- District 10:** McDowell, Mercer, Raleigh and Wyoming counties

**PART III: ENTER PRICE PER UNIT OF MEASURE FOR CONTRACT ITEMS BID.**

Contract Item #	Contract Item Description	Unit of Measure	List Price
A	Asphalt Section 401 - Base I	TON	\$62.40
B	Asphalt Section 401 - 25mm Superpave	TON	\$63.90
C	Asphalt Section 401 - Base II	TON	\$62.40
D	Asphalt Section 401 - Patch and Level	TON	\$62.40
E	Asphalt Section 401 - Wearing IV	TON	\$62.50
F	Asphalt Section 402 - Wearing IV	TON	
G	Asphalt Section 401 - 19mm Superpave	TON	\$63.90
H	Asphalt Section 401 - Scratch Course	TON	\$69.25
I	Asphalt Section 402 - 9.5mm Superpave	TON	
J	Asphalt Section 401 - Wearing 1	TON	\$69.25
K	Asphalt Section 402 - Wearing 1	TON	\$76.00
L	Asphalt Section 401 - 4.75mm Superpave	TON	
M	Asphalt Section 402 - 4.75mm Superpave	TON	
N	Asphalt Section 401 - Wearing III	TON	\$79.95
O	Asphalt Section 402 - Wearing III	TON	
P	Asphalt Section 401 - 12.5mm Superpave	TON	\$71.00
Q	Asphalt Section 402 - 12.5mm Superpave	TON	
R	Asphalt Plant Run	TON	67.50
S1	Surcharge for PG Binder - 70 minus 22	TON	
S2	Surcharge for PG Binder - 76 minus 22 - ordered in 400 ton increments	TON	
T1	Off-Season Plant Opening - First Day	DAY	1100.00
T2	Off-Season Plant Opening - Each Additional Day	DAY	700.00

Asphalt Materials Pick Up by Agency  
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**PART I: VENDOR & ASPHALT PLANT INFORMATION (Required)**

Vendor Name:	Klug Bros.,Inc.
Asphalt Plant Name:	Plant #2
Asphalt Plant Location:	Foot of Wetzel Street
(911 Address)	New Martinsville, West Virginia

**PART II: WVDOH DISTRICTS SERVED BY ABOVE ASPHALT PLANT (Required). Mark all Districts which include one or more counties served by the Asphalt Plant listed above in Part I.**

- |                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/>            | <b>District 1:</b> Boone, Clay, Kanawha, Mason and Putnam counties                      |
| <input type="checkbox"/>            | <b>District 2:</b> Cabell, Lincoln, Logan, Mingo and Wayne counties                     |
| <input type="checkbox"/>            | <b>District 3:</b> Calhoun, Jackson, Pleasants, Ritchie, Roane, Wirt and Wood counties  |
| <input type="checkbox"/>            | <b>District 4:</b> Doddridge, Harrison, Marion, Monongalia, Preston and Taylor counties |
| <input type="checkbox"/>            | <b>District 5:</b> Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral and Morgan     |
| <input checked="" type="checkbox"/> | <b>District 6:</b> Brooke, Hancock, Marshall, Ohio, Tyler and Wetzel counties           |
| <input type="checkbox"/>            | <b>District 7:</b> Barbour, Braxton, Gilmer, Lewis, Upshur and Webster counties         |
| <input type="checkbox"/>            | <b>District 8:</b> Pendleton, Pocahontas, Randolph and Tucker counties                  |
| <input type="checkbox"/>            | <b>District 9:</b> Fayette, Greenbrier, Monroe, Nicholas and Summers counties           |
| <input type="checkbox"/>            | <b>District 10:</b> McDowell, Mercer, Raleigh and Wyoming counties                      |

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D	Asphalt Section 401 - Patch and Level	TON	\$62.40
E	Asphalt Section 401 - Wearing IV	TON	\$62.50
F	Asphalt Section 402 - Wearing IV	TON	
G	Asphalt Section 401 - 19mm Superpave	TON	\$63.90
H	Asphalt Section 401 - Scratch Course	TON	\$69.25
I	Asphalt Section 402 - 9.5mm Superpave	TON	
J	Asphalt Section 401 - Wearing 1	TON	\$69.25
K	Asphalt Section 402 - Wearing 1	TON	\$76.00
L	Asphalt Section 401 - 4.75mm Superpave	TON	
M	Asphalt Section 402 - 4.75mm Superpave	TON	
N	Asphalt Section 401 - Wearing III	TON	\$79.95
O	Asphalt Section 402 - Wearing III	TON	
P	Asphalt Section 401 - 12.5mm Superpave	TON	\$71.00
Q	Asphalt Section 402 - 12.5mm Superpave	TON	
R	Asphalt Plant Run	TON	67.50
S1	Surcharge for PG Binder - 70 minus 22	TON	
S2	Surcharge for PG Binder - 76 minus 22 - ordered in 400 ton increments	TON	
T1	Off-Season Plant Opening - First Day	DAY	1100.00
T2	Off-Season Plant Opening - Each Additional Day	DAY	700.00

**CERTIFICATION AND SIGNATURE PAGE**

By signing below, or submitting documentation through the West Virginia Vendor Self Service Portal website, 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.

KLUG BROS., INC.  
(Full Company Name)

Mark J. Klug  
(Authorized Signature)

MARK J. KLUG PRESIDENT  
(Print or Type Name and Title of Signatory)

304-845-2545  
(Phone Number)

888-730-7500 OR 304-845-7982  
(Fax Number)

MARK@KLUGBROTHERSINC.COM  
(Email address)

2-16-21  
(Date)

**Form pre-approved by DOH legal division on July 12, 2016.  
Attorney signature not required.**



**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.

JULIE C. KLUG SECRETARY  
(Name, Title)

JULIE C. KLUG SECRETARY  
(Printed Name and Title)

123 KLUG LANE MDS. WV. 26041  
(Address)

304-845-2545 888-730-7500  
(Phone Number) / (Fax Number)

JULIE@KLUGBROTHERSINC.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.

KLUG BROS., INC.  
(Company)

Mark J. Klug President  
(Authorized Signature) (Representative Name, Title)

MARK J. KLUG PRESIDENT  
(Printed Name and Title of Authorized Representative)

2-16-21  
(Date)

304-845-2545 888-730-7500  
(Phone Number) (Fax Number)

West Virginia Ethics Commission  
**Disclosure of Interested Parties to Contracts**

(Required by W. Va. Code § 6D-1-2)

Name of Contracting Business Entity: Klug Bros., Inc Address: 123 Klug Lane  
Moundsville, WV 26041

Name of Authorized Agent: Mark J. Klug Address: 84 Klug Lane Mds., WV

Contract Number: 304-845-2545 Contract Description: Asphalt

Governmental agency awarding contract: \_\_\_\_\_

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.

MARK J. KLUG 33 1/3%  
DENNIS E. KLUG 33 1/3%  
MARY C. McCRAY 33 1/3%

**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: *Mark J. Klug* Date Signed: 2/16/21

**Notary Verification**

State of West Virginia, County of Marshall:

I, Mark J. Klug, 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 16th day of February, 21.

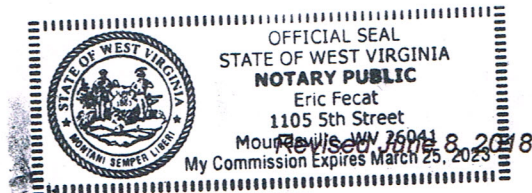
*[Signature]*  
Notary Public's Signature

**To be completed by State Agency:**

Date Received by State Agency: \_\_\_\_\_

Date submitted to Ethics Commission: \_\_\_\_\_

Governmental agency submitting Disclosure: \_\_\_\_\_



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 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: (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: Klug Bros., Inc

Authorized Signature: *Mandy Klug* Date: 2/16/21

State of West Virginia

County of Marshall, to-wit:

Taken, subscribed, and sworn to before me this 16 day of February, 2021.

My Commission expires 3/25/23, 2021.



NOTARY PUBLIC

*[Handwritten Signature]*

# 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:** Klug Bros., Inc Mark J. Klug

**Signed:** Mark J. Klug

**Date:** 2/16/21

**Title:** President

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