



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

# Request for Quotation

RFQ NUMBER
667C0019

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
JOHN JOHNSTON 304-558-2402

VENDOR

\*709050359      304-845-2545  
 KLUG BROTHERS INC  
 RD 2 BOX 394  
 MOUNDSVILLE WV 26041

SHIP TO

DIVISION OF HIGHWAYS  
 VARIOUS LOCALES AS INDICATED  
 BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
03/11/2007				

BID OPENING DATE: 04/04/2007      BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	TN		745-21		
<p>HOT-MIX ASPHALT</p> <p>OPEN END CONTRACT</p> <p>TO FURNISH MATERIALS, EQUIPMENT AND LABOR TO SUPPLY AT THE VENDOR'S PLANT, HOT-MIX ASPHALT TO THE WEST VIRGINIA DIVISION OF HIGHWAYS FOR USE UNDER THE CONDITIONS SPECIFIED HEREINAFTER.</p> <p>AND/OR</p> <p>TO FURNISH MATERIALS, EQUIPMENT AND LABOR NECESSARY TO LAY DOWN HOT-MIX ASPHALT FOR THE WEST VIRGINIA DIVISION OF HIGHWAYS AT VARIOUS LOCATIONS IN THE STATE UNDER TH CONDITIONS SPECIFIED HEREINAFTER.</p> <p>NOTE: VENDORS SHOULD SUBMIT A COPY OF CONTRACTORS LICENSE, INSURANCE CERTIFICATE, AND WORKERS COMPENSATION CERTIFICATE IF BIDDING ITEM "H" LAY DOWN OF MATERIALS.</p> <p>EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON ..... AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE.</p>						

RECEIVED TRK#  
 2007 MAR 30 A 9:02  
 PURCHASING DIVISION  
 STATE OF WV

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Mary Klug</i>	TELEPHONE 304-845-2545	DATE 4-4-07
TITLE <i>President</i>	FEIN 55 0601828	ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



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<p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.</p> <p>RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p> <p>QUANTITIES: QUANTITIES LISTED IN THE REQUISITION ARE APPROXIMATIONS ONLY, BASED ON ESTIMATES SUPPLIED BY THE STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF THE CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p>						

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<p>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN STATE CONTRACT ORDER (FORM NUMBER WV-39) TO THE VENDOR FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL COPY OF THE WV-39 SHALL BE MAILED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT, A SECOND COPY MAILED TO THE PURCHASING DIVISION, AND A THIRD COPY RETAINED BY THE SPENDING UNIT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM.</p> <p>REV. 04/11/2001</p> <p>PURCHASING CARD ACCEPTANCE: THE STATE OF WEST VIRGINIA CURRENTLY UTILIZES A VISA PURCHASING CARD PROGRAM WHICH IS ISSUED THROUGH A BANK. THE SUCCESSFUL VENDOR MUST ACCEPT THE STATE OF WEST VIRGINIA VISA PURCHASING CARD FOR PAYMENT OF ALL ORDERS PLACED BY ANY STATE AGENCY FOR ORDERS THAT ARE LESS THAN \$2,500 AS A CONDITION OF AWARD.</p> <p>INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF COVERAGE OF COMMERCIAL GENERAL LIABILITY INSURANCE PRIOR TO ISSUANCE OF THE CONTRACT. UNLESS OTHERWISE SPECIFIED IN THE BID DOCUMENTS, THE MINIMUM AMOUNT OF INSURANCE COVERAGE REQUIRED IS \$250,000.</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE	TELEPHONE	DATE	
<i>Mandy Klug</i>	304-845-2545	4-4-07	
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE	
<i>President</i>	550601828		

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<p>WORKERS COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS COMPENSATION IF SUCCESSFUL.</p> <p>CONTRACTORS LICENSE</p> <p>WEST VIRGINIA STATE CODE 21-11-2 REQUIRES THAT ALL PERSONS DESIRING TO PERFORM CONTRACTING WORK IN THIS STATE MUST BE LICENSED. THE WEST VIRGINIA CONTRACTORS LICENSING BOARD IS EMPOWERED TO ISSUE THE CONTRACTORS LICENSE. APPLICATIONS FOR A CONTRACTORS LICENSE MAY BE MADE BY CONTACTING THE WEST VIRGINIA DIVISION OF LABOR CAPITOL COMPLEX, BUILDING 3, ROOM 319, CHARLESTON, WV 25305. TELEPHONE: (304) 558-7890.</p> <p>WEST VIRGINIA STATE CODE 21-11-11 REQUIRES ANY PROSPECTIVE BIDDER TO INCLUDE THE CONTRACTORS LICENSE NUMBER ON THEIR BID.</p> <p>BIDDER TO COMPLETE:            CONTRACTORS NAME - ..... KLUG BROS. INC.            CONTRACTORS LICENSE NO. - ..... WV.003293.....</p> <p>THE SUCCESSFUL BIDDER WILL REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT.</p> <p>VENDOR PREFERENCE CERTIFICATE</p> <p>CERTIFICATION AND APPLICATION* IS HEREBY MADE FOR PREFERENCE IN ACCORDANCE WITH WEST VIRGINIA CODE, 5A-3-37 (DOES NOT APPLY TO CONSTRUCTION CONTRACTS).</p> <p>A. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED: ✓</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *Mary Klug* TELEPHONE: 304-845-2545 DATE: 4-4-07

TITLE: *President* FEIN: 550601828 ADDRESS CHANGES TO BE NOTED ABOVE

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<p>( ) BIDDER IS AN INDIVIDUAL RESIDENT VENDOR AND HAS RESIDED CONTINUOUSLY IN WEST VIRGINIA FOR FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION; OR</p> <p>(X) BIDDER IS A PARTNERSHIP, ASSOCIATION OR CORPORATION RESIDENT VENDOR AND HAS MAINTAINED ITS HEAD-QUARTERS OR PRINCIPAL PLACE OF BUSINESS CONTINUOUSLY IN WEST VIRGINIA FOR FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION; OR 80% OF THE OWNERSHIP INTEREST OF BIDDER IS HELD BY ANOTHER INDIVIDUAL, PARTNERSHIP, ASSOCIATION OR CORPORATION RESIDENT VENDOR WHO HAS MAINTAINED ITS HEADQUARTERS OR PRINCIPAL PLACE OF BUSINESS CONTINUOUSLY IN WEST VIRGINIA FOR FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION; OR</p> <p>( ) BIDDER IS A CORPORATION 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.</p> <p>B. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED:</p> <p>(X) 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</p>						

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<p>( ) BIDDER IS A NONRESIDENT VENDOR EMPLOYING A MINIMUM OF ONE HUNDRED STATE RESIDENTS OR IS A NONRESIDENT VENDOR WITH AN AFFILIATE OR SUBSIDIARY WHICH MAINTAINS ITS HEADQUARTERS OR PRINCIPAL PLACE OF BUSINESS WITHIN WEST VIRGINIA EMPLOYING A MINIMUM OF ONE HUNDRED STATE RESIDENTS WHO CERTIFIES THAT, DURING THE LIFE OF THE CONTRACT, ON AVERAGE AT LEAST 75% OF THE EMPLOYEES OR BIDDERS' AFFILIATE'S OR SUBSIDIARY'S EMPLOYEES ARE RESIDENTS OF WEST VIRGINIA WHO HAVE RESIDED IN THE STATE CONTINUOUSLY FOR THE TWO YEARS IMMEDIATELY PRECEDING SUBMISSION OF THIS BID.</p> <p>BIDDER UNDERSTANDS IF THE SECRETARY OF TAX &amp; 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 ISSUED; 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.</p> <p>BY SUBMISSION OF THIS CERTIFICATE, BIDDER AGREES TO DISCLOSE ANY REASONABLY REQUESTED INFORMATION TO THE PURCHASING DIVISION AND AUTHORIZES THE DEPARTMENT OF TAX AND 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.</p> <p>UNDER PENALTY OF LAW FOR FALSE SWEARING (WEST VIRGINIA CODE 61-5-3), BIDDER HEREBY CERTIFIES THAT THIS CERTIFICATE IS TRUE AND ACCURATE IN ALL RESPECTS; AND</p>						

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<p>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.</p> <p>BIDDER: <u>KLUG BROS., INC.</u></p> <p>DATE: <u>4-4-07</u></p> <p>SIGNED: <u>Mary Klug</u></p> <p>TITLE: <u>President</u></p> <p>* CHECK ANY COMBINATION OF PREFERENCE CONSIDERATION(S) IN EITHER "A" OR "B", OR BOTH "A" AND "B" WHICH YOU ARE ENTITLED TO RECEIVE. YOU MAY REQUEST UP TO THE MAXIMUM 5% PREFERENCE FOR BOTH "A" AND "B". (REV. 12/00)</p> <p>NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p>DEPARTMENT OF ADMINISTRATION          PURCHASING DIVISION          BUILDING 15          2019 WASHINGTON STREET, EAST          CHARLESTON, WV 25305-0130</p>						

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## DISTRICT SIX

12. BID SCHEDULE (Continued)

<u>Item A</u> -	Hot-Mix Asphalt Base I F.O.B. Vendor Plant per ton	@	<u>41.00</u>
<u>Item B</u> -	Hot-Mix Asphalt Base II (Patch & Level), or Wearing IV F.O.B. Vendor Plant per ton	@	<u>41.00</u>
<u>Item C</u> -	Hot-Mix Asphalt Wearing I (Scratch) F.O.B. Vendor Plant per ton	@	<u>45.00</u>
<u>Item D</u> -	Hot-Mix Asphalt Wearing III F.O.B. Vendor Plant per ton	@	<u>49.75</u>

All of the above items shall be in accordance with The West Virginia Department of Transportation, Division of Highways, Standard Specifications Roads and Bridges, Adopted 2000 as modified by the current Supplemental Specifications, Section 401 as specified in the SCO.

<u>Item E</u> -	Hot-Mix Asphalt Skid Resistant Pavement F.O.B. Vendor Plant per ton	@	<u>49.75</u>
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The above item shall be in accordance with The West Virginia Department of Transportation, Division of Highways, Standard Specifications Roads and Bridges, Adopted 2000 as modified by the current Supplemental Specifications, Section 402.

<u>Item F</u> -	Hot-Mix Asphalt Plant Run F.O.B. Vendor Plant per ton	@	<u>44.00</u>
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<u>Item G</u> -	Haul by Vendor	@	<u>1.20</u>	for first ton mile and
		@	<u>.20</u>	for each additional mile

<u>Item H</u> -	Lay down of Materials Items A thru E, Each Site			
	0 to 100 tons	@	<u>67.00</u>	per ton
	101 to 200 tons	@	<u>44.00</u>	per ton
	201 to 500 tons	@	<u>21.00</u>	per ton
	501 and up	@	<u>9.75</u>	per ton

## DISTRICT SIX

### 12. BID SCHEDULE (Continued)

Material placed under Item H shall be constructed in accordance with the Requirements of The West Virginia Department of Transportation, Division of Highways, Standard Specifications Roads and Bridges, Adopted 2000 as modified by the current Supplemental Specifications, Section 401 or 402 as specified in the SCO.

Item I - Cleaning & Sweeping  
@ .12 per sq. yd.

Item J - Bituminous Material for Tack Coat  
or Prime  
All Types @ 2.25 per gallon

Material furnished and applied under Item J to be in accordance with Section 408 of the referenced specifications, as directed by the District Engineer/Manager.

Item K - Daytime Paving Mobilization - A Mobilization for Paving Charge of \$ 600.00 may be made when the purchase order quantity per paving location is less than 500 tons of Hot-Mix Asphalt and nighttime paving is not specified.

Item L - Nighttime Paving Mobilization - A Mobilization for Paving Charge of \$ 1,000.00 may be made when the purchase order quantity per paving location is less than 500 tons of Hot-Mix Asphalt and nighttime paving is specified.

Item M - Off Season Plant Opening  
@ 1,000.00 for first day  
@ 700.00 for each additional day

Item N - Additional Heel-In Joints  
@ 10.50 per lineal foot

Item O - Skip Paving Surcharge  
@ 2.25 per ton

Item P - Mobilization for Profiling  
@ 1,200.00 per SCO

Item Q - Pavement Profiling (Milling), square yards per SCO

Less than 250	@	<u>15.00</u>	per Sq. Yd.
250 less than 500	@	<u>10.00</u>	per Sq. Yd.
500 less than 1000	@	<u>8.00</u>	per Sq. Yd.
1000 less than 2500	@	<u>5.00</u>	per Sq. Yd.
2500 less than 5000	@	<u>4.00</u>	per Sq. Yd.
5000 and greater	@	<u>2.00</u>	per Sq. Yd.

Item R - Pilot Truck and Driver  
@ 500.00 per day

## DISTRICT SIX

12. BID SCHEDULE (Continued)

Item S - Traffic Control Devices  
 @ 1.20 per Unit

Item T - Flagger  
 @ 49.00 per Hour

Item U - Arrow Board  
 @ 18.00 per Day

Item V - Rumble Strips  
 @ 4.00 per LF

Vendor's Plant Location STATE RT. 2 SOUTH LAFAYETTE AVENUE, MOUNDSVILLE, WV  
AND  
WETZEL STREET, NEW MARTINSVILLE, WV

SAME PRICING AT EITHER PLANT LOCATION  
 m.j. klug