



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
 DEP13891

PAGE
 1

ADDRESS CORRESPONDENCE TO ATTENTION OF
 CHUCK BOWMAN
 304-558-2157

RFQ COPY
 TYPE NAME/ADDRESS HERE

PROPERTY

*DUANE STOWERS
 663 CAMPBELLS CK. DR.
 CHARLESTON, WV 25306
 \$40 HR.*

SHIP TO

ENVIRONMENTAL PROTECTION
 DEPT. OF
 OFFICE OF MINING & RECLAMATION
 601 57TH STREET SE
 CHARLESTON, WV
 25304 304-926-0499

DATE PRINTED 01/12/2007	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
BID OPENING DATE: 02/07/2007	BID OPENING TIME 01:30PM			

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		968-47		
<p>BLASTING INSPECTION SERVICES</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, ON BEHALF OF THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S OFFICE OF EXPLOSIVES AND BLASTING, IS SOLICITING BIDS FROM QUALIFIED INDIVIDUALS TO PERFORM THE TASKS AND DUTIES OF A BLASTING INSPECTOR PER THE FOLLOWING SPECIFICATIONS, BID REQUIREMENTS, AND TERMS AND CONDITIONS.</p> <p>INDIVIDUALS SHOULD INCLUDE THE REQUIRED CERTIFICATION DOCUMENTS AND REFERENCE QUALIFICATIONS WITH THEIR BID. THE AGENCY RESERVES THE RIGHT TO REQUEST THESE AND ANY OTHER INFORMATION FROM A SUBMITTING VENDOR AT ANY TIME DURING THE BID EVALUATION PROCESS. FAILURE TO SUBMIT THE AGENCY REQUESTED INFORMATION WITHIN THE STATED TIME FRAME MAY RESULT IN THE DISQUALIFICATION OF THE INDIVIDUAL'S BID SUBMITTAL.</p> <p>CONTRACT WILL HAVE A LIMITED TIME FRAME OF 2,080 HOURS MAXIMUM AND WILL EXTEND FOR ONE YEAR FROM TIME OF AWARD.</p> <p>PLEASE SEE ATTACHED AND ENTER HOURLY RATE IN THE SPACE PROVIDED.</p> <p>VENDOR PREFERENCE CERTIFICATE</p> <p>CERTIFICATION AND APPLICATION* IS HEREBY MADE FOR PREFERENCE IN ACCORDANCE WITH WEST VIRGINIA CODE,</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE *Duane Stowers* TELEPHONE (304) 926-6630 DATE 1-26-07

TITLE *BLASTING INSPECTOR* FEIN 236-70-4221 ADDRESS CHANGES TO BE NOTED ABOVE

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

**GENERAL TERMS & CONDITIONS
REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)**

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. All quotations are governed by the *West Virginia Code* and the *Legislative Rules* of the Purchasing Division.
4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125.00 registration fee.
5. All services performed or goods delivered under State Purchase Orders/Contracts are to be continued for the term of the Purchase Order/Contract, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
6. Payment may only be made after the delivery and acceptance of goods or services.
7. Interest may be paid for late payment in accordance with the *West Virginia Code*.
8. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
9. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
11. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
12. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
13. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, this contract is automatically null and void, and is terminated without further order.
14. **HIPAA Business Associate Addendum** - The West Virginia State Government HIPAA Business Associate Addendum (BAA); approved by the Attorney General, and available online at the Purchasing Division's web site (<http://www.state.wv.us/admin/purchase/vrc/hipaa.htm>) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Covered Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.

INSTRUCTIONS TO BIDDERS

1. Use the quotation forms provided by the Purchasing Division.
2. **SPECIFICATIONS:** Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Complete all sections of the quotation form.
4. Unit prices shall prevail in cases of discrepancy.
5. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
6. **BID SUBMISSION:** All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications.

SIGNED BID TO:

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



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CHARLESTON, WV 25306

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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
5A-3-37				(DOES NOT APPLY TO CONSTRUCTION CONTRACTS).		
A. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED: <input checked="" type="checkbox"/> 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 <input type="checkbox"/> 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 <input type="checkbox"/> 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.						
B. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED: <input checked="" type="checkbox"/> 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						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE *Duane Stowers* TELEPHONE (304) 926-6630 DATE 1-26-07

TITLE *BLASTING INSPECTOR* FEIN 236-70-4221 ADDRESS CHANGES TO BE NOTED ABOVE

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<p>ARE RESIDENTS OF WEST VIRGINIA WHO HAVE RESIDED IN THE STATE CONTINUOUSLY FOR THE TWO YEARS IMMEDIATELY PRECEDING SUBMISSION OF THIS BID;</p> <p>OR</p> <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 & 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>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Duane Stowers</i>	TELEPHONE <i>(304) 926-6630</i>	DATE <i>1-26-07</i>
TITLE <i>Blasting Inspector</i>	FON <i>236-70-4221</i>	ADDRESS CHANGES TO BE NOTED ABOVE

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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 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: <i>DUANE STOWERS</i>						
DATE: <i>JAN. 26, 2007</i>						
SIGNED: <i>Duane Stowers</i>						
TITLE: _____						
* 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)						
NOTICE						
A SIGNED BID MUST BE SUBMITTED TO: DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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				CHARLESTON, WV 25305-0130		
THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED: SEALED BID BUYER: CB-23 RFQ. NO.: DEP13891 BID OPENING DATE: 02/07/2007 BID OPENING TIME: 1:30 PM PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- 304-926-6630 ----- CONTACT PERSON (PLEASE PRINT CLEARLY): ----- DUANE STOWERS -----						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Duane Stowers</i>	TELEPHONE (304) 926-6630	DATE 1-26-07
TITLE BLASTING INSPECTOR	FAX 236-70-4221	ADDRESS CHANGES TO BE NOTED ABOVE

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TASKS/DUTIES

Duty location: The contractor will be supplied an office in the Office of Explosives and Blasting (OEB) section of the West Virginia Department of Environmental Protection Headquarters office at 601 57th Street SE, Charleston, WV 25304. The contractor will spend approximately eighty percent (80%) of their time in the field. An appropriate vehicle needed to complete the fieldwork will be provided by OEB. ***Contractor must possess a valid WV driver's license with exemplary record. Contractor will drive his/her own vehicle to and from the DEP site and then take a State vehicle to the job site during work hours. A State vehicle will not be taken to contractor's home.***

Under administrative direction, and in cooperation with Environmental Inspectors and Specialists assigned to the Office of Mining and Reclamation, contractor will perform highly technical field inspections at surface mine sites. Inspections will include examining blasting areas, blasting records, blasting procedures & operations, and all other aspects of the mining operation as necessary to determine compliance with all blasting laws and rules. Contractor will identify areas of non-compliance with blast plans and/or designs and law and regulations, issue Notices of Violations and/or Cessation Orders, and develop appropriate remedial requirements, possibly requiring the contractor to recommend changes to blast plans and/or designs. Contractor will need highly specialized knowledge of explosives products, blasting equipment, blast log requirements, blasting techniques, blast design and planning, blast vibration control, and explosives inventory records in order to evaluate compliance with blasting laws, regulations, safe practices and best available technology for control of the effects of blasting.

Duties also include review of submitted blast plans and designs to identify deficiencies, determine potential areas of impact, request corrections and/or revisions, and possibly recommend improvements in plans and design.

The contractor will be required to respond to citizens' complaints and inquires', conduct initial blasting damage claims investigations, initiate procedures for third party damage claims adjudication.

The contractor will gather and prepare evidence and explanations of blasting effects for legal proceedings, confer with lawyers, compile related documents as necessary, and provide testimony for hearings on agency enforcement actions and for use by adjusters and administrators in determining blasting damage.

Contractor will assist in research projects, designing projects according to scientific methods, collecting data using highly sophisticated monitoring instrumentation and

Attachment to: DEP13891
OEB Environmental Inspector Specialist Contractor

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computers, and conducting on-site inspections and interviews, evaluating data, preparing reports and presenting results at public forums. Research may also include review and compilation of data and reports from published scientific literature.

The contractor may represent the Office at public meetings, seminars and hearings, and may be required to attend training and personnel development courses.

Contractor may be assigned related duties associated with the normal duties of an OEB Inspector Specialist, as required.

Contractors must possess refined communication skills and must be able to explain highly technical findings and research in plain English. They will need to work and communicate effectively with reclamation inspectors & supervisors, surface mine blasters, foremen, superintendents, and other coal company officers, as well as complainants, adjusters, attorneys, claimants and the general public, often in adverse or stressful situations.

The position may require overnight travel throughout the state.

The contractor may be required to walk long distances under adverse conditions in difficult terrain carrying relatively heavy scientific instruments.

The contractor must be able to operate a standard shift four-wheel drive vehicle and be eligible for a license to operate a motor vehicle in West Virginia.

The position will require the contractor to perform effectively and efficiently with little supervision. He or she will work independently, establishing priorities, planning his/her own schedule, and completing the required job duties.

Due to the urgency of filling the position, and the one-year maximum contract limit (2,080 hours), the contractor must meet the following requirements:

1. You must possess extensive knowledge of the code and Rules regulating the OEB. This means the contractor must be certified as a "Certified Blaster Inspector" in accordance with the West Virginia Code of State Rules Title 199, Series 1, Section: 4.3.
2. You must have a minimum of 5 years experience as an inspector in the coal mining and reclamation field.

Contractor will be paid \$ 40.⁰⁰ per hour based on a forty (40) hour work week and will bill DEP twice a month. This amount will include all expenses (travel included) associated with the job.

A F F I D A V I T

008

West Virginia Code §5A-3-10a states:

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 the debt owned is an amount greater than one thousand dollars in the aggregate

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.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions. "Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities. "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.

EXCEPTION:

The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this 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.

LICENSING:

Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, or any other state agencies or political subdivision. Furthermore, the vendor must provide all necessary releases to obtain information to enable the Director or spending unit to verify that the vendor is licensed and in good standing with the above entities.

CONFIDENTIALITY:

The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures and rules. Vendors should visit www.state.wv.us/admin/purchase/privacy for the Notice of Agency Confidentiality Policies.

Under penalty of law for false swearing (West Virginia Code, §61-5-3), it is hereby certified that the vendor acknowledges the information in this said affidavit and are in compliance with the requirements as stated.

Vendor's Name: DUANE STOWERS

Authorized Signature: Duane Stowers Date: 1-26-07