



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  
**668C0025**

PAGE  
**1**

ADDRESS CORRESPONDENCE TO ATTENTION OF:  
**MICHAEL AUSTIN**  
**304-558-2402**

PRIORITY

\*110095155      304-766-7404  
 JOHNSTON MOREHOUSE DICKEY CO  
 6242 MACCORKLE AVE  
  
 SAINT ALBANS WV 25177-2331

SHIP TO

DIVISION OF HIGHWAYS  
 VARIOUS LOCALES AS INDICATED  
 BY ORDER

DATE PRINTED <b>04/02/2008</b>	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
-----------------------------------	---------------	----------	--------	---------------

BID OPENING DATE: **04/23/2008**      BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LB		570-68		
<p><b>GABIONS</b></p> <p><b>OPEN END CONTRACT</b></p> <p>TO PROVIDE TWISTED WIRE MESH OR WELDED WIRE MESH GABION AND TIE WIRE TO THE WEST VIRGINIA DIVISION OF HIGHWAYS PER THE ATTACHED SPECIFICATIONS.</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> <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</p>						

From: (412)833-7100  
 Lori Jackson  
 JMD Company  
 5401 Progress Boulevard  
 Bethel Park, PA 15102

SHIP TO: (412)833-7100

**RECEIVED**  
 2008 APR 22 P 12:27  
 PURCHASING DIVISION  
 STATE OF WEST VIRGINIA

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]*      TELEPHONE: **304-766-7404**      DATE: **4/17/08**

TITLE: **XP**      FEIN: **25-0578730**      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 may be deemed null and void, and 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



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  
**668C0025**

PAGE  
**2**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
**MICHAEL AUSTIN**  
**304-558-2402**

VENDOR

**\*110095155 304-766-7404**  
**JOHNSTON MOREHOUSE DICKEY CO**  
**6242 MACCORKLE AVE**  
  
**SAINT ALBANS WV 25177-2331**

SHIP TO

**DIVISION OF HIGHWAYS**  
**VARIOUS LOCALES AS INDICATED**  
**BY ORDER**

DATE PRINTED <b>04/02/2008</b>	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
BID OPENING DATE: <b>04/23/2008</b>		BID OPENING TIME <b>01:30PM</b>		

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p><b>ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS.</b></p> <p><b>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICE SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</b></p> <p><b>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.)</b></p> <p><b>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.</b></p> <p><b>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.</b></p> <p><b>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER</b></p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE 	TELEPHONE <b>304 766 7404</b>	DATE <b>4/17/08</b>
TITLE <b>XP</b>	FEIN <b>25-0578730</b>	ADDRESS CHANGES TO BE NOTED ABOVE

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



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  
**668C0025**

PAGE  
**3**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
**MICHAEL AUSTIN**  
**304-558-2402**

VENDOR

\*110095155      304-766-7404  
 JOHNSTON MOREHOUSE DICKEY CO  
 6242 MACCORKLE AVE  
  
 SAINT ALBANS WV 25177-2331

SHIP TO

DIVISION OF HIGHWAYS  
 VARIOUS LOCALES AS INDICATED  
 BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
04/02/2008				

BID OPENING DATE: **04/23/2008**      BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>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 AS A CONDITION OF AWARD.</p> <p>EXHIBIT 10</p> <p>REQUISITION NO.: .....</p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.</p> <p>ADDENDUM NO.'S:</p> <p>NO. 1 .....</p> <p>NO. 2 .....</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE 	TELEPHONE 304-766-7404	DATE 4/17/08
TITLE VP	FEIN 25-0578730	ADDRESS CHANGES TO BE NOTED ABOVE

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



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  
**668C0025**

PAGE  
**4**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
**MICHAEL AUSTIN**  
**304-558-2402**

**VENDOR**  
 \*110095155      304-766-7404  
 JOHNSTON MOREHOUSE DICKEY CO  
 6242 MACCORKLE AVE  
 SAINT ALBANS WV 25177-2331

**SHIP TO**  
 DIVISION OF HIGHWAYS  
 VARIOUS LOCALES AS INDICATED  
 BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
04/02/2008				

BID OPENING DATE: **04/23/2008**      BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
	NO. 3 .....					
	NO. 4 .....					
	NO. 5 .....					
<p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</p> <p>VENDOR MUST CLEARLY 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.</p> <p>.....            SIGNATURE            JOHNSTON MOREHOUSE DICKEY            COMPANY            4/18/08            DATE</p>						
REV. 11/96						
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).						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE 	TELEPHONE 304-766-7404	DATE 4/17/08
TITLE VP	FEIN 25-0578730	ADDRESS CHANGES TO BE NOTED ABOVE

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



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
668C0025

PAGE
5

ADDRESS CORRESPONDENCE TO ATTENTION OF:
MICHAEL AUSTIN 304-558-2402

PRIORITY

\*110095155 304-766-7404  
 JOHNSTON MOREHOUSE DICKEY CO  
 6242 MACCORKLE AVE  
  
 SAINT ALBANS WV 25177-2331

SHIP TO

DIVISION OF HIGHWAYS  
 VARIOUS LOCALES AS INDICATED  
 BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
04/02/2008				

BID OPENING DATE: 04/23/2008 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>A. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED:</p> <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>( ) 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>( ) 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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
	304-766-7404	4/17/08
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
VP	25-0578730	

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



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  
**668C0025**

PAGE  
**6**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
**MICHAEL AUSTIN**  
**304-558-2402**

**\*110095155 304-766-7404**  
**JOHNSTON MOREHOUSE DICKEY CO**  
**6242 MACCORKLE AVE**  
**SAINT ALBANS WV 25177-2331**

**DIVISION OF HIGHWAYS**  
**VARIOUS LOCALES AS INDICATED**  
**BY ORDER**

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
04/02/2008				

BID OPENING DATE: **04/23/2008** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>THE STATE CONTINUOUSLY FOR THE TWO YEARS IMMEDIATELY PRECEDING SUBMISSION OF THIS BID;  OR  ( ) 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>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>[Signature]</i>	TELEPHONE <b>304-766-7404</b>	DATE <b>4/17/08</b>
TITLE <b>VP</b>	FEIN <b>25-0578730</b>	ADDRESS CHANGES TO BE NOTED ABOVE

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



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
668C0025

PAGE
7

ADDRESS CORRESPONDENCE TO ATTENTION OF
MICHAEL AUSTIN 304-558-2402

PROPERTY

\*110095155 304-766-7404  
 JOHNSTON MOREHOUSE DICKEY CO  
 6242 MACCORKLE AVE  
  
 SAINT ALBANS WV 25177-2331

SHIP TO

DIVISION OF HIGHWAYS  
 VARIOUS LOCALES AS INDICATED  
 BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
04/02/2008				

BID OPENING DATE: **04/23/2008** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<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 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>JOHNSTON MOREHOUSE DICKEY CO</u></p> <p>DATE: <u>4/18/08</u></p> <p>SIGNED: <u>[Signature]</u> <u>J MARK FORSE</u></p> <p>TITLE: <u>VP</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>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE	TELEPHONE	DATE	
<u>[Signature]</u>	<u>304-766-7404</u>	<u>4/18/08</u>	
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE	
<u>VP</u>	<u>075-0578730</u>		

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





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  
**668C0025**

PAGE  
**8**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
**MICHAEL AUSTIN**  
**304-558-2402**

VENDOR

**\*110095155 304-766-7404**  
**JOHNSTON MOREHOUSE DICKEY CO**  
**6242 MACCORKLE AVE**  
**SAINT ALBANS WV 25177-2331**

SHIP TO

**DIVISION OF HIGHWAYS**  
**VARIOUS LOCALES AS INDICATED**  
**BY ORDER**

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
<b>04/02/2008</b>				

BID OPENING DATE: **04/23/2008** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER: <b>33</b></p> <p>RFQ. NO.: <b>668C0025</b></p> <p>BID OPENING DATE: <b>04/23/2008</b></p> <p>BID OPENING TIME: <b>1:30 PM</b></p> <p>PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:</p> <p>----- <b>304-766-7406</b> -----</p> <p>CONTACT PERSON (PLEASE PRINT CLEARLY):</p> <p>----- <b>DAN KELLY</b> -----</p> <p>***** THIS IS THE END OF RFQ <b>668C0025</b> ***** TOTAL: _____</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE 	TELEPHONE <b>304-766-7404</b>	DATE <b>4/17/08</b>
TITLE <b>VP</b>	FAX <b>25-5578730</b>	ADDRESS CHANGES TO BE NOTED ABOVE

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

**SPECIFICATIONS:** THE FOLLOWING SECTIONS OF THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS STANDARD SPECIFICATION ROADS AND BRIDGES ADOPTED 2000, AS AMENDED BY THE CURRENT SUPPLEMENTAL SPECIFICATIONS AT THE TIME OF BID OPENING SHALL APPLY TO THE ADMINISTRATION OF THIS CONTRACT: SECTIONS 715.23.1, 715.23.2, 715.23.4, 715.23.4.1, 715.23.4.1, 715.23.5, 715.23.5.1, AND 715.23.5.2.

THE TERMS "CONTRACTOR" AND "VENDOR" USED IN THE ABOVE SPECIFICATIONS OF THIS CONTRACT ARE INTERCHANGEABLE. CONTRACTOR SHALL MEAN VENDOR AND VENDOR SHALL MEAN CONTRACTOR.

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS STANDARD SPECIFICATION ROADS AND BRIDGES, ADOPTED 2000, AND THE CURRENT SUPPLEMENTAL SPECIFICATIONS AT TIME OF BID OPENING MAY BE OBTAINED FROM:

WEST VIRGINIA DIVISION OF HIGHWAYS  
STATE CAPITOL COMPLEX  
ENGINEERING DIVISION, TECHNICAL SECTION  
ROOM A-650, BUILDING 5  
1900 KANAWHA BOULEVARD, EAST  
CHARLESTON, WEST VIRGINIA 25305-0430

ELECTRONIC COPIES MAY BE OBTAINED VIA THE INTERNET AT [WWW.WVDOT.COM](http://WWW.WVDOT.COM)

**DELIVERY:** VENDOR WILL DELIVER ORDERS OF 100 GABIONS OR MORE FOBTO SPECIFIED DELIVERY SITES STATEWIDE. THE VENDOR MAY ADD SHIPPING CHARGES FOR ORDERS OF LESS THAN 100 GABIONS PER DELIVERY SITE.

VENDOR SHALL COMPLETE DELIVERY OF GABIONS TO THE SPECIFIED DELIVERY SITES WITHIN 60 CALENDAR DAYS OF RECEIPT OF THE STATE CONTRACT ORDER (SCO).

GABIONS FURNISHED BY THE VENDOR SHALL BE OF A UNIFORM SIZE AND DELIVERED FLAT.

A DELIVERY DOCUMENT SHOWING ITEMS DELIVERED AND THE ACTUAL OR CALCULATED GROSS VEHICULAR WEIGHT OF THE DELIVERY VEHICLE SHALL ACCOMPANY EACH LOAD. THE TOTAL NUMBER OF DELIVERY VEHICLE AXLES SHALL BE RECORDED ON THE DELIVERY DOCUMENT.

THE VENDOR SHALL NOTIFY THE DISTRICT COMPTROLLER 24 HOURS IN ADVANCE OF DELIVERY TO ENSURE PERSONNEL ARE AVAILABLE FOR UNLOADING.

CONTACT IS TO BE MADE WITH THE BELOW NAMED INDIVIDUALS OR THEIR REPRESENTATIVE AT THE TELEPHONE NUMBER GIVEN.

<u>LOCATION</u>	<u>COMPTROLLER</u>	<u>TELEPHONE</u>
DISTRICT ONE, CHARLESTON	MELISSA MULLINS	304-558-3047
DISTRICT TWO, HUNTINGTON	BARBARA KING	304-528-5625
DISTRICT THREE, PARKERSBURG	MARK KIMES	304-420-4666
DISTRICT FOUR, CLARKSBURG	JOHN BARTLETT	304-842-1570
DISTRICT FIVE, BURLINGTON	PATRICIA BROADHURST	304-289-2250
DISTRICT SIX, TRIADDELPHIA	CAROL RYAN	304-843-4011
DISTRICT SEVEN, WESTON	MELISSA JORDAN	304-269-0407
DISTRICT EIGHT, ELKINS	DEBBIE BARNETT	304-637-0215
DISTRICT NINE, LEWISBURG	KEITH BROWN	304-647-7450
DISTRICT TEN, PRINCETON	TOM CAMDEN	304-487-5222

#### LATE DELIVERY

THE WEST VIRGINIA DIVISION OF HIGHWAYS MAY ASSESS A LATE DELIVERY CHARGE AGAINST THE VENDOR FOR EACH CALENDAR DAY THAT DELIVERY IS DELAYED BEYOND THE ABOVE STATED SCHEDULE. THE LATE DELIVERY CHARGE WILL BE CALCULATED AT A RATE OF ONE-TENTH OF ONE PERCENT (0.1%) OF THE STATE CONTRACT ORDER AMOUNT PER DAY.

### BID SHEET GABIONS

		DISTRICT	DISTRICT	DISTRICT	DISTRICT	DISTRICT
DESCRIPTION ESTIMATED USAGE		ONE	TWO	THREE	FOUR	FIVE
6'X3'X3'	500 PER DISTRICT	63.00	63.00	63.00	63.00	63.00
9'X3'X3'	500 PER DISTRICT	90.85	90.85	90.85	90.85	90.85
12'X3'X3'	250 PER DISTRICT	117.00	117.00	117.00	117.00	117.00

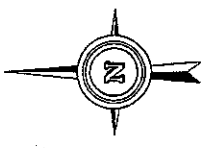
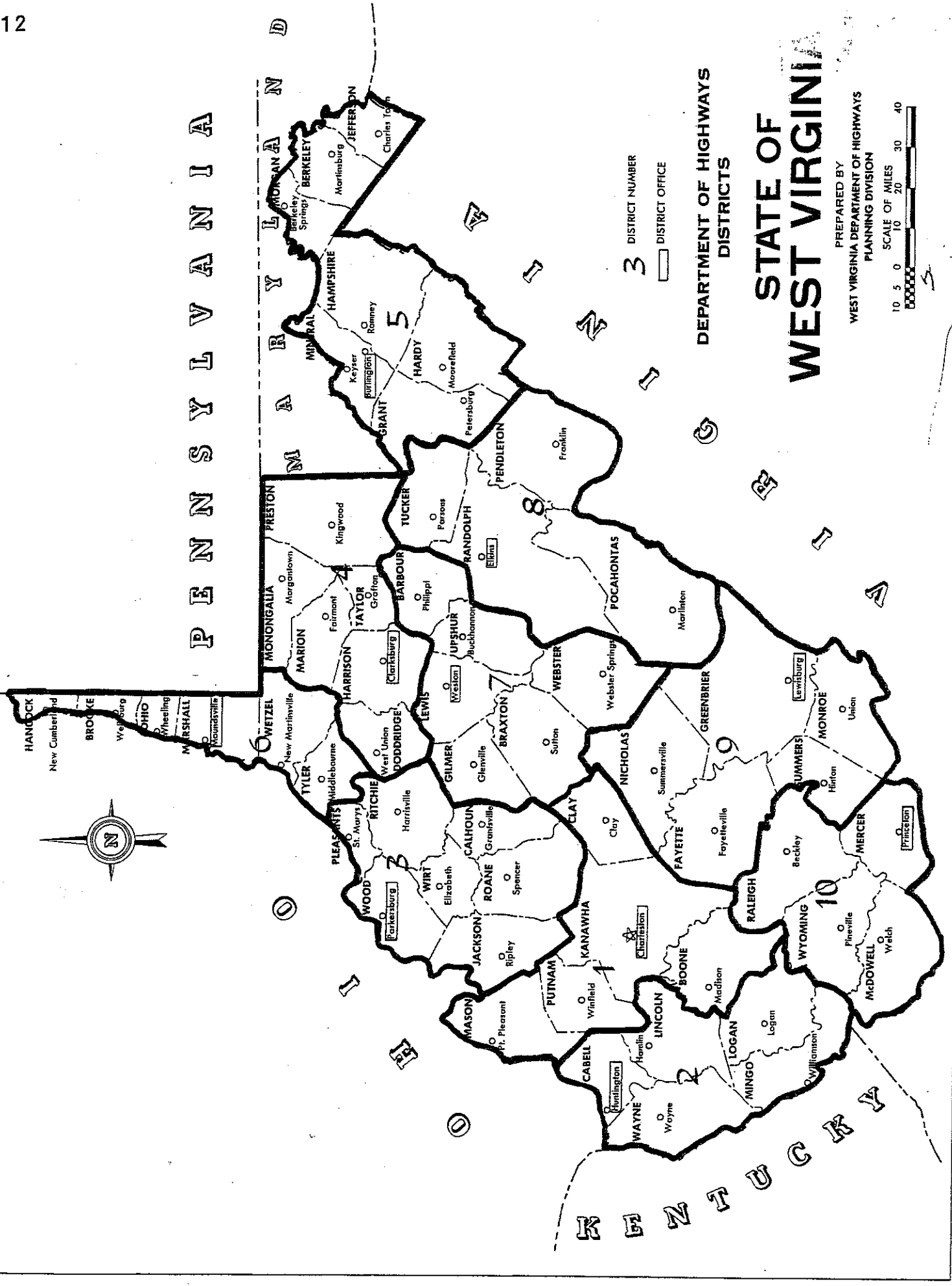
		DISTRICT	DISTRICT	DISTRICT	DISTRICT	DISTRICT
DESCRIPTION ESTIMATED USAGE		SIX	SEVEN	EIGHT	NINE	TEN
6'X3'X3'	500 PER DISTRICT	63.00	63.00	63.00	63.00	63.00
9'X3'X3'	500 PER DISTRICT	90.85	90.85	90.85	90.85	90.85
12'X3'X3'	250 PER DISTRICT	117.00	117.00	117.00	117.00	117.00

715.23.4.2 TIE WIRE PER ROLL <sup>#</sup>  $73 \frac{00}{50}$  Lb COIL FOR ADDITIONAL  
 WIRE OVER AND ABOVE WHAT IS NEEDED  
 FOR EACH BASKET.

P E N N S Y L V A N I A

M A R Y L A N D

K E N T U C K Y

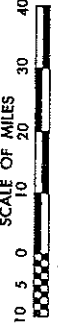


3 DISTRICT NUMBER  
 — DISTRICT OFFICE

DEPARTMENT OF HIGHWAYS  
 DISTRICTS

STATE OF  
 WEST VIRGINIA

PREPARED BY  
 WEST VIRGINIA DEPARTMENT OF HIGHWAYS  
 PLANNING DIVISION



**DISTRICT ADDRESSES**

**District One**  
1334 Smith Street  
Charleston, West Virginia 25301-1492

**District Six**  
1 DOT Drive  
Moundsville, West Virginia 26041-1605

**District Two**  
801 Madison Avenue  
Huntington, West Virginia 25712-0880

**District Seven**  
255 Depot Street  
Weston, West Virginia 26452-1228

**District Three**  
624 Depot Street  
Parkersburg, West Virginia 26102-0308

**District Eight**  
US 219 North  
Elkins, West Virginia 26241-1516

**District Four**  
I-79 & Meadowbrook Road  
Clarksburg, West Virginia 26302-2570

**District Nine**  
103 1/2 Church Street  
Lewisburg, West Virginia 24901

**District Five**  
US Route 50  
Post Office Box 99  
Burlington, West Virginia 26710-0099

**District Ten**  
270 Hardwood Lane  
Princeton, West Virginia 24740-2737

STATE OF WEST VIRGINIA  
Purchasing Division

## PURCHASING AFFIDAVIT

**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 owed 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 exceed 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](http://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: J MARK FORSE

Authorized Signature:  Date: 4/18/08

WV PURCHASING ACA SECT Fax 304-558-4115

Apr 21 2008 09:56am POD1/002



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

# Request for Quotation

RFO NUMBER
668C0025

PAGE
1

ADDRESS CORRESPONDENCE TO AGENCIES
MICHAEL AUSTIN 304-558-2402

POSTNET

\*110095155      304-766-7404  
JOHNSTON MOREHOUSE DICKEY CO  
6242 MACCORKLE AVE  
  
SAINT ALBANS WV 25177-2331

POSTNET

DIVISION OF HIGHWAYS  
VARIOUS LOCALES AS INDICATED  
BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
04/21/2008				




BID OPENING DATE:

04/30/2008

BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
				ADDENDUM NO. 1		
				ADD: EXHIBIT 6, PRICE ADJUSTMENT PROVISION ATTACHED.		
				BID OPENING DATE AND TIME CHANGED		
				FROM: 04/23/08 AT 1:30 P.M.		
				TO: 04/30/08 AT 1:30 P.M.		
				NO OTHER CHANGES		
0001	1	LB		570-68		
				CABIONS		
***** THIS IS THE END OF RFQ 668C0025 ***** TOTAL:						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE		TELEPHONE		DATE
		304-726-7404		4/17/08
TITLE	FERN	ADDRESS CHANGES TO BE NOTED ABOVE		
	25-0578730			

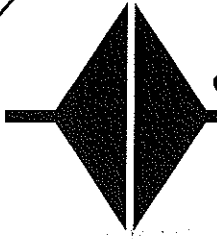
WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

ADD

2

## EXHIBIT 6

PRICE ADJUSTMENT PROVISION:  
THE STATE OF WEST VIRGINIA WILL CONSIDER BIDS THAT CONTAIN PROVISIONS FOR PRICE ADJUSTMENTS PRIOR TO THE ORIGINAL EXPIRATION OF THE CONTRACT, PROVIDED THAT SUCH PRICE ADJUSTMENT COVERS BOTH UPWARD AND DOWNWARD MOVEMENT OF THE COMMODITY PRICE, AND THAT ADJUSTMENT IS BASED ON THE "PASS THROUGH" INCREASE OR DECREASE OF RAW MATERIALS AND/OR LABOR, WHICH MAKE UP ALL OR A SUBSTANTIAL PART OF A PRODUCT. ADJUSTMENTS ARE TO BE BASED UPON AN ACTUAL DOLLAR FIGURE, NOT A PERCENTAGE. ALL PRICE ADJUSTMENT REQUESTS MUST BE SUBSTANTIATED IN A MANNER ACCEPTABLE TO THE DIRECTOR PURCHASING, E.G. GOVERNMENTAL BENCH MARKS, GENERAL MARKET INCREASE, PUBLISHED PRICE LISTS. SUCH REQUESTS FOR AND INCREASE SHOULD BE RECEIVED IN WRITING BY THE DIRECTOR OF PURCHASING AT LEAST 30 DAYS IN ADVANCE OF THE EFFECTIVE DATE OF THE INCREASE. ANY TIME THE VENDOR REQUESTS A PRICE ADJUSTMENT, THE PURCHASING DIVISION MAY EITHER ACCEPT THE PRICE ADJUSTMENT AND AMEND THE CONTRACT ACCORDINGLY OR REJECT THE ADJUSTMENT IN ITS ENTIRETY AND CANCEL THE CONTRACT.



# JMD COMPANY

www.jmdcompany.com

5401 Progress Boulevard  
P.O. Box 173  
Bethel Park, PA 15102  
(412) 833-7100  
FAX (412) 833-2338

Mine & Construction Products Since 1902

April 23, 2008

Department of Administration  
Purchasing Division  
Building 15  
2019 Washington Street, East  
Charleston, WV 25305-0130  
Attention: Michael Austin

Subject: RFQ 668C0025

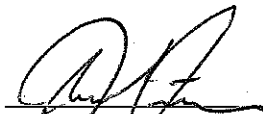
Mr. Austin,

Due to the uncertainty in the U.S. domestic steel market, JMD will not be quoting the above RFQ for 2008.

Therefore, we must withdraw our bid for the upcoming contract.

Sincerely,

**JOHNSTON-MOREHOUSE-DICKEY COMPANY**

  
\_\_\_\_\_  
J Mark Forse  
Vice President

JMF/mbw

RECEIVED

2008 APR 28 A 10:25

PURCHASING DIVISION  
DEPT OF WV

1290 East Highland Road  
Macedonia, OH 44056  
(330) 405-6050  
FAX (330) 405-6055

4647 Poth Road  
Whitehall, OH 43213  
(614) 866-0452  
FAX (614) 866-1279

180 B Breaden Drive  
Monroe, OH 45050  
(513) 539-2132  
FAX (513) 539-2447

6242 MacCorkle Avenue  
St. Albans, WV 25177  
(304) 766-7404  
FAX (304) 766-7406