

**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 fee.
5. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, 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 Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
15. **WEST VIRGINIA ALCOHOL & DRUG-FREE WORKPLACE ACT:** If this Contract constitutes a public improvement construction contract as set forth in Article 1D, Chapter 21 of the West Virginia Code ("The West Virginia Alcohol and Drug-Free Workplace Act"), then the following language shall hereby become part of this Contract: "The contractor and its subcontractors shall implement and maintain a written drug-free workplace policy in compliance with the West Virginia Alcohol and Drug-Free Workplace Act, as set forth in Article 1D, Chapter 21 of the West Virginia Code. The contractor and its subcontractors shall provide a sworn statement in writing, under the penalties of perjury, that they maintain a valid drug-free work place policy in compliance with the West Virginia and Drug-Free Workplace Act. It is understood and agreed that this Contract shall be cancelled by the awarding authority if the Contractor: 1) Fails to implement its drug-free workplace policy; 2) Fails to provide information regarding implementation of the contractor's drug-free workplace policy at the request of the public authority; or 3) Provides to the public authority false information regarding the contractor's drug-free workplace policy."

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 case 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: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

PRINT LEGIBLY

RFQ # : DEP14511
Project: Fanco (Adkins) Drainage

Bid Date: Feb 5 2009
Pre-Bid Date: 1/14/09

Name : BRAD WISEMAN
Company: WISEMAN EXCAVATING
Address: Box 190 Liberty WV
25124

Name : Rod Clay
Company: Green MTC
Address: 511 South St
Charlton WV 25304

Phone #: 304 586-3736
Fax #: 304 586-3736
Email : _____

Phone# : 304-925-0253
Fax # : 11 9 6259230
Email : CMETK16@AOL.com

Name : LEONDIS GILKERSON
Company: CJS CONTRACTING
Address: PO Box 37
CRUM WV 25769

Name : BASIL CARPENTER
Company: BASIL CARPENTER Ex INC
Address: 333 A CALL AD Char
25312

Phone #: 304 393-4907
Fax #: 304 393-4908
Email : CJS CONTRACTING@YAhoo.com

Phone# : 304 546 1601
Fax # : C304 984-~~7388~~ 3523
Email : Basil Carpenter At AOL Dor Co

Name : N4J CONSTRUCTION
Company: JIMMY HARLESS
Address: P.O. BOX 1506
GILBERT W2 25621
304-664-8133

Name : Jason Barnes
Company: Barnes Excavation Inc
Address: P.O. Box 13384
Sissonville WV 25360

Phone #: 304-785-8247
Fax # : _____
Email : _____

Phone# : 984-1725
Fax # : 984-0074
Email : _____

Name : DENNIS C. ELBORN
Company: Cow GIRL UP INC
Address: P O Box 243
SIMPSON WV 26435

Name : Steven Freshour
Company: Eagle Excavation Inc.
Address: P.O. Box 218
Kenna, WV 25248

Phone #: 304-739-4397
Fax # : 304-739-4401
Email : _____

Phone# : 1-304-372-4378
Fax # : 1-304-372-4378
Email : _____

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

PRINT LEGIBLY

RFQ # : DEPH511
Project: Fanco (Adkins) Drainage

Bid Date: Feb 5 2009
Pre-Bid Date: 1/14/09

Name : Tony Bradford
Company: Pineville Paving & Excavating
Address: P.O. Box 1290
Pineville WV 24874

Phone #: 304-732-8303
Fax #: 304-732-7855
Email : _____

Name : Allen Marker
Company: Garcie R. Marker & Sons
Address: 119 Jefferson Rd.
Sw. Chas. WV. 25309

Phone #: 744 0590
Fax #: 746-5203
Email : _____

Name : Doug Vineent
Company: Breakaway Inc
Address: 1075 Old Turnpike Rd
Sutton WV 26601

Phone #: 765-5317
Fax #: 765-5389
Email : _____

Name : Randy Carpenter
Company: Carpenter Reclamation
Address: PO Box 13015
Sissonville, WV
25360

Phone #: 984-1115
Fax #: 984-2770
Email : _____

Name : The McKennis Co.
Company: Eugene A. McKennis
Address: 315 - 7th St.
Rainelle WA 25962

Phone #: 304-438-5215
Fax #: 304-438-5215
Email : _____

Name : Ashley Adkins
Company: Aspen Corporation
Address: 2400 Ritter Drive
Daniels WV 25832

Phone #: (304) 763-4573
Fax #: (304) 763-4591
Email : jadkins@aspen-golf.com
jhubin@aspen-golf.com

Name : _____
Company: _____
Address: _____

Phone #: _____
Fax #: _____
Email : _____

Name : _____
Company: _____
Address: _____

Phone #: _____
Fax #: _____
Email : _____

ADDITION

The footbridge that crosses the existing drainage at approximate Station 3+50 of the proposed French Drain is to be moved aside during construction and placed back in a better than or equal to condition and repaired as necessary by the Contractor. The associated cost will be considered incidental to the construction of the French Drain.

QUESTIONS AND ANSWERS

Q: Are we going to do any work on the other side of the highway?

A: No. The Contractor will be responsible for work at the locations shown on the drawings.

Q: Does 4" stone go under and over the pipe in the French Drain?

A: No. 4 stone is to be used as outlined in the drawings and construction specifications.

Q: How long is the French Drain?

A: The French Drain is to be approximately 600 feet long as shown on the drawings and listed on the bid sheet.

Q: How deep is the French Drain?

A: The depth will vary. The Contractor will need to use the profiles shown on the drawings to determine depths and elevations.

Q: What is the shape of the French Drain and riprap?

A: The template is shown on the drawings.

Q: Where is zero at?

A: The zero station for the French Drain is shown on the drawings.

Q: How much drop is there in the French Drain?

A: The French Drain is to be constructed at a 1% Slope as shown on the drawings.

Q: Is there any other access than what is shown on the drawings?

A: The Contractor will have access within the existing construction limits shown on the drawings. The Contractor must obtain his own rights of entry from landowners for access outside the construction limits.

Q: Will we maintain the existing flowline?

A: The flowline will need to match the flowline shown on the drawings.

Q: How deep is the existing drop inlet?

A: The depth of the existing drop inlet is approximately 4' as is shown on the profile.



State of West Virginia
DRUG FREE WORKPLACE CONFORMANCE AFFIDAVIT
West Virginia Code §21-1D-5

STATE OF WEST VIRGINIA,

COUNTY OF Mingo, TO-WIT:

I, Jimmy Harless, after being first duly sworn, depose and state as follows:

- 1. I am an employee of N & J Construction, Inc.; and,
(Company Name)
- 2. I do hereby attest that N & J Construction, Inc.
(Company Name)

maintains a valid written drug free workplace policy and that such policy is in compliance with **West Virginia Code §21-1D-5**.

The above statements are sworn to under the penalty of perjury.

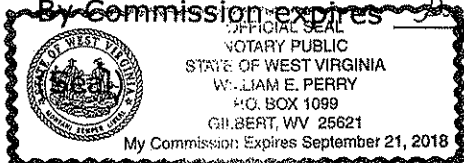
N & J Construction, Inc.
(Company Name)

By: [Signature]
Title: President

Date: January 29th, 2009

Taken, subscribed and sworn to before me this 29th day of Jan 2009.

By Commission expires September 21, 2018



William E Perry
(Notary Public)

THIS AFFIDAVIT MUST BE SUBMITTED WITH THE BID IN ORDER TO COMPLY WITH WV CODE PROVISIONS. FAILURE TO INCLUDE THE AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF THE BID.

AML CONTRACTOR INFORMATION FORM

You must complete this form for your AML contracting officer to request an AML eligibility evaluation from the Office of Surface Mining to determine if you are eligible to receive an AML contract. This eligibility requirement applies to contractors and their sub-contractors and is found under OSM's regulations at 30 CFR 874.16.

Part A: General Information

Contractor Name: Jimmy Harless Tax Payer ID No.: 94-2-003166
Address: PO Box 1506
City: GILBERT State: WV Zip Code: 25621 Phone: 304-664-8133
Fax No.: 304-664-3559 E-mail address: jimmytend@mainwave.net

Part B: Legal Structure

Corporation Sole Proprietorship Partnership LLC
 Other (please specify)

Part C: Certifying and updating information in the Applicant/Violator System (AVS). Select only one of the following options, follow the instructions for that option, and sign below.

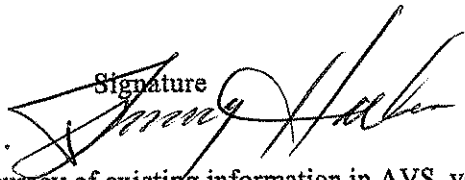
I, Jimmy Harless (print name), have the express authority to certify that:

Information on the attached Entity OFT from AVS is accurate, complete, and upto-date. If you select this option, you must attach an Entity OFT from AVS to this form. Sign and date below and do not complete Part D.

Part of the information on the attached Entity OFT from AVS is missing or incorrect and the information in AVS for my company must be updated. If you select this option, you must attach an Entity OFT from AVS to this form. Use Part D to provide missing or corrected information. Sign and date below and complete Part D.

Our company currently has no information in AVS. If you select this option, you must provide all information required in Part D. Sign and date below and complete Part D.

Date 2/4/09

Signature 

Title President owner

IMPORTANT!
In order to certify in Part C to the accuracy of existing information in AVS, you must obtain a copy of your business' Entity OFT. To obtain an Entity OFT, contact the AVS Office, toll-free, at 800-643-9748 or request it from www.avs.osmre.gov on the Internet.

LOGAN BANK & TRUST
C O M P A N Y
P.O. BOX 597, LOGAN, WV 25601

281692

REMITTER

N & J CONSTRUCTION

DATE **FEBRUARY 9, 2009**

69-102/515

PAY TO THE
ORDER OF

STATE OF WEST VIRGINIA

\$ **3579.79**

THREE THOUSAND FIVE HUNDRED SEVENTY NINE

DOLLARS

CASHIER'S CHECK

AUTH. SIG.

Lucie Rice

MP