



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
RMA900020

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
RON PRICE 304-558-0492

VENDOR

\*709014935      412-228-4500  
 ATLAS RAILROAD CONSTRUCTION CO  
 PO BOX 8 ROUTE 519  
  
 EIGHTY FOUR PA 15330

SHIP TO

WV STATE RAIL AUTHORITY  
 (DBA) SOUTH BRANCH VALLEY  
 RAILROAD  
 120 WATER PLANT DRIVE  
 MOOREFIELD, WV  
 26836      304-538-2305

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
11/12/2008				

BID OPENING DATE: 12/18/2008      BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		570-48		
<p>CROSSTIE REPLACEMENT ON THE SOUTH BRANCH VALLEY RR</p> <p>TO REPLACE CROSSTIES ON THE SOUTH BRANCH VALLEY RAILROAD PER THE ATTACHED SPECIFICATIONS.</p> <p>A MANDATORY ON-SITE PRE-BID WILL BE HELD AT 10:00 AM ON DECEMBER 8, 2008 AT THE SRA/SBVR OFFICE AT 120 WATER PLANT DRIVE IN MOOREFIELD, WV. FAILURE TO ATTEND THE PRE-BID WILL RESULT IN DISQUALIFICATION OF THE BID. THIS MEETING WILL INCLUDE AND INSPECTION OF THE PORTION OF RAILROAD WHERE THE WORK WILL BE COMPLETED. BIDDERS MUST PROVIDE THEIR OWN HI-RAIL EQUIPMENT OR MAKE ARRANGEMENTS WITH OTHER POTENTIAL VENDORS TO RIDE WITH THEM. CONTRACTORS WISHING TO ATTEND THE PRE-BID SHOULD INFORM RON PRICE AT 304-558-0492 BY 12/4/08. QUESTIONS ARE TO SUBMITTED IN WRITING PRIOR TO 4:00 PM EST ON 12/4/08. QUESTION MAY BE SUBMITTED TO THE ATTENTION OF RON PRICE VIA FAX AT 304-558-4115 OR VIA E-MAIL AT RON.N.PRICE@WV.GOV</p> <p>PREFERENCE FOR USE OF DOMESTIC STEEL PRODUCTS</p> <p>1. EXCEPT WHEN AUTHORIZED BY THE DIRECTOR OF THE PURCHASING DIVISION PURSUANT TO SUBSECTION 2 BELOW, NO CONTRACTOR MAY USE OR SUPPLY STEEL PRODUCTS FOR A STATE CONTRACT PROJECT OTHER THAN THOSE STEEL PRODUCTS MADE IN THE UNITED STATES. AS USED USED IN THIS CONTRACT,</p> <p>A. "STATE CONTRACT PROJECT" MEANS ANY ERECTION OR CONSTRUCTION OF, OR ANY ADDITION TO, ALTERATION OF OR OTHER IMPROVEMENT TO ANY BUILDING OR</p>						

*See Addendum #3*

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2009 JAN 13 AM 10:41

WV PURCHASING DIVISION

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE <i>[Signature]</i>	TELEPHONE 724 228 4500	DATE 12.16.08	
TITLE VP	FEIN 25-1011910	ADDRESS CHANGES TO BE NOTED ABOVE	

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



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				STRUCTURE, INCLUDING, BUT NOT LIMITED TO, ROADS OR HIGHWAYS, OR THE INSTALLATION OF ANY HEATING OR COOLING OR VENTILATING PLANTS OR OTHER EQUIPMENT, OR THE SUPPLY OF AND MATERIALS FOR SUCH PROJECTS, PURSUANT TO A CONTRACT WITH THE STATE OF WEST VIRGINIA FOR WHICH BIDS WERE SOLICITED ON OR AFTER JUNE 6, 2001.		
				B. "STEEL PRODUCTS" MEANS PRODUCTS ROLLED, FORMED, SHAPED, DRAWN, EXTRUDED, FORGED, CAST, FABRICATED OR OTHERWISE SIMILARLY PROCESSED, OR PROCESSED BY A COMBINATION OF TWO OR MORE OF SUCH OPERATIONS, FROM STEEL MADE BY THE OPEN HEARTH, BASIC OXYGEN, ELECTRIC FURNACE, BESSEMER OR OTHER STEEL MAKING PROCESS.		
				C. "UNITED STATES" MEANS THE UNITED STATES OF AMERICA AND INCLUDES ALL TERRITORY, CONTINENTAL OR INSULAR, SUBJECT TO THE JURISDICTION OF THE UNITED STATES.		
2.				THE DIRECTOR OF THE PURCHASING DIVISION MAY, IN WRITING, AUTHORIZE THE USE OF FOREIGN STEEL PRODUCTS IF:		
				A. THE COST FOR EACH CONTRACT ITEM USED DOES NOT EXCEED ONE TENTH OF ONE PERCENT (.1%) OF THE TOTAL CONTRACT COST OR TWO THOUSAND FIVE HUNDRED DOLLARS (2,500.00), WHICHEVER IS GREATER. FOR THE PURPOSES OF THIS SECTION, THE COST IS THE VALUE OF THE STEEL PRODUCT AS DELIVERED TO THE PROJECT OR,		
				B. THE DIRECTOR OF THE PURCHASING DIVISION DETERMINES THAT SPECIFIED STEEL MATERIALS ARE NOT PRODUCED IN THE UNITED STATES IN SUFFICIENT		

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3.						
<p>QUANTITY OR OTHERWISE ARE NOT REASONABLY AVAILABLE TO MEET CONTRACT REQUIREMENTS.</p> <p>A CONTRACTOR WHO USES STEEL PRODUCTS IN VIOLATION OF THIS SECTION MAY BE SUBJECT TO CIVIL PENALTIES PURSUANT TO WV CODE SECTION 5A-3-56.</p> <p>REV. 10/01/01</p> <p>EXHIBIT 5</p> <p>WEST VIRGINIA CODE 21-1D-5 PROVIDES THAT: ANY SOLICITATION FOR A PUBLIC IMPROVEMENT CONSTRUCTION CONTRACT REQUIRES EACH VENDOR THAT SUBMITS A BID FOR THE WORK TO SUBMIT AT THE SAME TIME AN AFFIDAVIT OF COMPLIANCE WITH THE BID. THE ENCLOSED PURCHASING AFFIDAVIT MUST BE SIGNED AND SUBMITTED WITH THE BID AS EVIDENCE OF THE VENDOR'S COMPLIANCE WITH THE PROVISIONS OF ARTICLE 1D, CHAPTER 21 OF THE WEST VIRGINIA CODE. FAILURE TO SUBMIT THE SIGNED PURCHASING AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF SUCH BID.</p> <p>NOTICE TO PROCEED: THIS CONTRACT IS TO BE PERFORMED BY JUNE 30, 2009.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE MATERIALS OR WORKMANSHIP SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM WITH THE SPECIFICATIONS OF THE BID AND CONTRACT HERE IN.</p> <p>WAGE RATES: THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY THE HIGHER OF THE U.S. DEPARTMENT OF LABOR MINIMUM WAG</p>						

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SIGNATURE <i>Greg Swick</i>	TELEPHONE 724 228 4500	DATE 12.16.08	
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				<p>RATES AS ESTABLISHED FOR HAMPSHIRE COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET, SEQ. (PREVAILING WAGE RATES APPLY TO THIS PROJECT)</p> <p>ARBITRATION: ANY REFERENCES MADE TO ARBITRATION OR INTEREST FOR PAYMENTS DUE (EXCEPT FOR ANY INTEREST REQUIRED BY STATE LAW) CONTAINED IN THIS CONTRACT OR IN ANY AMERICAN INSTITUTE OF ARCHITECTS DOCUMENTS PERTAINING TO THIS CONTRACT ARE HEREBY DELETED.</p> <p>WORKERS' COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL</p> <p>ALL OF THE ITEMS CHECKED BELOW WILL BE A REQUIREMENT OF THIS CONTRACT:</p> <p>(XX) INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF COMMERCIAL GENERAL LIABILITY INSURANCE PRIOR TO ISSUANCE OF CONTRACT. UNLESS OTHERWISE SPECIFIED IN THE BID DOCUMENTS, THE MINIMUM AMOUNT OF INSURANCE COVERAGE REQUIRED IS \$250,000.</p> <p>( ) BUILDERS RISK INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF BUILDERS RISK - ALL RISK INSURANCE IN AN AMOUNT EQUAL TO 100% OF THE AMOUNT OF THE CONTRACT.</p> <p>(XX) BONDS: FIVE PERCENT (5%) OF THE TOTAL AMOUNT OF THE BID PAYABLE TO THE STATE OF WEST VIRGINIA, SHALL BE SUBMITTED WITH EACH BID AS A BID BOND. THE SUCCESSFUL BIDDER SHALL ALSO FURNISH A PERFORMANCE BOND AND LABOR MATERIAL BOND FOR 100% OF THE AMOUNT OF THE CONTRACT. BONDS MAY BE PROVIDED IN THE FORM OF A CERTIFIED CHECK, IRREVOCABLE LETTER OF CREDIT, OR BOND FURNISHED BY A SOLVENT SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE OF WEST VIRGINIA. A LETTER OF CREDIT SUBMITTED IN LIEU OF A BOND WILL ONLY BE ALLOWED FOR PROJECTS</p>		

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<p>UNDER \$100,000. PERSONAL OR BUSINESS CHECKS ARE NOT ACCEPTABLE IN LIEU OF THE 5% BID BOND, PERFORMANCE BOND, OR LABOR AND MATERIAL BOND.</p> <p>( ) MAINTENANCE BOND: A TWO (2) YEAR MAINTENANCE BOND COVERING THE ROOFING SYSTEM WILL BE A REQUIREMENT OF THE SUCCESSFUL VENDOR.</p> <p>REV. 11/00</p> <p>EXHIBIT 7</p> <p>DOMESTIC ALUMINUM, GLASS &amp; STEEL IN PUBLIC WORKS PROJECTS</p> <p>IN ACCORDANCE WITH WEST VIRGINIA CODE 5-19-1 ET., SEQ., EVERY CONTRACT FOR CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR, IMPROVEMENT OR MAINTENANCE OF PUBLIC WORKS, WHERE THE COST IS MORE THAN \$50,000 AND, IN THE CASE OF STEEL ONLY, WHERE THE COST OF STEEL IS MORE THAN \$50,000 OR WHERE MORE THAN 10,000 POUNDS OF STEEL ARE REQUIRED, THE STATE WILL ACCEPT ONLY ALUMINUM GLASS, OR STEEL PRODUCTS PRODUCED IN THE UNITED STATES IN ADDITION, ITEMS OF MACHINERY OR EQUIPMENT PURCHASED FOR USE AT THE SITE OF PUBLIC WORKS SHALL BE MADE OF DOMESTIC ALUMINUM, GLASS OR STEEL, UNLESS THE COST OF THE PRODUCT IS LESS THAN \$50,000 OR LESS THAN 10,000 POUNDS OF STEEL ARE USED IN PUBLIC WORKS PROJECTS.</p> <p>FOREIGN MADE ALUMINUM, GLASS OR STEEL PRODUCTS MAY BE ACCEPTED ONLY IF THE COST OF DOMESTIC PRODUCTS IS FOUND TO BE UNREASONABLE. SUCH COST IS UNREASONABLE IF IT IS 20% OR MORE HIGHER THAN THE BID PRICE FOR FOREIGN MADE PRODUCTS. IF THE DOMESTIC ALUMINUM, GLASS OR STEEL PRODUCTS TO BE SUPPLIED OR PRODUCED IN A "SUBSTANTIAL</p>						

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<p>LABOR SURPLUS AREA", AS DEFINED BY THE UNITED STATES DEPARTMENT OF LABOR, FOREIGN PRODUCTS MAY BE SUPPLIED ONLY IF DOMESTIC PRODUCTS ARE 30% OR MORE HIGHER IN PRICE THAN THE FOREIGN MADE PRODUCTS.</p> <p>IF, PRIOR TO THE AWARD OF A CONTRACT UNDER THE ABOVE PROVISIONS, THE SPENDING OFFICER OF THE SPENDING UNIT DETERMINES THAT THERE EXISTS A BID FOR LIKE FOREIGN ALUMINUM, GLASS OR STEEL THAT IS REASONABLE AND LOWER THAN THE LOWEST BID DOMESTIC PRODUCTS, THE SPENDING OFFICE MAY REQUEST, IN WRITING, A REEVALUATION AND REDUCTION IN THE LOWEST BID FOR SUCH DOMESTIC PRODUCTS ALL VENDORS MUST INDICATE IN THEIR BID IF THEY ARE SUPPLYING FOREIGN ALUMINUM, GLASS OR STEEL.</p> <p>REV. 3/88</p> <p>EXHIBIT 9</p> <p>NOTICE FOR ISSUANCE &amp; ACKNOWLEDGEMENT OF CONSTRUCTION PROJECT ADDENDA</p> <p>THE ARCHITECT/ENGINEER AND/OR AGENCY SHALL BE REQUIRED TO ABIDE BY THE FOLLOWING SCHEDULE IN ISSUING CONSTRUCTION PROJECT ADDENDA FOR STATE AGENCIES:</p> <p>(1) THE ARCHITECT/ENGINEER SHALL PREPARE THE ADDENDUM AND A LIST OF ALL PARTIES THAT HAVE PROCURED DRAWINGS AND SPECIFICATIONS FOR THE PROJECT. THE ADDENDUM AND LIST SHALL BE FORWARDED TO THE BUYER IN THE STATE PURCHASING DIVISION. THE ARCHITECT/ENGINEER SHALL ALSO SEND A COPY OF THE ADDENDUM TO THE STATE AGENCY FOR WHICH THE CONTRACT IS ISSUED.</p> <p>(2) THE BUYER SHALL SEND THE ADDENDUM TO ALL</p>						

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MURCO

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SUS

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<p>INTERESTED PARTIES AND, IF NECESSARY, EXTEND THE BID OPENING DATE. ANY ADDENDUM SHOULD BE RECEIVED BY THE BUYER WITHIN FOURTEEN (14) DAYS PRIOR TO THE BID OPENING DATE.</p> <p>(3) ALL ADDENDA SHOULD BE FORMALLY ACKNOWLEDGED BY ALL BIDDERS AND SUBMITTED TO THE STATE PURCHASING DIVISION. THE SAME RULES AND REGULATIONS THAT APPLY TO THE ORIGINAL BIDDING DOCUMENT SHALL ALSO APPLY TO AN ADDENDUM DOCUMENT. THE ONLY EXCEPTION MAY BE FOR AN ADDENDUM THAT IS ISSUED FOR THE SOLE PURPOSE OF CHANGING A BID OPENING TIME AND/OR DATE.</p> <p>REV. 11/96</p> <p>EXHIBIT 10</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 NOS.:</p> <p>NO. 1      ..12.15.08.. <i>[Signature]</i></p> <p>NO. 2      ..12.29.08.. <i>[Signature]</i></p> <p>NO. 3      ..1-05-08.. <i>[Signature]</i></p> <p>NO. 4      ..</p> <p>NO. 5      ..</p>						

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<p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF THE 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><i>[Signature]</i> ..... SIGNATURE            ATLAS Railroad Const. Co. .... COMPANY            12.16.08 ..... DATE</p> <p>REV. 11/96</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>						

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<p><b>BIDDER TO COMPLETE:</b></p> <p>CONTRACTORS NAME: <i>ATLAS RAILROAD CONSTRUCTION CO</i></p> <p>CONTRACTORS LICENSE NO.: <i>W.V.00.7740</i></p> <p>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT</p> <p style="text-align: center;">APPLICABLE LAW</p> <p>THE WEST VIRGINIA STATE CODE, PURCHASING DIVISION RULES AND REGULATIONS, AND THE INFORMATION PROVIDED IN THE "REQUEST FOR QUOTATION" ISSUED BY THE PURCHASING DIVISION IS THE SOLE AUTHORITY GOVERNING THIS PROCUREMENT.</p> <p>ANY INFORMATION PROVIDED IN SPECIFICATION MANUALS, OR ANY OTHER SOURCE, VERBAL OR WRITTEN, WHICH CONTRADICTS OR ALTERS THE INFORMATION PROVIDED FROM THE SOURCES AS DESCRIBED IN THE ABOVE PARAGRAPH IS VOID AND OF NO EFFECT.</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>REV. 1/2005</p> <p style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p>						

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 MOOREFIELD, WV  
 26836      304-538-2305

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B	FREIGHT TERMS
11/12/2008				

BID OPENING DATE: **12/18/2008**      BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
				DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST 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: RP-41  REQ. NO.: RMA900020  BID OPENING DATE: 12/18/08  BID OPENING TIME: 1:30PM  PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:  <div style="text-align: center;">             -----  <i>724 228 3183</i>              -----           </div> PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE:  <div style="text-align: center;">             -----  <i>GREGORY SUSKO</i>              -----           </div>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>G. Susko</i>	TELEPHONE 724 228 4500	DATE 12.16.08
TITLE VPO	FEIN 25 1011910	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  
**RMA900020**

PAGE  
**11**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
**RON PRICE**  
**304-558-0492**

VENDOR

**\*709014935      412-228-4500**  
**ATLAS RAILROAD CONSTRUCTION CO**  
**PO BOX 8 ROUTE 519**  
  
**EIGHTY FOUR PA 15330**

SHIP TO

**WV STATE RAIL AUTHORITY**  
**(DBA) SOUTH BRANCH VALLEY**  
**RAILROAD**  
**120 WATER PLANT DRIVE**  
**MOOREFIELD, WV**  
**26836                      304-538-2305**

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
<b>11/12/2008</b>				

BID OPENING DATE: **12/18/2008**                      BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
***** THIS IS THE END OF RFQ RMA900020 ***** TOTAL:						<u>See All. #3</u>

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>[Signature]</i>	TELEPHONE <b>724 228 4500</b>	DATE <b>12.16.08</b>
TITLE <b>VPO</b>	FEIN <b>25-1011910</b>	ADDRESS CHANGES TO BE NOTED ABOVE

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

9283

### Description of Work

#### Tie Replacement

The contractor will replace 7,000 timber crossties as marked on the SBVR between MP 0 and MP 13.3. Ties will be handled carefully to avoid damage in accordance with AREMA specifications. The contractor will replace only those ties marked for replacement by SBVR. The contractor will remove and properly dispose of old ties. Ties must be stacked clear of tracks and must not be stacked on property other than SBVR right-of-way without the property owner's permission.

#### Spiking of Ties

Ties will be spiked to a gage of 56 ½ inches, plus or minus ¼ inch. Up to five ties on either side of a newly inserted tie will be plugged and respiked to correct gage.

All ties replaced or respiked will have new spikes. Old spikes will not be reused. Spikes shall be started and driven vertically and square with the rail. They shall have full bearing against the side of the rail base. Spikes shall not be overdriven. SBVR will provide information on correct spiking pattern and track curvature. The correct spiking pattern will be used on all new ties and any adjacent ties that are respiked to correct gage. It is estimated that 75% of the ties to be replaced are in curves and that 20% of the ties replaced will require adjacent ties to be respiked. Any other ties in a curve that do not have the designated spiking pattern will be the responsibility of the SBVR.

#### Rail Anchors

All rail anchors will be reapplied in their existing location and properly fitted against ties. They will not be moved by driving them along the rail.

#### Tamping

Tie gang will tamp all newly inserted ties as they are placed in the track and ballast will be replaced at ends of ties.

#### Final Surfacing, Alinement and Ballast Regulation

Contractor will use a Jackson 6700, Mark IV or equivalent to give the entire track a "skin lift" and establish best fit for curves including appropriate spirals. Surfacing will taper into bridges and public grade crossings. Private crossings will be raised and replaced. Two insertions will be made for each tie.

SBVR will provide information regarding the amount of superelevation to be placed in curves. When surfacing a turnout, tamping will continue for a distance of at least 100 feet onto the side track to ensure uniform surface through the turnout. A ballast regulator will follow the tamper to regulate ballast and reshape shoulders. All curves with welded rail will have a ballast shoulder of at least 12 inches on the outside of the curve.

### Conduct of Work

The SBVR normally operates freight trains Monday through Friday. These trains will be rescheduled during this project to provide the contractor with an eight-hour window between 10:00 am and 6:00 pm without train traffic. Freight trains do not normally operate on the weekends. This provides an opportunity to work without interruption or having to clear up at the end of each day. The contractor must not interfere with any freight trains that may need to be run on a weekend.

Track will be made safe for train operation at the end of each work day. Work will be subject to inspection by the SBVR. Contractor will be responsible for repair of any damage done to signals. Repairs must be done that same day.

Contractor will be responsible for clean up of the work site. All debris and refuse will be removed from the site and disposed of properly. Old spikes will be placed in piles along the right-of-way and will remain the property of the SBVR.

The contractor will comply with all safety rules and regulations as required by the Federal railroad Administration, SBVR and other parties as applicable. An SBVR employee will obtain the necessary work authorities and provide radio communication with the SBVR office.

Materials and equipment can be stored at Vanderlip (MP 16.9), Grace Cabin (MP 8.7) and Green Spring (MP 1.6). Each location has easy vehicular access and a track to store on-track equipment.

The SBVR can provide a locomotive and engineer for \$125 per hour. Two flat cars and two Rogers ballast cars are available at no charge. Work trains must be scheduled Monday through Friday and are subject to availability of engineer and equipment. Contractor must outline the plan for work train use at the beginning of the project.

The contractor will use Heavy and Highway Construction Rates as established for Hampshire County. These rates are pursuant to WV Code 21-5A, et, seq. and are available at [www.wvsos.com/adlaw/wagerates/heavyhighway08.htm](http://www.wvsos.com/adlaw/wagerates/heavyhighway08.htm). Contractor will be responsible for submitting certified payrolls to the SRA.

*AIHH, PDF*

A preconstruction meeting will be held prior to the beginning of work on this project. All contractor personnel involved in the management and supervision of this project will attend this meeting as will all appropriate SRA/SBVR personnel.

### Materials

Contractor will provide new ties, tie plugs and spikes and will transport them to the work site. Ties will be 7" X 9" X 8'6" industrial grade ties. The specifications set forth in Chapter 3 of the AREMA specifications will govern. The ties will be 100% end-plated, mixed hardwoods and oak, creosote pressure treated to 7# or refusal. Contractor will provide treated tie plugs and 6" cut track spikes per AREMA specifications. Tie plates will be provided by the SBVR where existing tie plates are defective or missing.

### Completion Date

All work must be completed by June 30, 2009. The cost to the SBVR for the administration of the contract as well as for train delays that will be incurred after that date make it necessary for the agency to assess liquidated damages against the contractor for each calendar day any work remains uncompleted after that date. The charge will be \$500.00 per day.

### Bid Requirements

Contractor **MUST** have previous experience in railroad tie replacement and track surfacing.

The quantities in the RFQ are for estimating purposes only. The awarded unit price will be used to determine the cost of the actual scope of work authorized.

For bidding purposes, the contractor is to give a unit cost for each item listed below. Low bid will be determined by the lowest total amount for all unit costs multiplied by the estimated quantities as listed below:

Tie Replacement

Estimated quantity 7,000 ties x unit cost \$ \_\_\_\_\_ per tie = \$ \_\_\_\_\_

Gaging of Respiked Ties

Estimated quantity 1,400 ties x unit cost \$ \_\_\_\_\_ per tie = \$ \_\_\_\_\_

Surfacing/Ballast Regulation

Estimated 13.3 miles x 5,280 feet/mile x unit cost \$ \_\_\_\_\_ per track foot = \$ \_\_\_\_\_

Total of All Items = \$ \_\_\_\_\_

*See Addendum #3 for  
Prorata*



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  
**RMA900020**

PAGE  
**1**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
**RON PRICE**  
**304-558-0492**

VENDOR

\*709014935      412-228-4500  
**ATLAS RAILROAD CONSTRUCTION CO**  
**PO BOX 8 ROUTE 519**  
  
**EIGHTY FOUR PA 15330**

SHIP TO

**WV STATE RAIL AUTHORITY**  
**(DBA) SOUTH BRANCH VALLEY**  
**RAILROAD**  
**120 WATER PLANT DRIVE**  
**MOOREFIELD, WV**  
**26836                      304-538-2305**

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
12/15/2008				

BID OPENING DATE: **01/06/2009**      BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		570-48		
<b>ADDENDUM NO. 1</b> <b>TO CHANGE THE BID OPENING DATE FROM 12/18/08 TO 1/6/09</b> <b>AT 1:30 PM. NO OTHER CHANGES AT THIS TIME.</b>						
<b>CROSSTIE REPLACEMENT ON THE SOUTH BRANCH VALLEY RR</b>						
<b>***** THIS IS THE END OF RFQ RMA900020 ***** TOTAL: <i>See Add. #3</i></b>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Az Susko</i>	TELEPHONE <b>724 228 4500</b>	DATE <b>12.29.08</b>
TITLE <b>VP</b>	FEIN <b>25-1011910</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  
 RMA900020

PAGE  
 1

ADDRESS CORRESPONDENCE TO ATTENTION OF  
 RON PRICE  
 304-558-0492

\*709014935 412-228-4500  
 ATLAS RAILROAD CONSTRUCTION CO  
 PO BOX 8 ROUTE 519  
 EIGHTY FOUR PA 15330

SHPTO WV STATE RAIL AUTHORITY  
 (DBA) SOUTH BRANCH VALLEY  
 RAILROAD  
 120 WATER PLANT DRIVE  
 MOOREFIELD, WV  
 26836 304-538-2305

JAN 2 RECD

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
12/29/2008				

BID OPENING DATE: 01/14/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		570-48		
ADDENDUM NO. 2 TO CHANGE THE BID OPENING DATE FROM 1/6/09 TO 1/14/09 AT 1:30 PM CROSSTIE REPLACEMENT ON THE SOUTH BRANCH VALLEY RR ***** THIS IS THE END OF RFQ RMA900020 ***** TOTAL: See Add #3						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]* TELEPHONE: 764 228 4500 DATE: 1.5.09  
 TITLE: Vice President FEIN: 25-1011910 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

WV PURCHASING AGENCY SECTION Fax 304-558-4115

Jan 5 2009 11:10am P001/005

Request for  
**Quotation**

RFQ NUMBER  
**RMA900020**

PAGE  
**1**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
**RON PRICE**  
**304-558-0492**

POSTAGE

\*709014935 412-228-4500  
 ATLAS RAILROAD CONSTRUCTION CO  
 PO BOX 8 ROUTE 519  
 EIGHTY FOUR PA 15330

POSTAGE

WV STATE RAIL AUTHORITY  
 (DBA) SOUTH BRANCH VALLEY  
 RAILROAD  
 120 WATER PLANT DRIVE  
 MOOREFIELD, WV  
 26836 304-538-2305

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
01/05/2009				
BID OPENING DATE: 01/14/2009		BID OPENING TIME: 01:30PM		

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 3						
REVISIONS TO THE SPECIFICATIONS AS PER THE ATTACHED						
BID OPENING DATE REMAINS 1/14/09 AT 1:30PM.						
0001	1	LS		570-48	<del>\$656,444.00</del>	<del>\$656,444.00</del>
CROSSTIE REPLACEMENT ON THE SOUTH BRANCH VALLEY RR						
***** THIS IS THE END OF RFQ RMA900020 ***** TOTAL:						<del>\$656,444.00</del>

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]* TELEPHONE: 724 228 4500 DATE: 1.5.09

TITLE: Vice President FEIN: 251011910 ADDRESS CHANGES TO BE NOTED ABOVE

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

## ADDENDUM NO. 3

To: All Attendees of the December 8, 2008 Prebid Meeting for the Replacement of Timber Crossties on the South Branch Valley Railroad

From: John Philbrick, Superintendent

Date: December 16, 2008

RE: Addendum #3 to RFQ #RMA900020 – Replacement of Crossties on SBVR

Any items not specifically addressed in this addendum remain the same as stated in the original RFQ.

1. **Track Time:** Contractor may start at 7:00 am Monday through Friday with the understanding that it will be necessary to clear up one time per day for a train. Weekends are normally available for work without interruption. The exception would be a unit train which must be moved promptly due to service commitments.
2. **Ballast:** SBVR will be responsible for placing ballast as needed for the project. It will be placed on the shoulders where it can be pulled in by the contractor.
3. **Switch Ties:** The north switch at Grace Cabin needs all the switch ties replaced. It is a No. 8 turnout. This item was not in the original RFQ. The contractor will be responsible for providing these ties. They will be 7" X 9" ties of the appropriate lengths per AREMA specifications, mixed hardwoods and oak, creosote pressure treated to 7# or refusal and 100% end plated.
4. **Gaging:** A total of 3,500 ties near the ties that are replaced will be respiked to proper gage. The ties to be regaged will be marked in the field.
5. **ROW Information:** The track charts provided at the prebid meeting show the locations of all bridges, turnouts, public crossings and private crossings. They also indicate track curvature.
6. **Distribution and Collection of Materials:** Except for ballast, the contractor is responsible for getting materials to the job site and gathering up materials removed during the project. The work train is offered as an option for this work. Conditions in the original RFQ apply. A list showing the distribution of ties to be replaced by milepost is attached (Attachment A).

7. Stone Retaining Wall at MP 11.4: Crossties being replaced along this wall will require special handling due to the limited work space and the ties being anchored to timbers alongside the track.

8. Ballast Section: Cribs will be filled to top of ties but not over the ties. Minimum 6" shoulder on tangents and inside of curves, minimum 12" shoulder on outside of curves.

9. Spiking Pattern: Diagram attached (Attachment B).

10. Rail Size: MP 0 - 1.6 is 132 Jtd., MP 1.6 - 3.9 is 133 CWR, MP 3.9 - 5.3 is 132 CWR, MP 5.3 - 7.0 is 133 CWR, MP 7.0 - 8.7 is 132 CWR and MP 8.7 - 13.3 is 133 CWR

11. Superelevation: All curves 2 degrees or greater but less than 8 degrees have 1/2" elevation. Curves that are 8 degrees or sharper have 1" elevation.

12. Prebid Sign-In Sheet: Previously provided Addendum No. 2.

13. Bidding Instructions: For bidding purposes, the contractor is to give a unit cost for each item listed below. Low bid will be determined by the lowest total amount for all unit costs multiplied by the quantities as listed below:

Switch Tie Replacement

One No. 8 Switch (AREMA spec) x unit cost \$ 13,200 = \$ 13,200

Crosstie Replacement

7,000 ties x unit cost \$ 79.50 per tie = \$ 556,500

Gaging of Respiked Ties

3,500 ties x unit cost \$ 11.80 per tie = \$ 16,250

Surfacing/Ballast Regulation

13.3 miles x 5,280 feet/mile x unit cost \$ 1.00 per track foot = \$ 70,224

Total of All Items = \$ 656,444

## Approximate Distribution of Ties to be Replaced on SBVR

Attachment A

Mileposts	
0 - 1	832
1 - 2	401
2 - 4	1102
4 - 6	729
6 - 7	398
7 - 8	505
8 - 9	572
9 - 10	374
10 - 11	530
11 - 12	606
12 - 13	809
13 - 13.3	142
	7000

2011

■ TRACK SPIKE

MAIN TRACK - A TRACK, OTHER THAN AN AUXILIARY TRACK, EXTENDING THROUGH YARDS AND BETWEEN STATIONS, UPON WHICH TRAINS ARE OPERATED IN CONFORMANCE WITH RULES OR SPECIAL INSTRUCTIONS.

SIDING - AN AUXILIARY TRACK DESIGNATED IN SPECIAL INSTRUCTIONS FOR THE MEETING OR PASSING OF TRAINS.

SIDE TRACK - AN AUXILIARY TRACK FOR PURPOSES OTHER THAN MEETING OR PASSING TRAINS.

Attachment B

TRACK TYPE, TRACK ALIGNMENT, AND SPEED AUTHORIZED	SPIKES PER TIE PLATE	SPIKING PATTERNS
MAIN TRACKS AND SIDINGS		
TANGENTS AND CURVES LESS THAN 2 DEGREE WITH SPEED UP TO 45 MPH	2	A
TANGENTS AND CURVES LESS THAN 2 DEGREE WITH SPEED BETWEEN 45 MPH AND 60 MPH	3	A
CURVES 2 DEGREE AND OVER BUT LESS THAN 6 DEGREE	4	C
CURVES OVER 6 DEGREE	6	D
SIDE TRACKS - SPEEDS UP TO 25 MPH		
TANGENTS AND CURVES LESS THAN 6 DEGREE	2	A
CURVES 6 DEGREE AND OVER BUT LESS THAN 12 DEGREE	3	B
CURVES OVER 12 DEGREE	4	C

SPIKING PATTERN "A"



SPIKING PATTERN "B"



SPIKING PATTERN "C"



SPIKING PATTERN "D"





AIA Document A310

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we

ATLAS RAILROAD CONSTRUCTION COMPANY
1253 STATE ROUTE 519 P.O. BOX 8 EIGHTY FOUR, PA 15330
(Here insert full name ,and address or legal title of Contractor)

as Principal, hereinafter called the Principal, and
ARCH INSURANCE COMPANY
THREE PARKWAY SUITE 1500 PHILADELPHIA, PA 19102

a corporation duly organized under the laws of the State of Missouri as Surety, hereinafter called the Surety,

are held and firmly bound unto STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION 2019 WASHINGTON STREET EAST P.O. BOX 50130
CHARLESTON, WV 25305-0130
(Here insert full name ,and address or legal title of Owner)

as Obligee, hereinafter called the Obligee, in the sum of \*\*Five Percent of the Total Amount of the Bid\*\* Dollars (\$5%), for the
payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors,
administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for
WV State Rail Authority - RFQ RMA 900020 Furnish and Install 7,000 Cross Ties - Surface Line and Tamp
13.3 Track Miles

(Here insert full name, address and description of project)

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee
in accordance with the terms of such bid and give such bond or bonds as may be specified in the bidding or Contract Documents with
good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in
the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the
Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such
larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid then this
obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 6th day of January, 2009.

Handwritten signatures and titles for witnesses: (Witness) vice President and (Witness) Tina Chandler, Witness

ATLAS RAILROAD CONSTRUCTION COMPANY (Principal) Seal
(Title) William M Stout President
ARCH INSURANCE COMPANY (Surety) Seal
(Title) Kelly A. Caswell, Attorney-in-Fact

## POWER OF ATTORNEY

Know All Men By These Presents:

That the Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its principal office in Kansas City, Missouri (hereinafter referred to as the "Company") does hereby appoint

James D. Toennies, Kelly A. Caswell and Gemma B. Fendler of Norristown, PA (EACH)

its true and lawful Attorney(s)-in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed:

Any and all bonds and undertakings

EXCEPTION: NO AUTHORITY is granted to make, execute, seal and deliver bonds or undertakings that guarantee the payment or collection of any promissory note, check, draft or letter of credit.

This authority does not permit the same obligation to be split into two or more bonds in order to bring each such bond within the dollar limit of authority as set forth herein.

The Company may revoke this appointment at any time.

The execution of such bonds and undertakings in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office in Kansas City, Missouri.

This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on March 3, 2003, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect:

"VOTED, That the Chairman of the Board, the President, or any Vice President, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings, obligatory in the nature thereof, and any such officers of the Company may appoint agents for acceptance of process."

This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on March 3, 2003:

VOTED, That the signature of the Chairman of the Board, the President, or any Vice President, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on March 3, 2003, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company.



In Testimony Whereof, the Company has caused this instrument to be signed and its corporate seal to be affixed by their authorized officers, this 1st day of May, 20 08

Attested and Certified

Arch Insurance Company

*Martin J. Nilsen*  
Martin J. Nilsen, Secretary

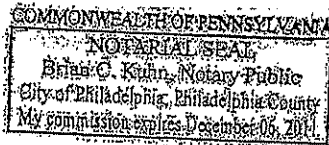


*J. Michael Pete*  
J. Michael Pete, Vice President

STATE OF PENNSYLVANIA SS

COUNTY OF PHILADELPHIA SS

I, Brian C. Kuhn, a Notary Public, do hereby certify that Martin J. Nilsen and J. Michael Pete personally known to me to be the same persons whose names are respectively as Secretary and Vice President of the Arch Insurance Company, a Corporation organized and existing under the laws of the State of Missouri, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being thereto duly authorized signed, sealed with the corporate seal and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary acts for the uses and purposes therein set forth.



*Brian C. Kuhn*  
Brian C. Kuhn, Notary Public  
My commission expires 12-05-2011

CERTIFICATION

I, Martin J. Nilsen, Secretary of the Arch Insurance Company, do hereby certify that the attached Power of Attorney dated May 1, 2008 on behalf of the person(s) as listed above is a true and correct copy and that the same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate, and I do further certify that the said J. Michael Pete, who executed the Power of Attorney as Vice President, was on the date of execution of the attached Power of Attorney the duly elected Vice President of the Arch Insurance Company.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Arch Insurance Company on this 10th day of January, 2009.

*Martin J. Nilsen*  
Martin J. Nilsen, Secretary

This Power of Attorney limits the acts of those named therein to the bonds and undertakings specifically named therein and they have no authority to bind the Company except in the manner and to the extent herein stated.

PLEASE SEND ALL CLAIM INQUIRIES RELATING TO THIS BOND TO THE FOLLOWING ADDRESS:

Arch Surety  
3 Parkway, Ste. 1500  
Philadelphia, PA 19102



**ARCH INSURANCE COMPANY**

-----

**CONSENT OF SURETY**

KNOW ALL MEN BY THESE PRESENTS,

That for and in consideration of the sum of One Dollar, lawful money of the United States, the receipt whereof is hereby acknowledged, paid the undersigned corporation, and for other valuable consideration, the

**ARCH INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of Missouri and licensed to do business in the State of **West Virginia** consents and agrees,

that if the contract for the **STATE OF WEST VIRGINIA: WV State Rail Authority - RFQ RMA 900020**

**Furnish and Install 7,000 Cross Ties - Surface Line and Tamp 13.3 Track Miles**

be awarded to **ATLAS RAILROAD CONSTRUCTION COMPANY** the undersigned corporation agrees

with the said **ATLAS RAILROAD CONSTRUCTION COMPANY** to execute the final bonds as required by

the specifications, and to become surety in the full amount of the contract price for the faithful performance of the contract.

IN WITNESS WHEREOF, the undersigned corporation has caused this agreement to be signed by its duly authorized representative and its corporate seal be hereto affixed this

6th day of January, 2009.

**ARCH INSURANCE COMPANY**

By: 

**Kelly A. Caswell, ATTORNEY-IN-FACT**

STATE OF WEST VIRGINIA  
Purchasing Division

## PURCHASING AFFIDAVIT

### VENDOR OWING A DEBT TO THE STATE:

*West Virginia Code* §5A-3-10a provides that: 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.

### PUBLIC IMPROVEMENT CONTRACTS & DRUG-FREE WORKPLACE ACT:

*West Virginia Code* §21-1D-5 provides that: Any solicitation for a public improvement construction contract shall require each vendor that submits a bid for the work to submit at the same time an affidavit that the vendor has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the West Virginia Code. A public improvement construction contract may not be awarded to a vendor who does not have a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the West Virginia Code and who has not submitted that plan to the appropriate contracting authority in timely fashion. For a vendor who is a subcontractor, compliance with Section 5, Article 1D, Chapter 21 of the West Virginia Code may take place before their work on the public improvement is begun.

### ANTITRUST:

In submitting a bid to any agency for the state of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the state of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the state of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the state of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership or person or entity submitting a bid for the same materials, supplies, equipment or services and is in all respects fair and without collusion or fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.

### 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 is in compliance with the requirements as stated.

Vendor's Name: ATLAS RAILROAD CONSTRUCTION CO

Authorized Signature: G. Susko VP Date: 12.16.15

GREGORY SUSKO