



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
6610C007

PAGE
1

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

VENDOR

*911140758 740-849-2394
 SIDWELL MATERIALS INC
 5300 GUERNSEY STREET
 BELLAIRE OH 43906-9516

SHIP TO

DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
10/08/2009				

BID OPENING DATE: **10/21/2009** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	TN		750-56		
STONE AND AGGREGATE OPEN END CONTRACT TO PROVIDE ALL LABOR, MATERIALS, AND EQUIPMENT NECESSARY TO SUPPLY STONE AND AGGREGATE TO THE WEST VIRGINIA DIVISION OF HIGHWAYS, DISTRICT 1 THROUGH 10 PER THE ATTACHED SPECIFICATION. CONTRACT IS FOR 6 MONTH AND TO PROVIDE ALL LABOR, MATERIALS, AND EQUIPMENT NECESSARY TO SUPPLY CINDERS TO THE WEST VIRGINIA DIVISION OF HIGHWAYS FOR DISTRICTS 1, 3, 4, 6, AND 7. PER THE ATTACHED SPECIFICATIONS. CONTRACT IS FOR 6 MONTHS. 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. EXHIBIT 3 LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON						

RECEIVED
 2009 OCT 28 AM 11:35
 WV PURCHASING DIVISION

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	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 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, the State may deem this contract null and void, and terminate such contract 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 workplace 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



State of West Virginia
 Department of Administration
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 BELLAIRE OH 43906-9516

DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

RODNEY

SHEP

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
10/08/2009				

BID OPENING DATE: 10/21/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>QUANTITIES: QUANTITIES LISTED IN THE REQUISITION ARE APPROXIMATIONS ONLY, BASED ON ESTIMATES SUPPLIED BY THE STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF THE CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p> <p>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN STATE CONTRACT ORDER (FORM NUMBER WV-39) TO THE VENDOR FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL COPY OF THE WV-39 SHALL BE MAILED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT, A SECOND COPY MAILED TO THE PURCHASING DIVISION, AND A THIRD COPY RETAINED BY THE SPENDING UNIT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THE STATE MAY DEEM THE CONTRACT NULL AND VOID, AND TERMINATE SUCH CONTRACT WITHOUT FURTHER ORDER.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM.</p> <p>REV. 05/26/2009</p> <p>EXHIBIT 10</p> <p>REQUISITION NO.:</p> <p>ADDENDUM ACKNOWLEDGEMENT</p>						

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2

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<p>..... AND EXTENDS FOR A PERIOD OF SIX (6) MONTHS 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 SIX(6) 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 ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) SIX (6) SIX MONTH PERIODS.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p>						

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PAGE
5

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BID OPENING DATE: 10/21/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.</p> <p>REV. 09/21/2009</p> <p>EXHIBIT 4</p> <p>LOCAL GOVERNMENT BODIES: UNLESS THE VENDOR INDICATES IN THE BID HIS REFUSAL TO EXTEND THE PRICES, TERMS, AND CONDITIONS OF THE BID TO COUNTY, SCHOOL, MUNICIPAL AND OTHER LOCAL GOVERNMENT BODIES, THE BID SHALL EXTEN TO POLITICAL SUBDIVISIONS OF THE STATE OF WEST VIRGINIA. IF THE VENDOR DOES NOT WISH TO EXTEND THE PRICES, TERMS, AND CONDITIONS OF THE BID TO ALL POLITICAL SUBDIVISIONS OF THE STATE, THE VENDOR MUST CLEARLY INDICATE SUCH REFUSAL IN HIS BID. SUCH REFUSAL SHALL NOT PREJUDICE THE AWARD OF THIS CONTRACT IN ANY MANNER.</p> <p>REV. 3/88</p> <p style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p style="text-align: center;">DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p>						

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4

ADDRESS CORRESPONDENCE TO ATTENTION OF:
**MICHAEL AUSTIN
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*911140758 740-849-2394
SIDWELL MATERIALS INC
5300 GUERNSEY STREET

BELLAIRE OH 43906-9516

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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<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> <p>NO. 3</p> <p>NO. 4</p> <p>NO. 5</p> <p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF TH 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</p> <p>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>.....</p> <p style="text-align: center;">SIGNATURE</p> <p style="text-align: center;">DATE</p>						

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PAGE
6

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V E N D O R	*911140758 740-849-2394
	SIDWELL MATERIALS INC 5300 GUERNSEY STREET
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S H I P T O	DIVISION OF HIGHWAYS VARIOUS LOCALES AS INDICATED BY ORDER
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DATE PRINTED 10/08/2009	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: 10/21/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
	SEALED BID					
	BUYER:			33		
	RFQ. NO.:			6610C007		
	BID OPENING DATE:			10-21-2009		
	BID OPENING TIME:			1:30 P.M.		
	PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:					
				740-676-1880		
	CONTACT PERSON (PLEASE PRINT CLEARLY):					
				RAWDY ZIEMER - 740-819-3506		
				JOHN LEONARD - 740-819-3384		
	***** THIS IS THE END OF RFQ 6610C007 ***** TOTAL: _____					

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12. BIDDING SCHEDULE

12.1 Bidding F.O.B. Vendor's Storage Site

- a) **SOURCE OF MATERIAL** (State all sources for which bid prices apply) (e.g., Quarry location if Sandstone or Limestone; dredging or pit location if Gravel; production plant name and location if Slag)

Uniontown Stone
 72607 Gun Club Road
 St. Clairsville, OH 43950

- b) **EXACT LOCATION OF VENDOR'S STORAGE SITE(S)** A separate bid schedule must be submitted when bid price varies between Vendors storage sites.

Uniontown Stone - 6 miles north of I-70 on State Route 331 at Uniontown, Ohio.

Con- Tract Item	Description of Aggregate	Bid Price Per Ton F.O.B. Vendor's Storage Site		
		LIMESTONE SANDSTONE, GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
A	Class 1 Aggregate	11.50		
B	Class 2 Aggregate	11.50		
C	AASHTO #1 Aggregate	11.50		
D	AASHTO #3 Aggregate			
E	AASHTO #4 Aggregate	12.00		
F	AASHTO #467 Aggregate	12.00		
G	AASHTO #57 Aggregate	12.50		
H	AASHTO #67 Aggregate	12.50		
I	AASHTO #7 Aggregate			
J	AASHTO #8 Aggregate	13.50		
K	AASHTO #9 Aggregate			

NOTE: The *Bid Schedules* are ready for download on Purchasing's Web site at www.state.wv.us/admin/purchase

BIDDING SCHEDULE (Continued)

12.1 Bidding F.O.B. Vendor's Storage Site (Continued)

L	Stone for Gabions	11.50		
M	Fine Aggregate	7.50		
N	Standard Abrasives			
O	Modified Abrasives			
P	Riprap	14.50		
Q	Shot Rock	14.50		
R	AASHTO #8 Modified			
S	AASHTO #9 Modified			
T	Pea Gravel			
U	#11 Limestone Abrasives			
V	Haul by Vendor (Except Items Q and P):			
	@	3.35	\$ for First Ton-Mile	
	@	.10	\$ for Each Additional Ton Mile	
W	Haul by Vendor (Items Q and/or P):			
	@	3.35	\$ for First Ton-Mile	
	@	.15	\$ for Each Additional Ton-Mile	

<u>Con- tract Item</u>	<u>Description of Material</u>	<u>Bid Price Per Ton F.O.B. Vendor's Storage Site</u>
AA	Cinders	_____

Note 1: Bid price shall include cost of Vendor Loading Department trucks.

12. BIDDING SCHEDULE

DISTRICT SIX

12.2 Bidding F.O.B. Division's Storage Site

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site
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Bid Price (\$/Ton) F.O.B. DOH Storage Site

HANCOCK COUNTY

A	Class 1	5000	New Manchester
C	No. 1	500	New Manchester
D	No. 3	500	New Manchester
F	No. 467	3000	New Manchester
G	No. 57	1000	New Manchester
H	No. 67	500	New Manchester
I	No. 7	500	New Manchester
J	No. 8	5000	New Manchester
K	No. 9	1000	New Manchester
L	Gabion Stone	500	New Manchester
M	Fine Aggregate	100	New Manchester
N	Standard Abr.	4000	New Manchester
O	Modified Abr.	4000	New Manchester
Q	Shot Rock	500	New Manchester
R	No. 8 Modified	1000	New Manchester

LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
22.15		
22.65		
23.15		
23.15		
22.15		
25.50		

MARSHALL COUNTY

A	Class 1	5000	Glendale
C	No. 1	0	Glendale
D	No. 3	500	Glendale
F	No. 467	3000	Glendale
G	No. 57	1000	Glendale
H	No. 67	500	Glendale
I	No. 7	0	Glendale
J	No. 8	5000	Glendale
K	No. 9	0	Glendale
L	Gabion Stone	500	Glendale
M	Fine Aggregate	100	Glendale
N	Standard Abr.	4000	Glendale
O	Modified Abr.	4000	Glendale
Q	Shot Rock	500	Glendale
R	No. 8 Modified	1000	Glendale

18.85		
19.25		
19.25		
18.50		
23.25		

12. BIDDING SCHEDULE

DISTRICT SIX

12.2 Bidding F.O.B. Division's Storage Site (Continued)

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site
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Bid Price (\$/Ton) F.O.B. DOH Storage Site

MARSHALL COUNTY

A	Class 1	5000	Cameron
C	No. 1	0	Cameron
D	No. 3	2000	Cameron
F	No. 467	600	Cameron
G	No. 57	400	Cameron
H	No. 67	1500	Cameron
I	No. 7	0	Cameron
J	No. 8	1000	Cameron
K	No. 9	0	Cameron
L	Gabion Stone	500	Cameron
M	Fine Aggregate	100	Cameron
N	Standard Abr.	3000	Cameron
O	Modified Abr.	3000	Cameron
Q	Shot Rock	500	Cameron
R	No. 8 Modified	3000	Cameron

LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
21.15		
21.65		
21.65		
19.65		
24.50		

MARSHALL COUNTY

A	Class 1	3000	Lynn Camp
C	No. 1	0	Lynn Camp
D	No. 3	1000	Lynn Camp
F	No. 467	400	Lynn Camp
G	No. 57	200	Lynn Camp
H	No. 67	2000	Lynn Camp
I	No. 7	0	Lynn Camp
J	No. 8	500	Lynn Camp
K	No. 9	0	Lynn Camp
L	Gabion Stone	500	Lynn Camp
M	Fine Aggregate	100	Lynn Camp
N	Standard Abr.	1000	Lynn Camp
O	Modified Abr.	1000	Lynn Camp
Q	Shot Rock	500	Lynn Camp
R	No. 8 Modified	2000	Lynn Camp

22.10		
22.60		
22.60		
21.60		
25.25		

12. BIDDING SCHEDULE

DISTRICT SIX

12.2 Bidding F.O.B. Division's Storage Site (Continued)

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site
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Bid Price (\$/Ton) F.O.B. DOH Storage Site

MARSHALL COUNTY

A	Class 1	4000	Sand Hill
C	No. 1	0	Sand Hill
D	No. 3	800	Sand Hill
F	No. 467	400	Sand Hill
G	No. 57	200	Sand Hill
H	No. 67	500	Sand Hill
I	No. 7	0	Sand Hill
J	No. 8	500	Sand Hill
K	No. 9	0	Sand Hill
L	Gabion Stone	500	Sand Hill
M	Fine Aggregate	100	Sand Hill
N	Standard Abr.	1000	Sand Hill
O	Modified Abr.	1000	Sand Hill
Q	Shot Rock	500	Sand Hill
R	No. 8 Modified	2000	Sand Hill

LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
21.50		
22.00		
22.00		
20.75		

OHIO COUNTY

A	Class 1	3000	Triadelphia
C	No. 1	500	Triadelphia
D	No. 3	1000	Triadelphia
F	No. 467	500	Triadelphia
G	No. 57	1000	Triadelphia
H	No. 67	5000	Triadelphia
I	No. 7	1000	Triadelphia
J	No. 8	5000	Triadelphia
K	No. 9	1000	Triadelphia
L	Gabion Stone	500	Triadelphia
M	Fine Aggregate	100	Triadelphia
N	Standard Abr.	4000	Triadelphia
O	Modified Abr.	4000	Triadelphia
Q	Shot Rock	500	Triadelphia
R	No. 8 Modified	2000	Triadelphia

18.75		
19.25		
19.50		
19.50		
19.00		
23.00		

12. BIDDING SCHEDULE

DISTRICT SIX

12.2 Bidding F.O.B. Division's Storage Site (Continued)

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site
<u>OHIO COUNTY</u>			
A	Class 1	1000	Elm Grove
D	No. 3	500	Elm Grove
F	No. 467	500	Elm Grove
H	No. 67	500	Elm Grove
I	No. 7	500	Elm Grove
K	No. 9	1000	Elm Grove
M	Fine Aggregate	2000	Elm Grove
N	Standard Abr.	3000	Elm Grove
O	Modified Abr.	3000	Elm Grove
Q	Shot Rock	500	Triadelphia

Bid Price (\$/Ton) F.O.B.
DOH Storage Site

LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG

TYLER COUNTY

A	Class 1	5000	Sistersville
X	No. 1	1000	Sistersville
D	No. 3	2000	Sistersville
F	No. 467	3000	Sistersville
G	No. 57	2000	Sistersville
H	No. 67	1000	Sistersville
I	No. 7	2000	Sistersville
J	No. 8	2000	Sistersville
K	No. 9	1000	Sistersville
L	Gabion Stone	500	Sistersville
M	Fine Aggregate	100	Sistersville
N	Standard Abr.	2000	Sistersville
O	Modified Abr.	2000	Sistersville
Q	Shot Rock	500	Sistersville
R	No. 8 Modified	3000	Sistersville

21.75		
22.25		
22.75		
22.75		
22.00		
26.25		

12. BIDDING SCHEDULE

DISTRICT SIX

12.2 Bidding F.O.B. Division's Storage Site (Continued)

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site
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Bid Price (\$/Ton) F.O.B. DOH Storage Site

TYLER COUNTY

A	Class 1	1000	Centerville
C	No. 1	1000	Centerville
D	No. 3	2000	Centerville
F	No. 467	3000	Centerville
G	No. 57	2000	Centerville
H	No. 67	500	Centerville
I	No. 7	2000	Centerville
J	No. 8	600	Centerville
K	No. 9	1000	Centerville
L	Gabion Stone	500	Centerville
M	Fine Aggregate	100	Centerville
N	Standard Abr.	1000	Centerville
O	Modified Abr.	1000	Centerville
Q	Shot Rock	500	Centerville
R	No. 8 Modified	2000	Centerville

LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
22.95		
23.45		
23.45		
23.45		
22.45		

WETZEL COUNTY

A	Class 1	5000	New Martinsville
C	No. 1	1000	New Martinsville
D	No. 3	1500	New Martinsville
F	No. 467	500	New Martinsville
G	No. 57	3000	New Martinsville
H	No. 67	500	New Martinsville
I	No. 7	500	New Martinsville
J	No. 8	500	New Martinsville
K	No. 9	1000	New Martinsville
L	Gabion Stone	500	New Martinsville
M	Fine Aggregate	100	New Martinsville
N	Standard Abr.	1500	New Martinsville
O	Modified Abr.	1500	New Martinsville
Q	Shot Rock	500	New Martinsville
R	No. 8 Modified	1000	New Martinsville

19.75		
20.25		
20.75		
20.75		
19.75		
23.50		

12. BIDDING SCHEDULE

12.1 Bidding F.O.B. Vendor's Storage Site

- a) SOURCE OF MATERIAL (State all sources for which bid prices apply) (e.g., Quarry location if Sandstone or Limestone; dredging or pit location if Gravel; production plant name and location if Slag)

Midvale Sand and Gravel

 2194 Brightwood Road SE

 New Philadelphia, OH 44663

- b) EXACT LOCATION OF VENDOR'S STORAGE SITE(S) A separate bid schedule must be submitted when bid price varies between Vendors storage sites.

Midvale Sand and Gravel - 1 mile off of State Route 250

 at Midvale, Ohio on Brightwood Road.

Con- tract Item	Description of Aggregate	Bid Price Per Ton F.O.B. Vendor's Storage Site		
		LIMESTONE SANDSTONE, GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
A	Class 1 Aggregate	11.00	_____	_____
B	Class 2 Aggregate	11.00	_____	_____
C	AASHTO #1 Aggregate	11.00	_____	_____
D	AASHTO #3 Aggregate	_____	_____	_____
E	AASHTO #4 Aggregate	11.00	_____	_____
F	AASHTO #467 Aggregate	_____	_____	_____
G	AASHTO #57 Aggregate	13.00	_____	_____
H	AASHTO #67 Aggregate	_____	_____	_____
I	AASHTO #7 Aggregate	_____	_____	_____
J	AASHTO #8 Aggregate	8.50	_____	_____
K	AASHTO #9 Aggregate	_____	_____	_____

NOTE: The Bid Schedules are ready for download on Purchasing's Web site at www.state.wv.us/admin/purchase

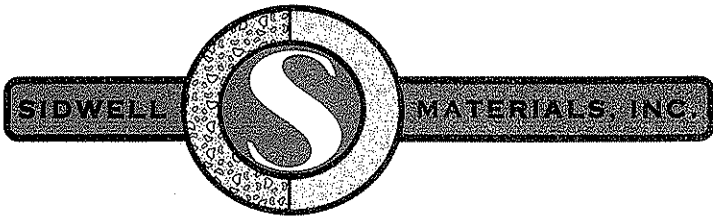
BIDDING SCHEDULE (Continued)

12.1 Bidding F.O.B. Vendor's Storage Site (Continued)

L	Stone for Gabions			
M	Fine Aggregate	<u>5.00</u>		
N	Standard Abrasives			
O	Modified Abrasives			
P	Riprap			
Q	Shot Rock			
R	AASHTO #8 Modified			
S	AASHTO #9 Modified			
T	Pea Gravel	<u>9.00</u>		
U	#11 Limestone Abrasives			
V	Haul by Vendor (Except Items Q and P):			
	@ <u>3.35</u> \$ for First Ton-Mile			
	@ <u>.10</u> \$ for Each Additional Ton Mile			
W	Haul by Vendor (Items Q and/or P):			
	@ _____ \$ for First Ton-Mile			
	@ _____ \$ for Each Additional Ton-Mile			

<u>Con- tract Item</u>	<u>Description of Material</u>	<u>Bid Price Per Ton F.O.B. Vendor's Storage Site</u>
AA	Cinders	_____

Note 1: Bid price shall include cost of Vendor Loading Department trucks.



Tri-Son Concrete • SMI C & DD Facility • Bellaire Stone
Uniontown Stone • Standing Stone • Midvale Sand and Gravel

Mailing Address: P. O. Box 192
White Cottage, Ohio 43791-0192

Phone: (740) 849-2422

Fax: (740) 849-0123

October 19, 2009

West Virginia Department of Highways
District 6
One Dot Drive
Moundsville, WV 26041

Dear Valued Customer:

Sidwell Materials Inc., is pleased to announce that we are now producing and marketing stone from APEX STONE at CR-78, Amsterdam, Ohio.

Apex Stone is a new quarry started in 2009 with an excellent seam of limestone. As of now ODOT has approved the Limestone Rip Rap and #304 Limestone base in Ohio. We are continuing further testing and will keep you informed as we progress.

Uniontown Stone products that are West Virginia approved are Limestone Rip Rap and Gabion Stone. All other material is non-spec.

Midvale Sand and Gravel which all its sized products are West Virginia approved.

Respectfully,

Randy Ziener,
Sidwell Materials, Inc.

STATE OF OHIO
DEPARTMENT OF TRANSPORTATION
AGGREGATE TEST
R E P O R T

Sample Id: 00972546 01 Proj/Item/Ref:
Sample Date: 07/13/09 PID Nbr: Cnty/Rt/Sect:
Matl Name: 304 CR STONE 703.17 Fed Aid Nbr:
P/S Name: APEX ENERGY INC. Inspector Name: KENNY
Rep Qty: 5200.000 TON Consign To: ODOT
Sampled From: STK & PLANT Mfg Control Nbr: G#3221

Sample Weight:	14856.0	Wt P- # 4:	4712.0	Dried Wt + # 4:	3907.0
Washed Dry Wt:		Split Wt P- # 4:	524.7	Washed Wt + # 4:	3891.0
Test Spec Year:	08	Washed Oven Dried Wt - # 4:			454.7
Sieve	Wt	%Pass	Specs	In/Out	
4			-		
3.5			-		
3			-		
2.5			-		
2	0.0	100	100	- 100	
1.5	201.0	99	-		
1	2586.0	81	70	- 100	
3/4	1338.0	72	50	- 90	
1/2	2072.0	58	-		
3/8	1311.0	50	-		
# 4	2646.0	32	30	- 60	

Fineness Modulus:

CA P- 200: FA P- 200:
Liquid Limit: 0
Plastic Index: 0
Fractured %:
3 Face Fractured %:
Abrasion Loss %: A - 18
Soundness Loss %: 8
Dry Rod Wt
As Rec'd Wt
Coef Of Perm
Max Dry Wt
Siliceous Particles:
Opt Moist %:
Silicon Dioxide:
Freeze/Thaw Area:

Sample Id: DELETERIOUS
Shale Matl %: 0.00
Shale B %:
Chert %: 0.01
Limonitic Matl %:
Soft Pieces %:
Clay Lumps %:
Coal %:
Total %:
Micro-Deval %:

Avg Sample Id Value Sample Id Value

Specific Gr:
Absorption %:

Test Remarks: APPROVED FOR USE IN 304 703.17.

PO Number/Reference:
Requisition Number:
Waiver Number:
Invitation Number:

Signature: _____
Date: _____

12. BIDDING SCHEDULE

12.1 Bidding F.O.B. Vendor's Storage Site

- a) **SOURCE OF MATERIAL** (State all sources for which bid prices apply) (e.g., Quarry location if Sandstone or Limestone; dredging or pit location if Gravel; production plant name and location if Slag)

Apex Stone
 11 County Road 78
 Amsterdam, Ohio 43903

- b) **EXACT LOCATION OF VENDOR'S STORAGE SITE(S)** A separate bid schedule must be submitted when bid price varies between Vendors storage sites.

Apex Stone - 1.5 Miles North of State Route 646 on
 County Road 78 (Amsterdam Road) in Jefferson County.

Con- Tract Item	Description of Aggregate	Bid Price Per Ton F.O.B. Vendor's Storage Site		
		LIMESTONE SANDSTONE, GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
A	Class 1 Aggregate	9.65		
B	Class 2 Aggregate	9.65		
C	AASHTO #1 Aggregate	9.65		
D	AASHTO #3 Aggregate			
E	AASHTO #4 Aggregate	9.65		
F	AASHTO #467 Aggregate			
G	AASHTO #57 Aggregate	10.45		
H	AASHTO #67 Aggregate	10.45		
I	AASHTO #7 Aggregate			
J	AASHTO #8 Aggregate	10.45		
K	AASHTO #9 Aggregate			

NOTE: The *Bid Schedules* are ready for download on Purchasing's Web site at www.state.wv.us/admin/purchase

BIDDING SCHEDULE (Continued)

12.1 Bidding F.O.B. Vendor's Storage Site (Continued)

L	Stone for Gabions	_____	_____	_____
M	Fine Aggregate	_____	_____	_____
N	Standard Abrasives	_____	_____	_____
O	Modified Abrasives	_____	_____	_____
P	Riprap	14.50	_____	_____
Q	Shot Rock	14.50	_____	_____
R	AASHTO #8 Modified	_____	_____	_____
S	AASHTO #9 Modified	_____	_____	_____
T	Pea Gravel	_____	_____	_____
U	#11 Limestone Abrasives	_____	_____	_____
V	Haul by Vendor (Except Items Q and P):			
	@ 3.35	\$ for First Ton-Mile		
	@ .10	\$ for Each Additional Ton Mile		
W	Haul by Vendor (Items Q and/or P):			
	@ 3.35	\$ for First Ton-Mile		
	@ .10	\$ for Each Additional Ton-Mile		

Con- Tract Item	Description of Material	Bid Price Per Ton F.O.B. Vendor's Storage Site
AA	Cinders	_____

Note 1: Bid price shall include cost of Vendor Loading Department trucks.

12. BIDDING SCHEDULE

DISTRICT SIX

12.2 Bidding F.O.B. Division's Storage Site

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site
---------------	--------------------------	---------------------------	------------------------------

Bid Price (\$/Ton) F.O.B. DOH Storage Site

HANCOCK COUNTY

A	Class 1	5000	New Manchester
C	No. 1	500	New Manchester
D	No. 3	500	New Manchester
F	No. 467	3000	New Manchester
G	No. 57	1000	New Manchester
H	No. 67	500	New Manchester
I	No. 7	500	New Manchester
J	No. 8	5000	New Manchester
K	No. 9	1000	New Manchester
L	Gabion Stone	500	New Manchester
M	Fine Aggregate	100	New Manchester
N	Standard Abr.	4000	New Manchester
O	Modified Abr.	4000	New Manchester
Q	Shot Rock	500	New Manchester
R	No. 8 Modified	1000	New Manchester

LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
24.80		
25.60		
25.60		
25.60		

MARSHALL COUNTY

A	Class 1	5000	Glendale
C	No. 1	0	Glendale
D	No. 3	500	Glendale
F	No. 467	3000	Glendale
G	No. 57	1000	Glendale
H	No. 67	500	Glendale
I	No. 7	0	Glendale
J	No. 8	5000	Glendale
K	No. 9	0	Glendale
L	Gabion Stone	500	Glendale
M	Fine Aggregate	100	Glendale
N	Standard Abr.	4000	Glendale
O	Modified Abr.	4000	Glendale
Q	Shot Rock	500	Glendale
R	No. 8 Modified	1000	Glendale

21.80		
21.80		
21.80		
27.85		

12. BIDDING SCHEDULE

DISTRICT SIX

12.2 Bidding F.O.B. Division's Storage Site (Continued)

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site
---------------	--------------------------	---------------------------	------------------------------

Bid Price (\$/Ton) F.O.B. DOH Storage Site

MARSHALL COUNTY

A	Class 1	5000	Cameron
C	No. 1	0	Cameron
D	No. 3	2000	Cameron
F	No. 467	600	Cameron
G	No. 57	400	Cameron
H	No. 67	1500	Cameron
I	No. 7	0	Cameron
J	No. 8	1000	Cameron
K	No. 9	0	Cameron
L	Gabion Stone	500	Cameron
M	Fine Aggregate	100	Cameron
N	Standard Abr.	3000	Cameron
O	Modified Abr.	3000	Cameron
Q	Shot Rock	500	Cameron
R	No. 8 Modified	3000	Cameron

LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
23.60		
23.60		
23.60		
29.65		

MARSHALL COUNTY

A	Class 1	3000	Lynn Camp
C	No. 1	0	Lynn Camp
D	No. 3	1000	Lynn Camp
F	No. 467	400	Lynn Camp
G	No. 57	200	Lynn Camp
H	No. 67	2000	Lynn Camp
I	No. 7	0	Lynn Camp
J	No. 8	500	Lynn Camp
K	No. 9	0	Lynn Camp
L	Gabion Stone	500	Lynn Camp
M	Fine Aggregate	100	Lynn Camp
N	Standard Abr.	1000	Lynn Camp
O	Modified Abr.	1000	Lynn Camp
Q	Shot Rock	500	Lynn Camp
R	No. 8 Modified	2000	Lynn Camp

25.05		
25.05		
25.05		
31.10		

12. BIDDING SCHEDULE

DISTRICT SIX

12.2 Bidding F.O.B. Division's Storage Site (Continued)

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site
---------------	--------------------------	---------------------------	------------------------------

Bid Price (\$/Ton) F.O.B. DOH Storage Site

MARSHALL COUNTY

A	Class 1	4000	Sand Hill
C	No. 1	0	Sand Hill
D	No. 3	800	Sand Hill
F	No. 467	400	Sand Hill
G	No. 57	200	Sand Hill
H	No. 67	500	Sand Hill
I	No. 7	0	Sand Hill
J	No. 8	500	Sand Hill
K	No. 9	0	Sand Hill
L	Gabion Stone	500	Sand Hill
M	Fine Aggregate	100	Sand Hill
N	Standard Abr.	1000	Sand Hill
O	Modified Abr.	1000	Sand Hill
Q	Shot Rock	500	Sand Hill
R	No. 8 Modified	2000	Sand Hill

LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
24.45		
24.45		
24.25		
30.50		

OHIO COUNTY

A	Class 1	3000	Triadelphia
C	No. 1	500	Triadelphia
D	No. 3	1000	Triadelphia
F	No. 467	500	Triadelphia
G	No. 57	1000	Triadelphia
H	No. 67	5000	Triadelphia
I	No. 7	1000	Triadelphia
J	No. 8	5000	Triadelphia
K	No. 9	1000	Triadelphia
L	Gabion Stone	500	Triadelphia
M	Fine Aggregate	100	Triadelphia
N	Standard Abr.	4000	Triadelphia
O	Modified Abr.	4000	Triadelphia
Q	Shot Rock	500	Triadelphia
R	No. 8 Modified	2000	Triadelphia

21.95		
21.95		
21.95		
28.00		

12. BIDDING SCHEDULE

DISTRICT SIX

12.2 Bidding F.O.B. Division's Storage Site (Continued)

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site
---------------	--------------------------	---------------------------	------------------------------

Bid Price (\$/Ton) F.O.B. DOH Storage Site

OHIO COUNTY

A	Class 1	1000	Elm Grove
D	No. 3	500	Elm Grove
F	No. 467	500	Elm Grove
H	No. 67	500	Elm Grove
I	No. 7	500	Elm Grove
K	No. 9	1000	Elm Grove
M	Fine Aggregate	2000	Elm Grove
N	Standard Abr.	3000	Elm Grove
O	Modified Abr.	3000	Elm Grove
Q	Shot Rock	500	Triadelphia

LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG

TYLER COUNTY

A	Class 1	5000	Sistersville
X	No. 1	1000	Sistersville
D	No. 3	2000	Sistersville
F	No. 467	3000	Sistersville
G	No. 57	2000	Sistersville
H	No. 67	1000	Sistersville
I	No. 7	2000	Sistersville
J	No. 8	2000	Sistersville
K	No. 9	1000	Sistersville
L	Gabion Stone	500	Sistersville
M	Fine Aggregate	100	Sistersville
N	Standard Abr.	2000	Sistersville
O	Modified Abr.	2000	Sistersville
Q	Shot Rock	500	Sistersville
R	No. 8 Modified	3000	Sistersville

NO BID

NO BID

12. BIDDING SCHEDULE

DISTRICT SIX

12.2 Bidding F.O.B. Division's Storage Site (Continued)

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site
---------------	--------------------------	---------------------------	------------------------------

Bid Price (\$/Ton) F.O.B. DOH Storage Site

TYLER COUNTY

A	Class 1	1000	Centerville
C	No. 1	1000	Centerville
D	No. 3	2000	Centerville
F	No. 467	3000	Centerville
G	No. 57	2000	Centerville
H	No. 67	500	Centerville
I	No. 7	2000	Centerville
J	No. 8	600	Centerville
K	No. 9	1000	Centerville
L	Gabion Stone	500	Centerville
M	Fine Aggregate	100	Centerville
N	Standard Abr.	1000	Centerville
O	Modified Abr.	1000	Centerville
Q	Shot Rock	500	Centerville
R	No. 8 Modified	2000	Centerville

LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
25.60		
26.40		
26.40		
26.40		
32.45		

WETZEL COUNTY

A	Class 1	5000	New Martinsville
C	No. 1	1000	New Martinsville
D	No. 3	1500	New Martinsville
F	No. 467	500	New Martinsville
G	No. 57	3000	New Martinsville
H	No. 67	500	New Martinsville
I	No. 7	500	New Martinsville
J	No. 8	500	New Martinsville
K	No. 9	1000	New Martinsville
L	Gabion Stone	500	New Martinsville
M	Fine Aggregate	100	New Martinsville
N	Standard Abr.	1500	New Martinsville
O	Modified Abr.	1500	New Martinsville
Q	Shot Rock	500	New Martinsville
R	No. 8 Modified	1000	New Martinsville

23.70		
24.50		
24.50		
24.50		
30.55		

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). West Virginia Code, §5A-3-37, provides an opportunity for qualifying vendors to request (at the time of bid) preference for their residency status. Such preference is an evaluation method only and will be applied only to the cost bid in accordance with the West Virginia Code. This certificate for application is to be used to request such preference. The Purchasing Division will make the determination of the Resident Vendor Preference, if applicable.

- 1. Application is made for 2.5% resident vendor preference for the reason checked: 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, Bidder is a partnership, association or corporation resident vendor and 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 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, Bidder is a 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; or,
2. Application is made for 2.5% resident vendor preference for the reason checked: Bidder is a resident vendor who certifies that, during the life of the contract, on average at least 75% of the employees working on the project being bid are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; or,
3. Application is made for 2.5% resident vendor preference for the reason checked: 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 Bidder's 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; or,
4. Application is made for 5% resident vendor preference for the reason checked: Bidder meets either the requirement of both subdivisions (1) and (2) or subdivision (1) and (3) as stated above; or,
5. Application is made for 3.5% resident vendor preference who is a veteran for the reason checked: Bidder is an individual resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted; or,
6. Application is made for 3.5% resident vendor preference who is a veteran for the reason checked: Bidder is a resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years.

Bidder understands if the Secretary of 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) reject the bid; 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.

By submission of this certificate, Bidder agrees to disclose any reasonably requested information to the Purchasing Division and authorizes the Department of 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.

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: SIDWELL MATERIALS Signed: Randy A. Jemier
Date: 10-19-09 Title: SALES MGR.

*Check any combination of preference consideration(s) indicated above, which you are entitled to receive.

NONE OF ABOVE

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:

If this is a solicitation for a public improvement construction contract, the vendor, by its signature below, affirms that it has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the *West Virginia Code*. The vendor must make said affirmation with its bid submission. Further, 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. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.

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

Vendor's Name: SIDWELL MATERIALS INCAuthorized Signature: Randy A. Jumer Date: 10-19-2009

Purchasing Affidavit (Revised 01/01/09)

D.B.A. MIDVALE SAND & GRAVEL
UNIONTOWN STONE
APEX STONE