

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

#### Request for Quotation

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### 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. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
- 4. 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.
- 5. Payment may only be made after the delivery and acceptance of goods or services.
- 6. Interest may be paid for late payment in accordance with the West Virginia Code.
- 7. Vendor preference will be granted upon written request in accordance with the West Virginia Code.
- 8. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
- 9. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
- 10. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern the purchasing process.
- 11. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
- 12. 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.
- 13. HIPAA BUSINESS ASSOCIATE ADDENDUM: The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, is available online at www.state.wv.us/admin/purchase/vrc/hipaa.htm and 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.
- 14. 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.
- 15. 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, and the West Virginia Insurance Commission. 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.
- 16. 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 material, 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.

#### INSTRUCTIONS TO BIDDERS

- 1. Use the quotation forms provided by the Purchasing Division. Complete all sections of the quotation form.
- 2. 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. Unit prices shall prevail in case of discrepancy. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
- 4. 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
- 5. Communication during the solicitation, bid, evaluation or award periods, except through the Purchasing Division, is strictly prohibited (W.Va. C.S.R. §148-1-6.6).



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

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MARTINSBURG, WV 25401 341-6368

DATE PRINTED: TERMS OF SALE SHIP VIA FO.B. FREIGHT TERMS 08/25/2010 **BID OPENING DATÉ** 09/23/2010 BID OPENING TIME 01:30PM CAT. LINE QUANTITY. UOP ITEM NUMBER UNIT PRICE AMOUNT 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. WORKERS' COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL. ALL OF THE ITEMS CHECKED BELOW WILL BE A REQUIREMENT OF THIS CONTRACT: (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. ) 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. FIVE PERCENT (5%) OF THE TOTAL AMOUNT OF (XX) BONDS: 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, TRREVOCABLE 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 ΨNDER \$100,000. PERSONAL OR BUSINESS CHECKS ARE NOT ACCECPTABLE IN LIEU OF THE 5% BID BOND, PERFORMANCE BOND, OR LABOR AND MATERIAL BOND SEE REVERSE SIDE FOR TERMS AND CONDITIONS SIGNATURE TELEPHONE DATE TITLE **EEIN** ADDRESS CHANGES TO BE NOTED ABOVE



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

#### Request for Quotation

DEFK11011

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ADDRESS CORRESPONDENCE TO ATTENTION OF

BUYER 32 B04-558-2544

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R.	MARTINSBURG, WV 25401 341-6368
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		Steven L.	Ferree		
	***** TH]	SIS THE END	OF RFQ DEFK110	11 ***** TOTAL:	\$56,600.00
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RFQ No.	DEFK11011

#### STATE OF WEST VIRGINIA **Purchasing Division**

#### **PURCHASING AFFIDAVIT**

West Virginia Code §5A-3-10a states: No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owed is an amount greater than one thousand dollars in the aggregate.

#### **DEFINITIONS:**

MUTHERO THE PAUL OWING CIGNIATINE

"Debt" means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions. "Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities. "Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceed five percent of the total contract amount.

EXCEPTION: The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

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.

MILINESS THE POFFOMING SIG	SNATURE
Vendor's Name: James (	Graft & Son, Inc.
Authorized Signature:	Date: 09/16/10
State of Pennsylvania	
County of York	, to-wit:
Taken, subscribed, and sworn to b	pefore me this 16 day of September 20/0
My Commission expires	Tay 18 2014
AFFIX SEAL HERE	NOTARY PUBLIC SUSAN K. BURNEY
COMMONW	EALTH OF PENNSYLVANIA

Notariai Seal

Susan R. Beveridge, Notary Public Newberry Twp., York County My Commission Expires May 18, 2014 Member, Pennsylvania Association of Notaries



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

STATE OF Pennsylvania
COUNTY OF York TO-WIT:
I, <u>James L. Craft</u> , after being first duly sworn, depose and state as follows:
1. I am an employee of <u>James Craft &amp; Son, Inc.</u> ; and, (Company Name)
2. I do hereby attest that <u>James Craft &amp; Son, Inc.</u> (Company Name)
maintains a valid written drug free workplace policy and that such policy is in compliance with <b>West Virginia Code</b> §21-1D-5.
The above statements are sworn to under the penalty of perjury.
James Craft & Son, Inc.
By:  James L. Craft  Title: President
Date: 09/16/10
Taken, subscribed and sworn to before me this 16 th day of Systemlies.
By Commission expires May 18, 2014
Seal) COMMONWEALTH OF PENNSYLVANIA  Notarial Seal  Susan R. Beverldge, Notarry Public  Newberry Twp., York County  My Commission Expires May 18, 2014  (Notary Public)
THIS A PENEL ROYNAME ASSET BE SUBMITTED WITH THE BID IN ORDER TO
COMPLY WITH WY CODE PROVISIONS. FAILURE TO INCLUDE THE AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF
"HE BID.

Rev March 2009

Agency\_\_\_\_ REQ.P.O#\_<u>DEFK11011</u>

#### BID BOND

KNOV	V ALL MEN BY THE	ESE PRESENTS, That we,	the undersigned,	James Craft & Son, Inc.
of	York Haven	Pennsylv	7ania	James Craft & Son, Inc, as Principal, and Liberty Mutual Insurance
company of	Boston	Massachusetts	, a corporation	organized and existing under the laws of the State of
Massachuset	tswith its principal	office in the City ofBos	ton	as Surety, are held and firmly bound unto the State
of West Virginia	a, as Obligee, in the	penal sum of Five Perc	ent (5%) of lount of the	as Surety, are held and firmly bound unto the State the 5% ) for the payment of which,
well and truly to	be made, we jointl	y and severally bind ourselv	ves, our heirs, ad	ministrators, executors, successors and assigns.
	•			,
The Co	ondition of the abov	e obligation is such that wh	ereas the Princip	al has submitted to the Purchasing Section of the
				de a part hereof, to enter into a contract in writing for
		1 - Boiler Replacem		<u> </u>
	THEREFORE,			
	said bid shall be rej said bid shall be acc		all enter into a co	ntract in accordance with the bid or proposal attached
hereto and shall	l furnish any other b	oonds and insurance require	ed by the bid or p	roposal, and shall in all other respects perform the
agreement creat	ted by the acceptar	ice of said bid, then this obl	igation shall be n	ull and void, otherwise this obligation shall remain in full urety for any and all claims hereunder shall, in no event,
exceed the pena	al amount of this ob	ligation as herein stated.	a nationity of the S	arety for any and all claims nereunder shall, in no event,
The Su	irety, for the value r	eceived, hereby stipulates a	and agrees that the	ne obligations of said Surety and its bond shall be in no may accept such bid, and said Surety does hereby
waive notice of a	any such extension.		iici (iie Obligee (	hay accept such bid, and said Surety does hereby
				hands and seals, and such of them as are corporations
			nese presents to	be signed by their proper officers, this
day of _	september	, 20_10		
m: ( 10				TamagaCraft C Can Ing
Principal Corpor	ate Seal		•	James Craft & Son, Inc. (Name of Principal)
				V
				By
,				XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
				James L. Craft, President
				(Title)
Surety Corporate	e Seal			Liberty Mutual Insurance Company
				(Nameyof Surety)
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nust be affixed,	, a power of attorn	ey must be attached.	vvest virgima to	transact surety in surance. Raised corporate seals

pm EST on any business day.

Attorney

between 9:00 am and 4:30 validity of this Power of

To confirm the 1-610-832-8240

# Not valid for mortgage, note, loan, letter of credit, bank deposit, rate or residual value interest currency rate,

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

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

#### LIBERTY MUTUAL INSURANCE COMPANY **BOSTON, MASSACHUSETTS** POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint

ROBERT N. STRIEWIG, JR., ANTHONY S. PHILLIPS, ALL OF THE CITY OF WORMLEYSBURG, STATE OF

each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons,

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seaf of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this \_\_12th\_\_day of \_\_\_

LIBERTY MUTUAL INSURANCE COMPANY

COMMONWEALTH OF PENNSYLVANIA COUNTY OF MONTGOMERY

On this 12th day of March 2010, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, thave hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.

COMMONWEALTH OF PENNSYLVANIA CONVENT

Notarial Seal Teresa Pastella, Notary Public Plymouth Byo., Montgamery County

My Commission Expires March 28, 2013

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, shall be valid and binding upon the company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this

David M. Carey, Assistant Secretary

day of



State of West Virginia Department of Administration Purchasing Division 2019 Washington Street East

Request for Quotation

RFO NUMBER DEFK11011 PAGE 1

Post Office Box 50130 Charleston, MP

James Craft & Son Tim Wolf 2700 York Haven PO Box 8 Yorkhaven, PA 17370

SEP 2010 JAMES CRAFT & SON, INC.

ADDRESS CORRESPONDENCE TO ATTENTION OF BUYER 32 B04-558-2544

DIV ENGINEERING & FACILITIES NATIONAL GUARD ARMORY ROUTE 4, BOX 498

MARTINSBURG, WV 25401 341-6368

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

#### Request for Quotation

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#### **DEFK11011**

#### Addendum # 2

- Question; Could we get the plans and specs for this project?
   Answer; The plans and specifications for this project are Addendum No. 1
- 2. Question; What is the status on insulation removal in the boiler room?

  Answer; The base bid will not include removal of any insulation but will include reinsulating all water piping in the boiler room with ASI fiberglass insulation as follows: boiler heat piping 2 ½", domestic hot water 1" and domestic cold water minimum ½".

Add/Alternate #1 will be the cost to remove all piping insulation in the boiler room, to include asbestos containing material and presumed asbestos containing material. Documentation of disposal of asbestos containing material and presumed asbestos containing material will be provided to owner.

- 3. Question; Do you want emergency shut-off installed?

  Answer; Yes, are to be an emergency shut-off switches installed at the two access doors to the boiler room.
- 4. Question; What components of the boiler system are to remain?
  Answer; The existing circulating pumps, the ballast tanks and the three way valve will remain in place.



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

#### Request for Quotation

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