



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  
**VET10112**

PAGE  
**1**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
 BUYER 32  
 304-558-2544

VENDOR

**RFQ COPY**

**TYPE NAME/ADDRESS HERE**  
 Frontier Construction Company, Inc.  
 Rt. 31-E, P.O. Box 84  
 Jones Mills, PA 15646

SHIP TO

**DIVISION OF VETERANS AFFAIRS**  
**ATTENTION: C. PRATHER**  
**SUITE 101**  
**1321 PLAZA EAST**  
**CHARLESTON, WV**  
**25301-1400 558-3661**

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
06/14/2010				

BID OPENING DATE: **07/27/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		968-42		
<p><b>CEMETERY GROUNDS &amp; FACILITY CONSTRUCTION</b></p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DIVISION OF VETERANS AFFAIRS, IS SOLICITING BIDS FROM QUALIFIED VENDORS TO PROVIDE ALL LABOR AND MATERIALS TO CONSTRUCT THE DONEL KINNARD MEMORIAL STATE VETERANS CEMETERY IN INSTITUTE, WEST VIRGINIA, (KANAWHA CO.), PER THE FOLLOWING BID REQUIREMENTS, TERMS &amp; CONDITIONS, AND THE PLANS AND SPECIFICATIONS AS PREPARED BY BLACKWOOD ASSOCIATES, INC.</p> <p>ALL QUESTIONS RELATING TO THIS PROJECT ARE TO BE DIRECTED TO THE BUYER ASSIGNED TO THIS REQUEST FOR QUOTATION, CHUCK BOWMAN. MR. BOWMAN MAY BE REACHED AT 304.558.2157 OR BY E-MAIL AT CHARLES.A.BOWMANJR@WV.GOV</p> <p>TECHNICAL QUESTIONS MUST BE SUBMITTED IN WRITING TO THE BUYER AND WILL BE FORWARDED TO THE AGENCY FOR THE REVIEW AND ADVISEMENT OF THE ARCHITECT OF RECORD. ALL QUESTIONS WILL BE OFFICIALLY ANSWERED IN ADDENDUM FORM AS DETAILED HEREIN.</p> <p>EXCEPT FOR THE PURPOSE OF PROCURING PLANS AND SPECIFICATIONS, VENDORS SHOULD NOT HAVE DIRECT CONTACT WITH THE ARCHITECT AT ANY TIME DURING THE ADVERTISEMENT OF THIS PROJECT PRIOR TO THE BID OPENING DATE.</p> <p>INSTRUCTIONS FOR OBTAINING THE PLANS &amp; SPECIFICATIONS ARE INCLUDED IN THE ATTACHED INVITATION TO BID.</p> <p style="text-align: center;"><b>MANDATORY PRE-BID</b></p>						

**RECEIVED**  
 2010 JUL 13 A 8:57  
 PURCHASING DIVISION  
 STATE OF WV

SEE REVERSE SIDE FOR TERMS AND CONDITIONS		
SIGNATURE <i>J.R. Sic</i>	TELEPHONE (724) 593-7491	DATE July 12, 2010
TITLE Estimator	FEIN 251795040	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. 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](http://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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Frontier Construction Company, Inc.  
 Rt. 31-E, P.O. Box 84  
 Jones Mills, PA 15646

DIVISION OF VETERANS AFFAIRS  
 ATTENTION: C. PRATHER  
 SUITE 101  
 1321 PLAZA EAST  
 CHARLESTON, WV  
 25301-1400 558-3661

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
06/14/2010				

BID OPENING DATE: 07/27/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	QAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>A MANDATORY PRE-BID WILL BE HELD ON JUNE 29, 2010, AT 10:00AM AT THE WEST VIRGINIA STATE POLICE ACADEMY LOCATED AT 135 ACADEMY DRIVE, DUNBAR, WV. 25064.</p> <p>INTERESTED PARTIES ARE REQUIRED TO ATTEND THIS MEETING FAILURE TO ATTEND THE MANDATORY PRE-BID SHALL RESULT IN DISQUALIFICATION OF THE BID. NO ONE PERSON MAY REPRESENT MORE THAN ONE BIDDER.</p> <p>AN ATTENDANCE SHEET WILL BE MADE AVAILABLE FOR ALL POTENTIAL BIDDERS TO COMPLETE. THIS WILL SERVE AS THE OFFICIAL DOCUMENT VERIFYING ATTENDANCE AT THE MANDATORY PRE-BID. FAILURE TO PROVIDE YOUR COMPANY AND REPRESENTATIVE NAME ON THE ATTENDANCE SHEET WILL RESULT IN DISQUALIFICATION OF THE BID. THE STATE WILL NOT ACCEPT ANY OTHER DOCUMENTATION TO VERIFY ATTENDANCE. THE BIDDER IS RESPONSIBLE FOR ENSURING THEY HAVE COMPLETED THE INFORMATION REQUIRED ON THE ATTENDANCE SHEET. THE PURCHASING DIVISION AND THE STATE AGENCY WILL NOT ASSUME ANY RESPONSIBILITY FOR A BIDDER'S FAILURE TO COMPLETE THE PRE-BID ATTENDANCE SHEET. IN ADDITION, WE REQUEST THAT ALL POTENTIAL BIDDERS INCLUDE THEIR E-MAIL ADDRESS AND FAX NUMBER.</p> <p>ALL POTENTIAL BIDDERS ARE REQUESTED TO ARRIVE PRIOR TO THE STARTING TIME FOR THE PRE-BID. BIDDERS WHO ARRIVE LATE, BUT PRIOR TO THE DISMISSAL OF THE TECHNICAL PORTION OF THE PRE-BID WILL BE PERMITTED TO SIGN IN. BIDDERS WHO ARRIVE AFTER CONCLUSION OF THE TECHNICAL PORTION OF THE PRE-BID, BUT DURING ANY SUBSEQUENT PART OF THE PRE-BID WILL NOT BE PERMITTED TO SIGN THE ATTENDANCE SHEET.</p> <p>EXHIBIT 5</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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<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 DRUG-FREE WORKPLACE 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 DRUG-FREE WORKPLACE AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF SUCH BID.</p> <p>NOTICE TO PROCEED: THIS CONTRACT IS TO BE PERFORMED WITHIN 390 CALENDAR DAYS AFTER THE NOTICE TO PROCEED IS RECEIVED. UNLESS OTHERWISE SPECIFIED, THE FULLY EXECUTED PURCHASE ORDER WILL BE CONSIDERED NOTICE TO PROCEED.</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 WAGE RATES AS ESTABLISHED FOR KANAWHA 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>						

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<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>(XX) 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 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>(XX) 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>						

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EXHIBIT 7						
DOMESTIC ALUMINUM, GLASS & STEEL IN PUBLIC WORKS PROJECTS  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.  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 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.  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						

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<p>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>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 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.</p> <p>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.</p>						

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<p>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 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>						

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**9**

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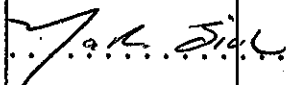
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NO. 1		June 14	2010			
NO. 2		June 15	2010			
NO. 3		June 30	2010			
NO. 4						
NO. 5						
I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF THE BIDS.						
VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL 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.						
 .....SIGNATURE Frontier Construction Company, Inc. .....COMPANY July 12, 2010 .....DATE						
REV. 11/96						
CONTRACTORS LICENSE						
WEST VIRGINIA STATE CODE 21-11-2 REQUIRES THAT ALL						

SIGNATURE 			TELEPHONE (724) 593-7491		DATE July 12, 2010
TITLE Estimator	FEIN 251795040	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  
**VET10112**

PAGE  
**10**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
**BUYER 32  
 304-558-2544**

PROPERTY

RFQ COPY  
 TYPE NAME/ADDRESS HERE  
 Frontier Construction Company, Inc.  
 Rt. 31-E, P.O. Box 84  
 Jones Mills, PA 15646

SHIP TO

DIVISION OF VETERANS AFFAIRS  
 ATTENTION: C. PRATHER  
 SUITE 101  
 1321 PLAZA EAST  
 CHARLESTON, WV  
 25301-1400 558-3661

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
06/14/2010				

BID OPENING DATE: **07/27/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UQP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>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> <p>BIDDER TO COMPLETE:</p> <p>CONTRACTORS NAME: Frontier Construction Company, Inc.</p> <p>CONTRACTORS LICENSE NO.: WV030192</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>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>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE *J.R. Sil* TELEPHONE (724) 593-7491 DATE July 12, 2010

TITLE Estimator FEIN 251795040 ADDRESS CHANGES TO BE NOTED ABOVE

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



State of West Virginia  
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# Request for Quotation

RFQ NUMBER  
**VET10112**

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**11**

ADDRESS FOR CORRESPONDENCE TO ATTENTION OF  
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VENDOR

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 Frontier Construction Company, Inc.  
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 Jones Mills, PA 15646.

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 SUITE 101  
 1321 PLAZA EAST  
 CHARLESTON, WV  
 25301-1400 558-3661

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
06/14/2010				

BID OPENING DATE: **07/27/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p><b>BANKRUPTCY:</b> 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>REV. 5/2009</p> <p style="text-align: center;"><b>NOTICE</b></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> <p>SEALED BID</p> <p>BUYER: 32</p> <p>REQ. NO.: VET10112</p> <p>BID OPENING DATE: 07/27/2010</p> <p>BID OPENING TIME: 1:30 PM</p> <p>PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:</p> <p style="text-align: center;">(724) 593-7499</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>J. L. Sil</i>	TELEPHONE (724) 593-7491	DATE July 12, 2010
TITLE Estimator	FEIN 251795040	ADDRESS CHANGES TO BE NOTED ABOVE

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State of West Virginia  
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# Request for Quotation

RFQ NUMBER  
**VET10112**

PAGE  
**12**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
 BUYER 32  
 304-558-2544

RFQ COPY

**TYPE NAME/ADDRESS HERE**  
 Frontier Construction Company, Inc.  
 Rt. 31-E, P.O. Box 84  
 Jones Mills, PA 15646

RFQ COPY

**DIVISION OF VETERANS AFFAIRS**  
**ATTENTION: C. PRATHER**  
**SUITE 101**  
**1321 PLAZA EAST**  
**CHARLESTON, WV**  
**25301-1400 558-3661**

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
06/14/2010				

BID OPENING DATE: **07/27/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOF	QAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE: Nathan R. Siok, Estimator -----						
***** THIS IS THE END OF RFQ VET10112 ***** TOTAL:						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Nathan R. Siok</i>	TELEPHONE (724) 593-7491	DATE July 12, 2010
TITLE Estimator	FEIN 251795040	ADDRESS CHANGES TO BE NOTED ABOVE

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 ATTENTION: C. PRATHER  
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DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
06/14/2010				

BID OPENING DATE: 07/27/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
***** ADDENDUM NO. 1 *****						
ADDENDUM ISSUED FOR THE DONEL KINNARD MEMORIAL STATE VETERANS CEMETARY CONSTRUCTION PROJECT TO CLARIFY THE MANDATORY PRE-BID DATE, AS IT WAS INCORRECTLY ADVERTISED IN THE 06/11/2010, ISSUE OF THE WEST VIRGINIA PURCHASING BULLETIN.						
THE PRE-BID DATE IS HEREBY CHANGED FROM 06/24/10 TO 06/29/2010. THE TIME AND PLACE REMAIN UNCHANGED.						
***** NO OTHER CHANGES *****						
0001	1	JB		968-42		
CEMETERY GROUNDS & FACILITY CONSTRUCTION						
***** THIS IS THE END OF RFQ VET10112 ***** TOTAL:						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>J. H. Sic</i>	TELEPHONE (724) 593-7491	DATE July 12, 2010
TITLE Estimator	FEIN 251795040	ADDRESS CHANGES TO BE NOTED ABOVE

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



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 25301-1400 558-3661

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
06/15/2010				

BID OPENING DATE: **07/13/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
***** ADDENDUM NO. 2 *****  ADDENDUM ISSUED FOR THE DONEL KINNARD MEMORIAL STATE VETERANS CEMETERY CONSTRUCTION PROJECT TO CHANGE THE DATES OF THE PRE-BID MEETING AND THE BID OPENING DATE IN ORDER TO COMPLY WITH FEDERAL GRANT APPLICATION DEADLINES.  THE PRE-BID DATE IS CHANGED FROM 06/29/10 TO 06/22/10 AT THE SAME TIME AND LOCATION. BID OPENING DATE IS CHANGED FROM 07/27/10 TO 07/13/10 AT 1:30 PM.  ***** NO OTHER CHANGES *****						
0001	1	JB		968-42		
CEMETERY GROUNDS & FACILITY CONSTRUCTION						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>J. A. Sil</i>	TELEPHONE (724) 593-7491	DATE July 12, 2010
TITLE Estimator	FEIN 251795040	ADDRESS CHANGES TO BE NOTED ABOVE

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State of West Virginia  
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 25301-1400 558-3661

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
06/30/2010				

BID OPENING DATE: **07/13/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>***** ADDENDUM NO.3 *****</p> <p>ADDENDUM ISSUED FOR THE DONEL KINNARD MEMORIAL STATE VETERANS CEMETERY CONSTRUCTION PROJECT TO DISTRIBUTE THE PRE-BID SIGN-IN SHEETS, THE BIDDING REQUIREMENTS REVISIONS, SPECIFICATION REVISIONS, REVISED DRAWINGS AS NOTED HEREIN AND DISTRIBUTED VIA SEPARATE COVER BY THE ARCHITECT, THE PRE-BID MEETING MINUTES, VENDOR SUBMITTED Q/A RECEIVED PRIOR TO THE 06/25/10 CUT-OFF, THE PACKAGE WASTEWATER TREATMENT SYSTEM SPECIFICATIONS, AND THE REVISED BID SCHEDULES AS A RESULT OF THE MANDATORY ONSITE PRE-BID MEETING ON 06/22/2010.</p> <p>TO FURTHER CLARIFY, THIS PROJECT REQUIRES SUBMISSION OF TWO (2) BIDS AND WILL RESULT IN THE AWARD OF TWO(2) CONTRACTS.</p> <p>VENDORS MAY BID ON THE CONSTRUCTION &amp; SITE WORK, THE LANDSCAPING BID, OR BOTH. PLEASE BE ADVISED THAT EACH BID WILL REQUIRE A SEPARATE BID SECURITY (BOND) FOR 5% OF THE AMOUNT OF THE INDIVIDUAL BID. VENDORS BIDDING BOTH PORIONS WILL NOT BE ALLOWED TO SUBMIT ONE BID BOND TO COVER BOTH BIDS. VENDORS WHO DO SO WILL HAVE THEIR BIDS DISQUALIFIED. CONSEQUENTLY, THE SEPARATE CONTRACTS WILL REQUIRE SEPARATE PERFORMANCE AND LABOR/MATERIAL BONDS BE SUBMITTED IF ONE VENDOR IS RECOMMENDED FOR THE AWARDS.</p> <p>BID OPENING DATE &amp; TIME REMAIN UNCHANGED AS 07/13/10 AT 1:30 PM.</p> <p>***** NO OTHER CHANGES *****</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS		
SIGNATURE <i>J. K. Sil</i>	TELEPHONE (724) 593-7491	DATE July 12, 2010
TITLE Estimator	FEIN 251795040	ADDRESS CHANGES TO BE NOTED ABOVE

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

**Addendum #3 #VET10112 (General Construction & Site Work)**

**Bid Form**

**Donel Kinnard Memorial State Veterans Cemetery  
Charleston, West Virginia**

Bid Proposal of Frontier Construction Company, Inc.

(hereafter called "Bidder") organized and existing under the laws of the State of \_\_\_\_\_  
Pennsylvania and doing business as \_\_\_\_\_

\* A Corporation

(\*Insert "A Corporation", "A Partnership", or "An Individual")

To the West Virginia Division of Veterans Affairs (hereafter called "Owner"):

The Bidder, in compliance with your Invitation to Bid and the Request for Quotation issued by Purchasing Division of the West Virginia Department of Administration soliciting bonafide bids for the Donel Kinnard Memorial State Veterans Cemetery, Charleston, West Virginia, having examined the Bidding Documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the Project including the availability of materials and labor, hereby proposes to provide all labor, materials, tools and equipment necessary to complete the construction of the Project in accordance with the Bidding Documents (of which this Bid Form is a part), within the time set forth herein, and at the prices stated below.

The Bidder acknowledges receipt of the following Addenda:

No. 1, 6/14/10      No. 2, 6/15/10      No. 3, 6/30/10      \_\_\_\_\_

**GENERAL CONSTRUCTION AND SITE WORK:**

The Contractor hereby agrees to commence work on the Project on or before a date to be specified in a written "Notice to Proceed" of the Owner. The Contractor agrees to fully complete the Project in 390 calendar days. The Contractor also agrees, for each calendar day of delay in completion of the Project beyond the stated length construction period to be liable for and pay to the Owner liquidated damages in the amount of \$750.00 per day, subject to allowances for delays beyond the control of the Contractor, all reasons for delays properly documented and verified.

**General Construction and Sitework - Base Bid Proposal:** The Bidder agrees to complete all Base Bid Proposal work on the Project, as required by the Bidding Documents for the following Sum:

\_\_\_\_\_ (\$ \_\_\_\_\_)

(Show amount in both words and figures)

In the event of a discrepancy between the wording of the Base Bid amount and the figure of the Base Bid amount, the wording shall govern.

**Addendum #3 #VET10112 (General Construction & Site Work)**

**General Construction and Sitework - Alternate Proposals:** The Bidder agrees to perform the individual Alternate work as required by the Bidding Documents for the following Sum(s):

Alternate No. 1: Add 834 pre-placed crypts as indicated on sheet C900. This alternate includes all labor and materials for earthwork, drainage stone, underdrains, cleanouts, precast concrete crypts; backfill, irrigation, gravesite grid monuments and burial section markers. Landscaping and seeding is base bid.

ADD(\$ \_\_\_\_\_)

(Show amount in both words and figures)

Alternate No. 2: Provide 4) Electric Heaters with T-stats, including all associated wiring and raceways to electric panel, in the Maintenance Building as indicated on Drawings M101M and E102M.

ADD(\$ \_\_\_\_\_)

(Show amount in both words and figures)

In the event of a discrepancy between the wording of the Alternate amount(s) and the figure of the Alternate amounts(s), the wording shall govern.

**General Construction and Sitework - Unit Prices:**

The Unit Prices shall determine the value of extra Work or changes in the Work, as applicable. They shall be considered complete and shall include all material and equipment, labor, installation costs, overhead, and profit. Unit prices shall be used uniformly for additions or deductions.

Unit Price No. 1 -- Clearing and Grubbing: Clear and grub additional land as required to spoil additional earth.

\$ \_\_\_\_\_ / Acre

Unit Price No. 2 -- Stripping and Stockpiling Topsoil: Strip and stockpile additional topsoil from land as required to spoil additional earth.

\$ \_\_\_\_\_ / Cubic Yard

Unit Price No. 3 -- Granular Fill: Provide specified gravel sub-base material, placed and compacted.

\$ \_\_\_\_\_ / Cubic Yard

FAILURE TO PROVIDE COMPLETELY FILLED-IN DATA FOR ALL OF THE ALTERNATES AND UNIT PRICES INDICATED ABOVE WILL RESULT IN THE BID BEING CONSIDERED NON-RESPONSIVE.

Bid Form

Page 2 of 5

Donel Kinnard Memorial State Veterans Cemetery  
Charleston, West Virginia

**Addendum #3 #VET10112A (Landscaping)**

The Bidder understands that, depending upon the availability of funds, the Owner may, at its own discretion, accept Alternates. The Bidder further understands that it is the Intent of the Owner to award a contract on the basis of lowest Base Proposal amount with or without modification by any or all of the Alternate Proposal amounts, as may solely benefit the Owner.

**LANDSCAPING:**

The Contractor hereby agrees to commence work on the Project on or before a date to be specified in a written "Notice to Proceed" of the Owner. The Contractor agrees to fully complete the Project in 90 calendar days. The Contractor also agrees, for each calendar day of delay in completion of the Project beyond the stated length construction period to be liable for and pay to the Owner liquidated damages in the amount of \$750.00 per day, subject to allowances for delays beyond the control of the Contractor, all reasons for delays properly documented and verified.

**Landscaping - Base Bid Proposal:** The Bidder agrees to complete all Base Bid Proposal work on the Project, as required by the Bidding Documents for the following Sum:

Seven hundred eighteen thousand, three hundred thirty & 0/100 (\$ 718,330.00 )  
(Show amount in both words and figures)

In the event of a discrepancy between the wording of the Base Bid amount and the figure of the Base Bid amount, the wording shall govern.

**Landscaping - Alternate Proposals:** The Bidder agrees to perform the individual Alternate work as required by the Bidding Documents for the following Sum(s):

Alternate No. L1: Provide sod as specified in LIMITED AREAS (in lieu of seed) as indicated on Planting Plan Sheets L100, L102 and L104.

Forty one thousand, thirty three & 0/100 ADD(\$41,033.00 )  
(Show amount in both words and figures)

Alternate No. L2: Provide sod as specified in ALL REMAINING AREAS indicated as "LAWN: GRASS MIX" on Planting Plan Sheets (L100 series). This alternate assumes that Alternate No. L1 is already accepted.

Three hundred eight thousand, two hundred fifty nine & 0/100 ADD(\$ 308,259.00 )  
(Show amount in both words and figures)

In the event of a discrepancy between the wording of the Alternate amount(s) and the figure of the Alternate amounts(s), the wording shall govern.

**Addendum #3 #VET10112A (Landscaping)****Landscaping - Unit Prices:**

The Unit Prices shall determine the value of extra Work or changes in the Work, as applicable. They shall be considered complete and shall include all material and equipment, labor, installation costs, overhead, and profit. Unit prices shall be used uniformly for additions or deductions.

Unit Price No. L1 – Sod: Provide sod installed and maintained as specified.

\$ 740.00 / 1,000 SF

**FAILURE TO PROVIDE COMPLETELY FILLED-IN DATA FOR ALL OF THE ALTERNATES AND UNIT PRICES INDICATED ABOVE WILL RESULT IN THE BID BEING CONSIDERED NON-RESPONSIVE.**

The Bidder understands that, depending upon the availability of funds, the Owner may, at its own discretion, accept Alternates. The Bidder further understands that it is the intent of the Owner to award a contract on the basis of lowest Base Proposal amount with or without modification by any or all of the Alternate Proposal amounts, as may solely benefit the Owner:

---

The Owner agrees to authorize disbursement to the Contractor for the performance of the Contract, and to make payment on 90% of the contract sum properly allocable to labor and materials completed on the Work up to the first (1<sup>st</sup>) day of each month, less the aggregate of previous payments in each case. At the time the Work is fifty percent (50%) complete and thereafter, if the manner of completion of the Work and its progress are and remain satisfactory to the Owner and Architect, upon presentation by the Contractor of Consent of Surety, the Architect will authorize any remaining partial payments to be paid in full. Upon Substantial Completion of the Work, the payment of retainage shall be sufficient to increase the total payments to ninety-five percent (95%) for the Work designated as Substantially Complete, less any amounts as the Architect shall determine for any Work that is not complete.

The Bidder has enclosed a Bid Bond for not less than 5% of the bid proposal price indicated above.

Upon receipt of written Notice of the acceptance of this bid, the Bidder agrees to promptly furnish, within 10 calendar days of Notice, satisfactory Performance and Labor and Material Payment Bonds in the amount of the Contract Price.

---

Respectfully submitted for: Frontier Construction Company, Inc.

(Firm Name)

Contractor's WV License Number: WV030192

(Pursuant to the WV Contractor Licensing Act 1991, 21-11-11)

**Addendum #3 #VET10112A (Landscaping)**

By: Jack Jil, ESTIMATOR  
(Signature & Title)

WV Business Registration Number: B06110529

Business Address: Rt. 31-E, P.O. Box 84, Jones Mills, PA 15646

SEAL (If Bid is by a Corporation)

**BID BOND**

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Frontier Construction Company, Inc.  
of Jones Mills, PA, as Principal, and Developers Surety and Indemnity Company  
of Sewickley, PA, a corporation organized and existing under the laws of the State of  
IA with its principal office in the City of Sewickley, as Surety, are held and firmly bound unto the State  
of West Virginia, as Oblige, in the penal sum of Five Percent of Amount Bid (\$ 5%) for the payment of which,  
well and truly to be made, we jointly and severally bind ourselves, our heirs, administrators, executors, successors and assigns.

The Condition of the above obligation is such that whereas the Principal has submitted to the Purchasing Section of the  
Department of Administration a certain bid or proposal, attached hereto and made a part hereof, to enter into a contract in writing for  
Donel Kinnard Memorial State Veterans Cemetary, Charleston, WV - Landscape Proposal

NOW THEREFORE,

- (a) If said bid shall be rejected, or
- (b) If said bid shall be accepted and the Principal shall enter into a contract in accordance with the bid or proposal attached  
hereto and shall furnish any other bonds and insurance required by the bid or proposal, and shall in all other respects perform the  
agreement created by the acceptance of said bid, then this obligation shall be null and void, otherwise this obligation shall remain in full  
force and effect. It is expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event,  
exceed the penal amount of this obligation as herein stated.

The Surety, for the value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no  
way impaired or affected by any extension of the time within which the Oblige may accept such bid, and said Surety does hereby  
waive notice of any such extension.

IN WITNESS WHEREOF, Principal and Surety have hereunto set their hands and seals, and such of them as are corporations  
have caused their corporate seals to be affixed hereunto and these presents to be signed by their proper officers, this  
13th day of July, 2010

Principal Corporate Seal

Frontier Construction Company, Inc.  
(Name of Principal)  
By [Signature]  
(Must be President or  
Vice President)  
PRESIDENT  
(Title)

Surety Corporate Seal



Developers Surety and Indemnity Company  
(Name of Surety)  
By [Signature]  
Brian F. Jette Attorney-in-Fact

IMPORTANT – Surety executing bonds must be licensed in West Virginia to transact surety insurance. Corporate seals must be affixed,  
and a power of attorney must be attached.



POWER OF ATTORNEY FOR  
DEVELOPERS SURETY AND INDEMNITY COMPANY  
INDEMNITY COMPANY OF CALIFORNIA  
PO Box 19725, IRVINE, CA 92623 (949) 263-3300

KNOW ALL MEN BY THESE PRESENTS, that as except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, do each, hereby make, constitute and appoint:

**Brian F. Jeffe**

as their true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporations, as sureties, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporations could do, but reserving to each of said corporations full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolutions adopted by the respective Board of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, effective as of November 2, 2007.

RESOLVED, that the chairman of the Board, the President and any Vice President of the corporation be, and that each of them hereby is, authorized to execute Powers of Attorney, qualifying the attorney(s) named in the Powers of Attorney to execute, on behalf of the corporations, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of the corporations be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporations when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA have severally caused these presents to be signed by their respective Vice President and attested by their respective Assistant Secretary this November 2, 2007.

By: Stephen T. Pate  
Stephen T. Pate, Senior Vice President

By: Charles L. Day  
Charles L. Day, Assistant Secretary

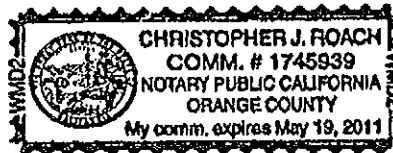


STATE OF CALIFORNIA     ]
COUNTY OF ORANGE     ]

On November 2, 2007, before me, Christopher J. Roach, Notary Public, personally appeared Stephen T. Pate and Charles L. Day, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature: Christopher J. Roach (SEAL)



CERTIFICATE

The undersigned, as Assistant Secretary, of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked, and furthermore, that the provisions of the resolutions of the respective Boards of Directors of said corporations set forth in the Power of Attorney, are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, the 13th day of July, 2010

By: Albert Hillebrand  
Albert Hillebrand, Assistant Secretary

AFFIDAVIT OF NON-COLLUSION

THIS AFFIDAVIT IS TO BE FILLED OUT AND EXECUTED BY THE BIDDER:  
IF THE BID IS MADE BY A CORPORATION, THEN BY ITS  
PROPERLY AUTHORIZED AGENT

Pennsylvania Fayette  
State of West Virginia, County of Kanawha:

Nathan R. Siok

(Name of Authorized Individual Making Bid)

residing at Rt. 31-E, P.O. Box 84, Jones Mills, PA 15646, being duly

sworn does depose and say that Frontier Construction Company, Inc.

(Give Name of Bidder or Bidders)

Rt. 31-E, P.O. Box 84, Jones Mills, PA 15646

(Business Address)

and,

(Give Names and Addresses of All Other Persons, Firms or Corporations Interested in the Bid.)

Frontier Construction Company, Inc.

is or are the only person or persons interested with sharing in the profits of the herein contained Bid; that the said Bid is made without any connection or interest in the profits thereof with any other persons making any bid or proposal for said work; that said bid is on our part, in all respects fair and without collusion or fraud; and also that no member of, head of any department or Bureau, or employee therein, or any employee of the State of West Virginia Division of Veterans Affairs is directly or indirectly interested therein.

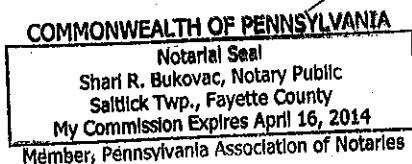
Nathan R. Siok

(Signature of Authorized Individual Making Bid)

Subscribed and sworn to this 12<sup>th</sup> day of July, 2010,

before

Shari R. Bukovac  
(Notary Public)



AFFIDAVIT OF NON-COLLUSION

Page 1 of 1

Donel Kinnard Memorial State Veterans Cemetery  
Charleston, West Virginia



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

STATE OF Pennsylvania

COUNTY OF Fayette, TO-WIT:

I, Nathan R. Siok, after being first duly sworn, depose and state as follows:

1. I am an employee of Frontier Construction Company, Inc.; and,  
(Company Name)

2. I do hereby attest that Frontier Construction Company, Inc.  
(Company Name)

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

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

Frontier Construction Company, Inc.  
(Company Name)

By: Nathan R. Siok

Title: Estimator

Date: July 12, 2010

Taken, subscribed and sworn to before me this 12<sup>th</sup> day of July 2010.

By Commission ~~of~~ **COMMONWEALTH OF PENNSYLVANIA**

(Seal) 

Notarial Seal Shari R. Bukovac, Notary Public Saltlick Twp., Fayette County My Commission Expires April 16, 2014 Member, Pennsylvania Association of Notaries
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Shari R. Bukovac  
(Notary Public)

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

STATE OF WEST VIRGINIA  
Purchasing Division

**PURCHASING AFFIDAVIT**

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

**DEFINITIONS:**

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

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

**WITNESS THE FOLLOWING SIGNATURE**

Vendor's Name: Frontier Construction Company, Inc.

Authorized Signature: *J.A. Sic* Date: July 12, 2010

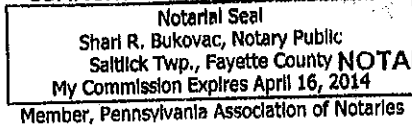
State of Pennsylvania

County of Fayette, to-wit:

Taken, subscribed, and sworn to before me this 12<sup>th</sup> day of July, 2010

My Commission expires COMMONWEALTH OF PENNSYLVANIA, 20  

AFFIX SEAL HERE



*Shari R. Bukovac*  
NOTARY PUBLIC