



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

Solicitation

NUMBER
6613C001

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
ALAN CUMMINGS 304-558-2402

*709033341 276-873-6816

E DILLON & COMPANY
 PO BOX 160

SWORDS CREEK VA 24649

VENDOR

SHIP TO

DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED
08/15/2012

BID OPENING DATE: 08/29/2012 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA		770-06		
STONE AND AGGREGATE - FALL/WINTER						
OPEN-END CONTRACT						
THE WEST VIRGINIA STATE PURCHASING DIVISION FOR THE AGENCY, THE WEST VIRGINIA DIVISION OF HIGHWAYS, IS SOLICITING BIDS TO PROVIDE THE AGENCY WITH AN OPEN-END CONTRACT TO FURNISH ALL LABOR, MATERIALS AND EQUIPMENT NECESSARY TO SUPPLY STONE AND AGGREGATE TO DISTRICTS 1 THRU 10 AS WELL AS CINDERS TO DISTRICTS 1,3,4,6 AND 7 PER THE ATTACHED SPECIFICATIONS.						
***** THIS IS THE END OF RFQ 6613C001 ***** TOTAL: _____						

RECEIVED
 2012 AUG 31 AM 9:57
 WV PURCHASING DIVISION

SIGNATURE <i>Paul Hamilton (STW)</i>	TELEPHONE (276) 873-6816	DATE 8/30/12
TITLE Manager, Aggregate Sales	FEIN 54-0261160	ADDRESS CHANGES TO BE NOTED ABOVE

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

CERTIFICATION AND SIGNATURE PAGE

By signing below, I certify that I have reviewed this Solicitation in its entirety; understand the requirements, terms and conditions, and other information contained herein; that I am submitting this bid or proposal for review and consideration; that I am authorized by the bidder to execute this bid or any documents related thereto on bidder's behalf; that I am authorized to bind the bidder in a contractual relationship; and that to the best of my knowledge, the bidder has properly registered with any State agency that may require registration.

E. Dillon & Company

(Company)

Bob Haulbell (SM)

(Authorized Signature)

Manager, Aggregate Sales

(Representative Name, Title)

(276) 873-6816

(Phone Number)

(276) 873-4208

(Fax Number)

August 30, 2012

(Date)

ADDITIONAL TERMS AND CONDITIONS (Architectural and Engineering Contracts Only)

1. **PLAN AND DRAWING DISTRIBUTION:** All plans and drawings must be completed and available for distribution at least five business days prior to a scheduled pre-bid meeting for the construction or other work related to the plans and drawings.
2. **PROJECT ADDENDA REQUIREMENTS:** The Architect/Engineer and/or Agency shall be required to abide by the following schedule in issuing construction project addenda:
 - a. The Architect/Engineer shall prepare any addendum materials for which it is responsible, and a list of all vendors that have obtained drawings and specifications for the project. The Architect/Engineer shall then send a copy of the addendum materials and the list of vendors to the State Agency for which the contract is issued to allow the Agency to make any necessary modifications. The addendum and list shall then be forwarded to the Purchasing Division buyer by the Agency. The Purchasing Division buyer shall send the addendum to all interested vendors and, if necessary, extend the bid opening date. Any addendum should be received by the Purchasing Division at least fourteen (14) days prior to the bid opening date.
3. **PRE-BID MEETING RESPONSIBILITIES:** The Architect/Engineer shall be available to attend any pre-bid meeting for the construction or other work resulting from the plans, drawings, or specifications prepared by the Architect/Engineer.
4. **AIA DOCUMENTS:** Contracts for architectural and engineering services will be governed by the AIA document B101-2007, as amended by the Supplementary Conditions for the State of West Virginia, in addition to the terms and conditions contained herein when procured under Chapter 5G of the West Virginia Code.
5. **GREEN BUILDINGS MINIMUM ENERGY STANDARDS:** In accordance with West Virginia Code § 22-29-4, all new building construction projects of public agencies that have not entered the schematic design phase prior to July 1, 2012, or any building construction project receiving state grant funds and appropriations, including public schools, that have not entered the schematic design phase prior to July 1, 2012, shall be designed and constructed complying with the ICC International Energy Conservation Code, adopted by the State Fire Commission, and the ANSI/ASHRAE/IESNA Standard 90.1-2007: *Provided*, That if any construction project has a commitment of federal funds to pay for a portion of such project, this provision shall only apply to the extent such standards are consistent with the federal standards.

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: 6613C001

Instructions: Please acknowledge receipt of all addenda issued with this solicitation by completing this addendum acknowledgment form. Check the box next to each addendum received and sign below. Failure to acknowledge addenda may result in bid disqualification.

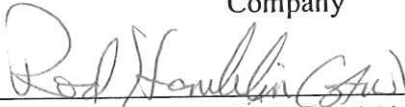
Acknowledgment: I hereby acknowledge receipt of the following addenda and have made the necessary revisions to my proposal, plans and/or specification, etc.

Addendum Numbers Received:

(Check the box next to each addendum received)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Addendum No. 1 | <input type="checkbox"/> Addendum No. 6 |
| <input type="checkbox"/> Addendum No. 2 | <input type="checkbox"/> Addendum No. 7 |
| <input type="checkbox"/> Addendum No. 3 | <input type="checkbox"/> Addendum No. 8 |
| <input type="checkbox"/> Addendum No. 4 | <input type="checkbox"/> Addendum No. 9 |
| <input type="checkbox"/> Addendum No. 5 | <input type="checkbox"/> Addendum No. 10 |

I understand that failure to confirm the receipt of addenda may be cause for rejection of this bid. I further 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.

E. Dillon & Company
 Company

 Authorized Signature

August 30, 2012
 Date

NOTE: This addendum acknowledgement should be submitted with the bid to expedite document processing.

Exhibit A.1 Pricing Schedule

VENDOR NAME: E. Dillon & Company

Bid F.O.B. Vendor's Storage Site (Items A-W)

- 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)

2522 Swords Creek Road, Swords Creek, VA 24649
Russell County, Virginia

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

2522 Swords Creek Road, Swords Creek, VA 24649
Russell County, Virginia

<u>Contract Item</u>	<u>Description of Material</u>	<u>Bid Price per Ton Items A-W</u> <u>F.O.B. Vendor's Storage Site</u>		
		<u>LIMESTONE</u> <u>SANDSTONE,</u> <u>GRAVEL, SAND</u>	<u>BLAST</u> <u>FURNACE</u> <u>SLAG</u>	<u>STEEL</u> <u>SLAG</u>
A	Class 1 Aggregate	\$ 10.50		
B	Class 2 Aggregate	10.50		
C	Class 10 Aggregate	10.50		
D	AASHTO #1 Aggregate	11.52		
E	AASHTO #3 Aggregate	11.52		
F	AASHTO #4 Aggregate	11.52		
G	AASHTO #467 Aggregate	11.52		
H	AASHTO #57 Aggregate	11.52		
I	AASHTO #67 Aggregate	11.52		
J	AASHTO #7 Aggregate	14.61		
K	AASHTO #8 Aggregate	14.61		
L	AASHTO #9 Aggregate	14.61		
M	Stone for Gabions	11.52		
N	Fine Aggregate	10.50		
OA	Limestone Standard Abrasives	14.61		
OB	Sandstone Standard Abrasives	n/a		
PA	Limestone Modified Abrasives	14.61		
PB	Sandstone Modified Abrasives	n/a		
Q	Riprap	10.50		
R	Shot Rock	10.50		

Exhibit A.1 Pricing Schedule

VENDOR NAME: E. Dillon & Company

Bid F.O.B. Vendor's Storage Site (Items A-W) (Continued)

<u>Contract Item</u>	<u>Description of Material</u>	<u>Bid Price per Ton Items A-W F.O.B. Vendor's Storage Site</u>		
		<u>LIMESTONE SANDSTONE, GRAVEL, SAND</u>	<u>BLAST FURNACE SLAG</u>	<u>STEEL SLAG</u>
S	AASHTO #8 Modified	\$ 14.61	_____	_____
T	AASHTO #9 Modified	14.61	_____	_____
U	Pea Gravel	14.61	_____	_____
V	#11 Limestone Abrasives	n/a	_____	_____
W	Quarry Waste	10.50	_____	_____
X	Haul by Vendor (Items A-W Except for Items Q and R): @ \$1.25 _____ \$ for First Ton-Mile @ .35 _____ \$ for Each Additional Ton Mile			
Y	Haul by Vendor (Items R and/or Q only): @ \$3.25 _____ \$ for First Ton-Mile @ .35 _____ \$ for Each Additional Ton-Mile			

<u>Contract Item</u>	<u>Description of Material</u>	<u>Bid Price per Ton Item AA F.O.B. Vendor's Storage Site</u>
AA	Cinders (See Note 1.)	<u>n/a</u>

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

c) SOURCE OF MATERIAL Name and Location of plant which produces material for Item AA:

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

F.O.B. Division's Storage Site - DISTRICT 2

6613C001

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site	Bid Price (S/Ton) F.O.B. DOH Storage Site		
				LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
<u>LOGAN COUNTY</u>						
A	Class 1	5000	Wilkinson			
D	AASHTO #1	1000	Wilkinson			
E	AASHTO #3	1000	Wilkinson			
H	AASHTO #57	1000	Wilkinson			
K	AASHTO #8	2000	Wilkinson			
M	Gabion Stone	1500	Wilkinson			
OA	Limestone Std Abr.	2000	Wilkinson			
OB	Sandstone Std Abr.	2000	Wilkinson			
PA	Limestone Mod Abr.	500	Wilkinson			
PB	Sandstone Mod Abr.	500	Wilkinson			
R	Shot Rock	1500	Wilkinson			
V	#11 Limestone Abr.	2000	Wilkinson			

LOGAN COUNTY

A	Class 1	1000	Man	\$ 28.24		
D	AASHTO #1	1000	Man	28.24		
E	AASHTO #3	500	Man	28.24		
H	AASHTO #57	500	Man	28.24		
K	AASHTO #8	2000	Man	31.39		
M	Gabion Stone	1000	Man	28.24		
OA	Limestone Std Abr.	1000	Man	31.39		
OB	Sandstone Std Abr.	1000	Man	n/a		
PA	Limestone Mod Abr.	500	Man	31.39		
PB	Sandstone Mod Abr.	500	Man	n/a		
R	Shot Rock	1000	Man	31.39		
V	#11 Limestone Abr.	1000	Man	n/a		

Exhibit A.2 Pricing Schedule

VENDOR NAME

E. Dillon & Company

F.O.B. Division's Storage Site - DISTRICT 2

6613C001

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site	Bid Price (\$Ton) F.O.B. DOH Storage Site		
				LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
<u>MINGO COUNTY</u>						
A	Class 1	1000	Gilbert	\$ 25.30		
D	AASHTO #1	1000	Gilbert	25.30		
E	AASHTO #3	500	Gilbert	25.30		
H	AASHTO #57	500	Gilbert	25.30		
K	AASHTO #8	500	Gilbert	28.45		
M	Gabion Stone	1000	Gilbert	28.45		
OA	Limestone Std Abr.	200	Gilbert	28.45		
OB	Sandstone Std Abr.	200	Gilbert	n/a		
PA	Limestone Mod Abr.	200	Gilbert	28.45		
PB	Sandstone Mod Abr.	200	Gilbert	n/a		
R	Shot Rock	500	Gilbert	28.45		
V	#11 Limestone Abr.	1000	Gilbert	n/a		

WAYNE COUNTY

A	Class 1	9000	Wayne			
B	Class 2	8000	Wayne			
E	AASHTO #3	1000	Wayne			
G	AASHTO #467	2000	Wayne			
H	AASHTO #57	5000	Wayne			
I	AASHTO #67	2000	Wayne			
K	AASHTO #8	3000	Wayne			
M	Gabion Stone	1000	Wayne			
OA	Limestone Std Abr.	2000	Wayne			
OB	Sandstone Std Abr.	2000	Wayne			
PA	Limestone Mod Abr.	200	Wayne			
PB	Sandstone Mod Abr.	200	Wayne			
Q	Rip Rap	1500	Wayne			
R	Shot Rock	500	Wayne			
S	AASHTO #8M	2000	Wayne			
V	#11 Limestone Abr.	2000	Wayne			

F.O.B. Division's Storage Site - DISTRICT 10

6613C001

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site	Bid Price (\$/Ton) F.O.B. DOH Storage Site		
				LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
<u>MCDOWELL COUNTY</u>						
A	Class 1	10000	Havaco			
G	AASHTO #467	3000	Havaco			
H	AASHTO #57	1000	Havaco			
K	AASHTO #8	1000	Havaco			
M	Gabion Stone	1500	Havaco			
PA	Limestone Mod Abr.	5000	Havaco			
PB	Sandstone Mod Abr.	5000	Havaco			
R	Shot Rock	1500	Havaco			

MCDOWELL COUNTY

A	Class 1	5000	Raysal	\$ 15.15		
B	Class 2	2000	Raysal	15.15		
G	AASHTO #467	2000	Raysal	16.17		
H	AASHTO #57	1000	Raysal	16.17		
K	AASHTO #8	500	Raysal	23.43		
M	Gabion Stone	1000	Raysal	23.43		
PA	Limestone Mod Abr.	2000	Raysal	23.43		
PB	Sandstone Mod Abr.	2000	Raysal	n/a		
R	Shot Rock	1000	Raysal	23.43		

MCDOWELL COUNTY

A	Class 1	3000	Yukon	\$ 16.90		
B	Class 2	1000	Yukon	16.90		
G	AASHTO #467	1000	Yukon	18.95		
H	AASHTO #57	1000	Yukon	18.95		
M	Gabion Stone	600	Yukon	18.95		
PA	Limestone Mod Abr.	2000	Yukon	n/a		
PB	Sandstone Mod Abr.	2000	Yukon	n/a		
R	Shot Rock	800	Yukon	n/a		

F.O.B. Division's Storage Site - DISTRICT 10

6613C001

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site	Bid Price (\$/Ton) F.O.B. DOH Storage Site		
				LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
<u>MCDOWELL COUNTY</u>						
A	Class 1	3000	Johnnycake Mountain	\$ 18.52		
B	Class 2	1000	Johnnycake Mountain	18.52		
G	AASHTO #467	1000	Johnnycake Mountain	18.52		
H	AASHTO #57	1000	Johnnycake Mountain	18.52		
M	Gabion Stone	500	Johnnycake Mountain	18.52		
PA	Limestone Mod Abr.	2000	Johnnycake Mountain	21.67		
PB	Sandstone Mod Abr.	2000	Johnnycake Mountain	n/a		
R	Shot Rock	800	Johnnycake Mountain	21.67		

MERCER COUNTY

A	Class 1	8500	Flat Top			
E	AASHTO #3	2000	Flat Top			
G	AASHTO #467	2000	Flat Top			
K	AASHTO #8	7500	Flat Top			
L	AASHTO #9	500	Flat Top			
M	Gabion Stone	500	Flat Top			

MERCER COUNTY

A	Class 1	500	Princeton - I 77			
L	AASHTO #9	3000	Princeton - I 77			

MERCER COUNTY

A	Class 1	20000	Princeton - WV 20			
E	AASHTO #3	2000	Princeton - WV 20			
G	AASHTO #467	1000	Princeton - WV 20			
K	AASHTO #8	15000	Princeton - WV 20			
L	AASHTO #9	2500	Princeton - WV 20			
M	Gabion Stone	3500	Princeton - WV 20			

F.O.B. Division's Storage Site - **DISTRICT 10**

6613C001

Contract Item	Description of Aggregate	Estimated Quantity (TONS)	Location of DOH Storage Site	Bid Price (\$/Ton) F.O.B. DOH Storage Site		
				LIMESTONE SANDSTONE GRAVEL, SAND	BLAST FURNACE SLAG	STEEL SLAG
<u>RALEIGH COUNTY</u>						
A	Class 1	7000	Bragg - I-64			
E	AASHTO #3	1200	Bragg - I-64			
H	AASHTO #57	300	Bragg - I-64			
L	AASHTO #9	10000	Bragg - I-64			
M	Gabion Stone	500	Bragg - I-64			

RALEIGH COUNTY

A	Class 1	7000	Bolt			
E	AASHTO #3	1200	Bolt			
H	AASHTO #57	4000	Bolt			
K	AASHTO #8	3000	Bolt			
L	AASHTO #9	3000	Bolt			
M	Gabion Stone	1000	Bolt			

RALEIGH COUNTY

A	Class 1	10000	Skelton			
E	AASHTO #3	1000	Skelton			
H	AASHTO #57	300	Skelton			
K	AASHTO #8	10000	Skelton			
L	AASHTO #9	10000	Skelton			
M	Gabion Stone	500	Skelton			

WYOMING COUNTY

A	Class 1	3000	Hanover	\$ 20.75		
B	Class 2	2000	Hanover	20.75		
E	AASHTO #3	1000	Hanover	20.75		
K	AASHTO #8	500	Hanover	23.61		
L	AASHTO #9	2000	Hanover	23.61		
M	Gabion Stone	500	Hanover	20.75		
R	Shot Rock	2000	Hanover	23.61		



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ALAN CUMMINGS 304-558-2402

VENDOR

*709033341 276-873-6816
 E DILLON & COMPANY
 PO BOX 160
 SWORDS CREEK VA 24649

SHIP TO

DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED
08/24/2012

BID OPENING DATE: 09/05/2012 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 01						
ISSUED TO CHANGE BID OPENING DATE AND TIME PER THE ATTACHED DOCUMENTATION.						
0001	1	EA		770-06		
STONE AND AGGREGATE - FALL/WINTER						
***** THIS IS THE END OF RFQ 6613C001 ***** TOTAL:						

SIGNATURE <i>Paul Hanklin (S10)</i>	TELEPHONE (276) 873-6816	DATE 8/30/12
TITLE Manager, Aggregate Sales	FEIN 54-0261160	ADDRESS CHANGES TO BE NOTED ABOVE

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

Rev. 07/12

State of West Virginia
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.
7. **Application is made for preference as a non-resident small, women- and minority-owned business, in accordance with *West Virginia Code* §5A-3-59 and *West Virginia Code of State Rules*.**
 Bidder has been or expects to be approved prior to contract award by the Purchasing Division as a certified small, women- and minority-owned business.

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: E. Dillon & CompanySigned: Date: August 30, 2012Title: Manager, Aggregate Sales

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: E. Dillon & Company

Authorized Signature: *Bob Hamilton* Date: August 30, 2012

State of Virginia

County of Russell, to-wit:

Taken, subscribed, and sworn to before me this 30th day of August, 2012.

My Commission expires 6/30/13, 2013.

AFFIX SEAL HERE

NOTARY PUBLIC

Sylvia A. Woodward
#168497

