



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

Solicitation

NUMBER
6613C019

PAGE
1

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

VENDOR: *709050359 304-845-2545
 KLUG BROTHERS INC
 RD 2 BOX 394 - SHOULD BE 123 KLUG LN
 MOUNDSVILLE WV 26041
 PER NEW "911" REQUIREMENTS:
 SHOULD READ - 123 KLUG LN.

SHIP TO: DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED
02/06/2013

BID OPENING DATE: 03/06/2013 BID OPENING TIME: 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	TN		745-21		
HOT MIX ASPHALT						
REQUEST FOR QUOTATION 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 FOR HOT MIX ASPHALT FOR USE ON MAINTENANCE AND REPAIR PROJECTS THROUGHOUT THE STATE OF WEST VIRGINIA FOR PICKUP FROM THE VENDOR'S PLANT OR DELIVERY TO A WVDOH PROJECT SITE PER THE ATTACHED SPECIFICATIONS.						
***** THIS IS THE END OF RFQ 6613C019 ***** TOTAL:						
03/04/13 02:03:23 PM West Virginia Purchasing Division						

SIGNATURE: <i>Mark J. Klug</i> (MARK J. KLUG)	TELEPHONE: 304-845-2545	DATE: 2-18-13
TITLE: PRESIDENT	FEIN: 55-060-1828	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.

KLUG BROS., INC.
(Company)

Mark J. Klug
(Authorized Signature)

MARK J. KLUG (PRESIDENT)
(Representative Name, Title)

304-845-2545 304-845-7982
(Phone Number) (Fax Number)

2-18-13
(Date)

contract cost or two thousand five hundred dollars (\$2,500.00), whichever is greater. For the purposes of this section, the cost is the value of the steel product as delivered to the project; or

- b. The Director of the Purchasing Division determines that specified steel materials are not produced in the United States in sufficient quantity or otherwise are not reasonably available to meet contract requirements.

53. PREFERENCE FOR USE OF DOMESTIC ALUMINUM, GLASS, AND STEEL: In Accordance with W. Va. Code § 5-19-1 et seq., and W. Va. CSR § 148-10-1 et seq., for every contract or subcontract, subject to the limitations contained herein, for the construction, reconstruction, alteration, repair, improvement or maintenance of public works or for the purchase of any item of machinery or equipment to be used at sites of public works, only domestic aluminum, glass or steel products shall be supplied unless the spending officer determines, in writing, after the receipt of offers or bids, (1) that the cost of domestic aluminum, glass or steel products is unreasonable or inconsistent with the public interest of the State of West Virginia, (2) that domestic aluminum, glass or steel products are not produced in sufficient quantities to meet the contract requirements, or (3) the available domestic aluminum, glass, or steel do not meet the contract specifications. This provision only applies to public works contracts awarded in an amount more than fifty thousand dollars (\$50,000) or public works contracts that require more than ten thousand pounds of steel products.

The cost of domestic aluminum, glass, or steel products may be unreasonable if the cost is more than twenty percent (20%) of the bid or offered price for foreign made aluminum, glass, or steel 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, the cost of domestic aluminum, glass, or steel products may be unreasonable if the cost is more than thirty percent (30%) of the bid or offered price for foreign made aluminum, glass, or steel products.

This preference shall be applied to an item of machinery or equipment, as indicated above, when the item is a single unit of equipment or machinery manufactured primarily of aluminum, glass or steel, is part of a public works contract and has the sole purpose or of being a permanent part of a single public works project. This provision does not apply to equipment or machinery purchased by a spending unit for use by that spending unit and not as part of a single public works project.

All bids and offers including domestic aluminum, glass or steel products that exceed bid or offer prices including foreign aluminum, glass or steel products after application of the preferences provided in this provision may be reduced to a price equal to or lower than the lowest bid or offer price for foreign aluminum, glass or steel products plus the applicable preference. If the reduced bid or offer prices are made in writing and supersede the prior bid or offer prices, all bids or offers, including the reduced bid or offer prices, will be reevaluated in accordance with this rule.

ADDENDUM ACKNOWLEDGEMENT FORM

SOLICITATION NO.: 6613C019

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 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.

KLUG BROS. INC.
Company

Thomas J. Klug
Authorized Signature

2-18-13
Date

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

Item	Item Description	Unit of Measure	Cost Per Unit
Items A - P shall include FOB Vendor's Plant			
A	Hot-Mix Asphalt Section 401 - Base I	TON	60.25
B	Hot-Mix Asphalt Section 401 - 37.5mm Superpave	TON	
C	Hot-Mix Asphalt Section 401 - Base II	TON	60.25
D	Hot-Mix Asphalt Section 401 - Patch and Level	TON	60.25
E	Hot-Mix Asphalt Section 401 - Wearing IV	TON	60.25
F	Hot-Mix Asphalt Section 402 - Wearing IV	TON	
G	Hot-Mix Asphalt Section 401 - 19mm Superpave	TON	
H	Hot-Mix Asphalt Section 401 - Scratch Course	TON	66.00
I	Hot-Mix Asphalt Section 402 - 9.5mm Superpave	TON	
J	Hot-Mix Asphalt Section 401 - Wearing I	TON	66.00
K	Hot-Mix Asphalt Section 402 - Wearing I	TON	70.00
L	Hot-Mix Asphalt Section 401 - 4.75mm Superpave	TON	
M	Hot-Mix Asphalt Section 402 - 4.75 mm Superpave	TON	
N	Hot-Mix Asphalt Section 401 - Wearing III	TON	79.50
O	Hot-Mix Asphalt Section 402 - Wearing III	TON	
P	Hot-Mix Asphalt - Plant Run	TON	64.75
Q	Surcharge for PG Binder - 70 minus 22	TON	
R	Surcharge for PG Binder - 76 minus 22 - Ordered in 400 Ton increments	TON	
S	Excavation for Shoulder Paving		
	a) 0-1000	SQ YARD	10.00
	b) 1001-2000	SQ YARD	8.75
	c) 2001-3000	SQ YARD	7.75
	d) 3001 and greater	SQ YARD	6.50
T	Hot-Mix Asphalt Base I Shoulder Paving Surcharge		
	a) 0-100	TON	7.00
	b) 101-200	TON	6.50
	c) 201-500	TON	5.75
	d) 501 and greater	TON	5.25
U	Hot-Mix Asphalt Base II Shoulder Paving Surcharge		
	a) 0-100	TON	7.00
	b) 101-200	TON	6.50
	c) 201-500	TON	5.75
	d) 501 and greater	TON	5.25
V	Haul by Vendor		
	a) First Ton Mile	MILE	1.75
	b) Each Additional Mile	MILE	0.25
W	Lay Down of Materials - Items A thru O, Each Site		
	a) 0-100	TON	60.00
	b) 101-200	TON	41.00
	c) 201-500	TON	20.00
	d) 501 and greater	TON	7.50

Mark Klug
KLUG BROS., INC.

PLANT # 1

Item	Item Description	Unit of Measure	Cost Per Unit
X	Cleaning and Sweeping	SQ YARD	0.10
Y	Bituminous Material for Tack Coat or Prime Material	GALLON	2.75
Z	Daytime Paving Mobilization	Per Agency Release	700.00
AA	Nighttime Paving Mobilization	Per Agency Release	1,100.00
AB	Off-Season Plant Opening		
	a) First Day	DAY	1,000.00
	b) Each Additional Day	DAY	700.00
AC	Additional Heel-In Joints	LINEAL FOOT	9.75
AD	Skip Paving Surcharge	TON	2.00
AE	Mobilization for Profiling	Per Agency Release	1,900.00
AF	Payment Profiling (Milling)		
	a) Less than 250	SQ YARD	20.00
	b) 251-500	SQ YARD	13.00
	c) 501-1000	SQ YARD	9.00
	d) 1001-2500	SQ YARD	5.00
	e) 2501-5000	SQ YARD	3.25
	f) 5001 and greater	SQ YARD	2.00
AG	Pilot Truck and Driver	PER DAY	475.00
AH	Traffic Control Devices	UNIT	1.44
AI	Flagger	HOUR	55.00
AJ	Arrow Board	DAY	25.00
AK	Milled Rumble Strips	LINEAL FOOT	0.40
AL	Mobilization for Milled Rumble Strips	Per Agency Release	3,800.00
AM	Pavement Repair - Hot Mix Asphalt Base II	TON	290.00
AN	Surcharge for Parking Lot and Facility Paving - Item A thru O	TON	3.75
	Vendor's Plant Location: Plant #1 at Moundsville, WV		
	(see separate pricing page for plant #2)		

NOTE: *If Vendor is supplying materials from more than one plant, a separate Pricing Page MUST be submitted for each plant. If separate Pricing Pages are not submitted, the plant not appearing on a separate Pricing Page will be disqualified from that Vendor's award.*

2/27/04 J. Klug
KLUG BROS., INC. PLANT #1

Item	Item Description	Unit of Measure	Cost Per Unit
Items A - P shall include FOB Vendor's Plant			
A	Hot-Mix Asphalt Section 401 - Base I	TON	60.25
B	Hot-Mix Asphalt Section 401 - 37.5mm Superpave	TON	
C	Hot-Mix Asphalt Section 401 - Base II	TON	60.25
D	Hot-Mix Asphalt Section 401 - Patch and Level	TON	60.25
E	Hot-Mix Asphalt Section 401 - Wearing IV	TON	60.25
F	Hot-Mix Asphalt Section 402 - Wearing IV	TON	
G	Hot-Mix Asphalt Section 401 - 19mm Superpave	TON	
H	Hot-Mix Asphalt Section 401 - Scratch Course	TON	66.00
I	Hot-Mix Asphalt Section 402 - 9.5mm Superpave	TON	
J	Hot-Mix Asphalt Section 401 - Wearing I	TON	66.00
K	Hot-Mix Asphalt Section 402 - Wearing I	TON	70.00
L	Hot-Mix Asphalt Section 401 - 4.75mm Superpave	TON	
M	Hot-Mix Asphalt Section 402 - 4.75 mm Superpave	TON	
N	Hot-Mix Asphalt Section 401 - Wearing III	TON	79.50
O	Hot-Mix Asphalt Section 402 - Wearing III	TON	
P	Hot-Mix Asphalt - Plant Run	TON	64.75
Q	Surcharge for PG Binder - 70 minus 22	TON	
R	Surcharge for PG Binder - 76 minus 22 - Ordered in 400 Ton increments	TON	
S	Excavation for Shoulder Paving		
	a) 0-1000	SQ YARD	10.00
	b) 1001-2000	SQ YARD	8.75
	c) 2001-3000	SQ YARD	7.75
	d) 3001 and greater	SQ YARD	6.50
T	Hot-Mix Asphalt Base I Shoulder Paving Surcharge		
	a) 0-100	TON	7.00
	b) 101-200	TON	6.50
	c) 201-500	TON	5.75
	d) 501 and greater	TON	5.25
U	Hot-Mix Asphalt Base II Shoulder Paving Surcharge		
	a) 0-100	TON	7.00
	b) 101-200	TON	6.50
	c) 201-500	TON	5.75
	d) 501 and greater	TON	5.25
V	Haul by Vendor		
	a) First Ton Mile	MILE	1.75
	b) Each Additional Mile	MILE	0.10
W	Lay Down of Materials - Items A thru O, Each Site		
	a) 0-100	TON	60.00
	b) 101-200	TON	41.00
	c) 201-500	TON	20.00
	d) 501 and greater	TON	7.50

Mark Klug
KLUG BROS., INC. PLANT # 2

Item	Item Description	Unit of Measure	Cost Per Unit
X	Cleaning and Sweeping	SQ YARD	0.10
Y	Bituminous Material for Tack Coat or Prime Material	GALLON	2.75
Z	Daytime Paving Mobilization	Per Agency Release	700.00
AA	Nighttime Paving Mobilization	Per Agency Release	1,100.00
AB	Off-Season Plant Opening		
	a) First Day	DAY	1,000.00
	b) Each Additional Day	DAY	700.00
AC	Additional Heel-In Joints	LINEAL FOOT	9.75
AD	Skip Paving Surcharge	TON	2.00
AE	Mobilization for Profiling	Per Agency Release	1,900.00
AF	Payment Profiling (Milling)		
	a) Less than 250	SQ YARD	20.00
	b) 251-500	SQ YARD	13.00
	c) 501-1000	SQ YARD	9.00
	d) 1001-2500	SQ YARD	5.00
	e) 2501-5000	SQ YARD	3.25
	f) 5001 and greater	SQ YARD	2.00
AG	Pilot Truck and Driver	PER DAY	475.00
AH	Traffic Control Devices	UNIT	1.44
AI	Flagger	HOURLY	55.00
AJ	Arrow Board	DAY	25.00
AK	Milled Rumble Strips	LINEAL FOOT	0.40
AL	Mobilization for Milled Rumble Strips	Per Agency Release	3,800.00
AM	Pavement Repair - Hot Mix Asphalt Base II	TON	290.00
AN	Surcharge for Parking Lot and Facility Paving - Item A thru O	TON	3.75
	Vendor's Plant Location: Plant #2 at New Martinsville, WV		
	(see separate pricing page for plant #1)		

NOTE: *If Vendor is supplying materials from more than one plant, a separate Pricing Page MUST be submitted for each plant. If separate Pricing Pages are not submitted, the plant not appearing on a separate Pricing Page will be disqualified from that Vendor's award.*

*Mark Klug
KLUG DROS., INC. PLANT #2*

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: KL46 BROS., INC.

Signed: Mary J. Kellogg

Date: 2-18-13

Title: PRESIDENT

RFQ No. 6613C019

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

MANDATE: Under W. Va. Code §5A-3-10a, 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: (1) the debt owed is an amount greater than one thousand dollars in the aggregate; or (2) the debtor is in employer default.

EXCEPTION: The prohibition listed above does not apply where a vendor has contested any tax administered pursuant to chapter eleven of the W. Va. 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.

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.

"Employer default" means having an outstanding balance or liability to the old fund or to the uninsured employers' fund or being in policy default, as defined in W. Va. Code § 23-2c-2, failure to maintain mandatory workers' compensation coverage, or failure to fully meet its obligations as a workers' compensation self-insured employer. An employer is not in employer default if it has entered into a repayment agreement with the Insurance Commissioner and remains in compliance with the obligations under the repayment agreement.

"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.

AFFIRMATION: By signing this form, the vendor's authorized signer affirms and acknowledges under penalty of law for false swearing (W. Va. Code §61-5-3) that neither vendor nor any related party owe a debt as defined above and that neither vendor nor any related party are in employer default as defined above, unless the debt or employer default is permitted under the exception above.

WITNESS THE FOLLOWING SIGNATURE:

Vendor's Name: KLUG BROS., INC.

Authorized Signature: Mary Klug Date: 2-18-13

State of WEST VIRGINIA

County of MARSHALL, to-wit:

Taken, subscribed, and sworn to before me this 18 day of FEBRUARY, 2013

My Commission expires APRIL 14, 2013

AFFIX SEAL HERE



NOTARY PUBLIC

Mary E. McClay
Purchasing Affidavit (Revised 07/01/2012)

NOTE:

Vendor and Notary's date must be the same.

Notary required to AFFIX SEAL on Purchasing Affidavit.