



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

**Solicitation**

NUMBER
RMA13011

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
PAUL REYNOLDS 304-558-0468

VENDOR

RFQ COPY  
 TYPE NAME/ADDRESS HERE  
 Chris Wysocki  
 Rhinehart Railroad Construction, Inc.  
 1600 Angleside Road Suite A  
 Fallston, Maryland 21047

SHIP TO

WV STATE RAIL AUTHORITY  
 (DBA) SOUTH BRANCH VALLEY  
 RAILROAD  
 120 WATER PLANT DRIVE  
 MOOREFIELD, WV  
 26836 304-538-2305

DATE PRINTED
03/01/2013

BID OPENING DATE: 03/26/2013 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
				ADDENDUM #01		
				THIS AMENDMENT IS CREATED TO MODIFY THE TERMS AND CONDITIONS AS FOLLOWS:		
				ADD PERFORMANCE BOND AMOUNT		
				ADD LIQUIDATED DAMAGES CLAUSE		
				CHANGE "NOTICE TO PROCEED" LANGUAGE TO READ:		
				"180 CALENDAR DAYS"		
				CLARIFY PURCHASING CARD ACCEPTANCE		
				CHANGE VENDOR QUESTION DEADLINE:		
				FROM: MARCH 5, 2013 AT 4:30 P.M.		
				TO: MARCH 12, 2013 AT 4:30 P.M.		
				SPECIFICATION MODIFICATIONS		
				ADD PRICING PAGES		
				BID OPENING DATE CHANGE:		
				FROM: MARCH 20, 2013 AT 1:30 P.M.		
				TO: MARCH 26, 2013 AT 1:30 P.M.		
				ADD CONSTRUCTION CHECKLIST		

03/25/13 01:27:43 PM  
 West Virginia Purchasing Division

MAR 11 2013

SIGNATURE	TELEPHONE 410-879-1322	DATE 3-22-2013
TITLE Vice President	FEIN 52-0907073	ADDRESS CHANGES TO BE NOTED ABOVE

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



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PAUL REYNOLDS	
304-558-0468	

RFQ COPY  
 TYPE NAME/ADDRESS HERE

Rhinehart Railroad Construction, Inc.  
 1600 Angleside Road  
 Fallston, MD 21047

WV STATE RAIL AUTHORITY  
 (DBA) SOUTH BRANCH VALLEY  
 RAILROAD  
 120 WATER PLANT DRIVE  
 MOOREFIELD, WV  
 26836 304-538-2305

DATE PRINTED  
 03/14/2013

BID OPENING DATE: 03/26/2013 BID OPENING TIME: 1:30 PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
				ADDENDUM #02		
				THIS ADDENDUM IS CREATED TO:		
				ANSWER VENDOR QUESTIONS FROM PRE-BID MEETING		
				ADD ATTACHMENTS:		
				A - SPIKING PATTERN		
				B - EXCURSION TRAIN SCHEDULE		
				C - LIST OF SWITCH TIES (QUANTITY CHANGE)		
				UPDATED COST SHEET		
				BID OPENING REMAINS MARCH 26, 2013 AT 1:30 P.M.		
0001		EA		550-70		
				INSTALL CROSS TIES AND SWITCH TIES		

SIGNATURE	TELEPHONE	DATE
<i>[Signature]</i>	410-879-1322	3-22-2013
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
Vice President	52-0907073	

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





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**Solicitation**

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2

ADDRESS CORRESPONDENCE TO ATTENTION OF
PAUL REYNOLDS 304-558-0468

VENDOR

RFQ COPY  
 TYPE NAME/ADDRESS HERE  
 Rhinehart Railroad Construction, Inc.  
 1600 Angleside Road  
 Fallston, MD 21047

SUPPLIER

WV STATE RAIL AUTHORITY  
 (DBA) SOUTH BRANCH VALLEY  
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DATE PRINTED
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BID OPENING DATE: 03/26/2013 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001		EA		550-70		
INSTALL CROSS TIES AND SWITCH TIES						
<p>THE WEST VIRGINIA STATE PURCHASING DIVISION FOR THE AGENCY, WEST VIRGINIA STATE RAIL AUTHORITY IS SOLICITING BIDS TO ESTABLISH A CONTRACT FOR THE REPLACEMENT OF CROSSTIES AND SWITCH TIES ON THE SOUTH BRANCH VALLEY RAILROAD (SBVR) PER THE ATTACHED SPECIFICATIONS.</p>						
***** THIS IS THE END OF RFQ RMA13011 ***** TOTAL:						\$499,170.00

SIGNATURE	TELEPHONE 410-879-1322	DATE 3-22-2013
TITLE Vice President	FEIN 52-0907073	ADDRESS CHANGES TO BE NOTED ABOVE

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

### SBVR Tie Replacement Cost Sheet

Line Item	Description	Unit Cost	Unit of Measure	Quantity	Extended Cost
	Tie Replacement <i>(including gaging of inserted tie)</i>				
1	Crossties	\$ 120.00	per tie	2,500	\$ 300,000.00
2	Gaging of Respiked Crossties	\$ 37.00	per tie	500	\$ 18,500.00
3	Switch Ties				
	7"X 9"X 9'	\$ 342.00	per tie	23	\$ 7,866.00
	7"X 9"X 10'	\$ 344.00	per tie	16	\$ 5,504.00
	7"X 9"X 11'	\$ 356.00	per tie	16	\$ 5,696.00
	7"X 9"X 12'	\$ 363.00	per tie	9	\$ 3,267.00
	7"X 9"X 13'	\$ 373.00	per tie	24	\$ 8,952.00
	7"X 9"X 14'	\$ 393.00	per tie	19	\$ 7,467.00
	7"X 9"X 15'	\$ 397.00	per tie	16	\$ 6,352.00
	7"X 9"X 15'	\$ 404.00	per tie	15	\$ 6,060.00
	7"X 9"X 16' 6"	\$ 433.00	per tie	2	\$ 866.00
4	Final Surfacing and Ballast Regulation	\$ 29,950.00	per mlle	3.2	\$ 95,840.00
5	Bolt Tightening	\$ 10,250.00	per mlle	3.2	\$ 32,800.00
<b>Total Bid:</b>					\$ 499,170.00

**ADDITIONAL TERMS AND CONDITIONS (Construction Contracts Only)**

1. **CONTRACTOR'S LICENSE:** West Virginia Code § 21-11-2 requires that all persons desiring to perform contracting work in this state be licensed. The West Virginia Contractors Licensing Board is empowered to issue the contractor's license. Applications for a contractor's license may be made by contacting the West Virginia Division of Labor.

West Virginia Code § 21-11-11 requires any prospective Vendor to include the contractor's license number on its bid. Failure to include a contractor's license number on the bid shall result in Vendor's bid being disqualified. Vendors should include a contractor's license number in the space provided below.

Contractor's Name:

Contractor's License No.

The apparent successful Vendor must furnish a copy of its contractor's license prior to the issuance of a purchase order/contract.

2. **DRUG-FREE WORKPLACE:** W. Va. Code § 21-1D-5 provides that any solicitation for a public improvement contract requires each Vendor that submits a bid for the work to submit at the same time an affidavit that the Vendor has a written plan for a drug-free workplace policy. To comply with this law, Vendor must either complete the enclosed drug-free workplace affidavit and submit the same with its bid or complete a similar affidavit that fulfills all of the requirements of the applicable code. Failure to submit the signed and notarized drug-free workplace affidavit, or a similar affidavit that fully complies with the requirements of the applicable code, with the bid shall result in disqualification of Vendor's bid.
3. **AIA DOCUMENTS:** All construction contracts that will be completed in conjunction with architectural services procured under Chapter 5G of the West Virginia Code will be governed by the AIA A101-2007 and A201-2007 or the A107-2007 documents, as amended by the Supplementary Conditions for the State of West Virginia, in addition to the terms and conditions contained herein.
4. **SUBCONTRACTOR LIST SUBMISSION:** In accordance with W. Va. Code § 5-22-1, The apparent low bidder on a contract for the construction, alteration, decoration, painting or improvement of a new or existing building or structure valued at more than \$500,000.00 shall submit a list of all subcontractors who will perform more than \$25,000.00 of work on the project including labor and materials. This provision shall not apply to any other construction projects, such as highway, mine reclamation, water or sewer projects.


- c. **Required Information.** The subcontractor list shall contain the following information:

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.

Rhinehart Railroad Construction, Inc.

(Company)

  
(Authorized Signature)

Richard E. Rhinehart Jr.

(Representative Name, Title)

410-879-1322

(Phone Number)

410-879-1344

(Fax Number)

3-22-2013

(Date)

**ADDENDUM ACKNOWLEDGEMENT FORM**

**SOLICITATION NO.:** RMA13011

**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 checked="" 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.

Rhinehart Railroad Construction, Inc.

Company



Authorized Signature

3-22-2013

Date

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



9.2. An SBVR employee will provide roadway worker protection for the vendor as well as radio communication with the SBVR control office.

9.3. Per SBVR instructions, vendor shall make tracks available for train service at the end of each day, unless instructed otherwise by the SBVR. This will be determined by SBVR employee in charge who will assure that vendor has cleared all equipment from the track and spiked the ties for safe passage of trains.

#### 10. VENDOR DEFAULT:

10.1. The following shall be considered a vendor default under this Contract.

10.1.1. Failure to perform Contract Services in accordance with the requirements contained herein.

10.1.2. Failure to comply with other specifications and requirements contained herein.

10.1.3. Failure to comply with any laws, rules, and ordinances applicable to the Contract Services provided under this Contract.

10.1.4. Failure to remedy deficient performance upon request.

10.2. The following remedies shall be available to Agency upon default.

10.2.1. Cancellation of the Contract.

10.2.2. Cancellation of one or more release orders issued under this Contract.

10.2.3. Any other remedies available in law or equity.

#### 11. MISCELLANEOUS:

11.1. **Contract Manager:** During its performance of this Contract, Vendor must designate and maintain a primary contract manager responsible for overseeing Vendor's responsibilities under this Contract. The Contract manager must be available during normal business hours to address any customer service or other issues related to this Contract. Vendor should list its Contract manager and his or her contact information below.

**Contract Manager:** Richard E. Rhinehart Jr.

**Telephone Number:** 410-879-1322

**Fax Number:** 410-879-1344

**Email Address:** RichJr@RhinehartRailroad.com





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

STATE OF Maryland

COUNTY OF Harford, TO-WIT:

I, Richard E. Rhinehart Jr., after being first duly sworn, depose and state as follows:

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

2. I do hereby attest that Rhinehart Railroad Construction, 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.

Rhinehart Railroad Construction, Inc.  
(Company Name)

By: Richard E. Rhinehart Jr.

Title: Vice President

Date: 3-22-2013

Taken, subscribed and sworn to before me this 22<sup>nd</sup> day of March.

By Commission expires May 7, 2015

(Seal) 

CYNTHIA J. RHINEHART NOTARY PUBLIC HARFORD COUNTY MARYLAND MY COMMISSION EXPIRES MAY 7, 2015
--

(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.**

RFQ No. RMA13011

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 exceeds 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: Rhinehart Railroad Construction, Inc.

Authorized Signature: [Signature] Date: 3-22-2013

State of Maryland

County of Harford, to-wit:

Taken, subscribed, and sworn to before me this 22<sup>nd</sup> day of March, 2013

My Commission expires May 7, 2015.

AFFIX SEAL HERE

NOTARY PUBLIC

[Signature]  
Purchasing Affidavit (Revised 07/01/2012)

CYNTHIA J. RHINEHART  
NOTARY PUBLIC  
HARFORD COUNTY  
MARYLAND  
MY COMMISSION EXPIRES MAY 7, 2015

Agency RMA 13011  
REQ.P.O# RMA 13011

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Rhinehart Railroad Construction, Inc.  
of Fallston, MD, as Principal, and International Fidelity  
Ins. Co of Newark, NJ, a corporation organized and existing under the laws of the State of NJ  
with its principal office in the City of Newark, as Surety, are held and firmly bound unto the State  
of West Virginia, as Oblgee, in the penal sum of Five Percent of 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  
RMA13011 Installation of Crossties and Switch Tiers on South Branch  
Valley Railroad

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 Oblgee 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  
26th day of March, 2013.

Principal Corporate Seal

Rhinehart Railroad Construction, Inc.

(Name of Principal)

By *Diane M. Rhinehart*

(Must be President or Vice President)

Diane M. Rhinehart  
President

(Title)

International Fidelity  
Insurance Company

(Name of Surety)

Surety Corporate Seal

*Carol S. Rich*

Attorney-in-Fact

Carol S. Rich

IMPORTANT - Surety executing bonds must be licensed in West Virginia to transact surety insurance. Raised corporate seals must be affixed, a power of attorney must be attached.

# POWER OF ATTORNEY

## INTERNATIONAL FIDELITY INSURANCE COMPANY ALLEGHENY CASUALTY COMPANY

ONE NEWARK CENTER, 20TH FLOOR NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS: That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing under the laws of the State of New Jersey, and ALLEGHENY CASUALTY COMPANY a corporation organized and existing under the laws of the State of Pennsylvania, having their principal office in the City of Newark, New Jersey, do hereby constitute and appoint

WILLIAM COWAN, THOMAS R. DAVIS, JOHN J. LAMBDIN, CAROL S. RICH

Townson, MD.

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY and is granted under and by authority of the following resolution adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting duly held on the 20th day of July, 2010 and by the Board of Directors of ALLEGHENY CASUALTY COMPANY at a meeting duly held on the 15th day of August, 2000:

"RESOLVED, that (1) the President, Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether herebefore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY have each executed and attested these presents on this 12th day of March, 2012.



STATE OF NEW JERSEY  
County of Essex

ROBERT W. MINSTER  
Executive Vice President/Chief Operating Officer  
(International Fidelity Insurance Company)  
and President (Allegheny Casualty Company)



On this 12th day of March 2012, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.



A NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Mar. 27, 2014

### CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 26th day of March 2013

MARIA BRANCO, Assistant Secretary