NOTICE

Please note that this bid from Jefferson Asphalt Products Co., Inc. for CRFQ DNR16*28 was received at the Purchasing Division office prior to the established bid opening date and time on April 21, 2016 as noted on the coversheet, but was unable to load properly through wvOASIS at the public bid opening. This bid has since been loaded and is now posted.

Diane Holley-Brown

Assistant Purchasing Director



April 22, 2016

April 21, 2016 1:30 PM Electronic Solicitation Responses (ESRs)

ISSUE

On Thursday, April 21, 2016 1:52 PM, the Purchasing Division contacted the wvOASIS Finance Team because five centralized solicitations closed at 1:30 PM, but no electronic solicitation responses (or "ESRs") were received. At that time, a Finance Team member observed that the 1:30 PM sync cycle was complete and successful (See Exhibit 1). The team member also found one decentralized ESR that interfaced successfully during the 1:30 PM sync cycle (SR 0211 ESR04201600000005077; see Exhibit 2). Based on this information, the team member advised the Purchasing Division that everything appeared to be in order.

At 3:19, the Purchasing Division contacted wvOASIS again after noticing ESRs in the system relating to the five centralized solicitations: CRFQs ADJ1600000020, CPR1600000001, DOT1600000083, DOT1600000086, and DNR1600000028.

Exhibit 1

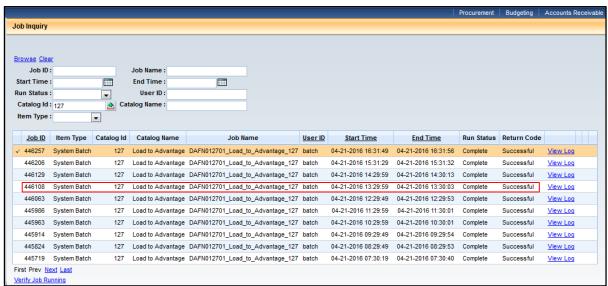


Exhibit 2



BACKGROUND

The wvOASIS system is a web-based, enterprise-wide financial application that runs on multiple servers. When a vendor submits a Solicitation Response document in the Vendor Self Service (VSS) portal, the document remains sealed in the VSS electronic lockbox until the solicitation closing date and time are reached. Then, the responses are copied from the lockbox to the procurement folder by a synchronizing interface. The Purchasing Division is not able to access electronic solicitation responses until they are exported from the lockbox to the procurement folder. The synchronizing interfaces, or sync cycle, run every hour at the bottom of the hour, from 7:30 AM to 5:30 PM weekdays.

ANALYSIS

Members of the wvOASIS Technical Team identified the cause of the issue relating to the April 21, 2016 1:30 PM ESR documents. The system clocks on two wvOASIS servers were out of sync by a matter of seconds. This caused the 1:30 PM sync cycle to begin at 1:29 PM. Because the ESRs relating to the five centralized solicitations were not eligible to be interfaced until after their 1:30 PM closing time, they were not copied to their respective procurement folders until the completion of the 2:30 PM sync cycle. It should be noted that the decentralized ESR shown in Exhibit 2 had a closing time of 1:00 PM, making it eligible to be interfaced at 1:29 PM.

CONCLUSION

After careful review, it is our conclusion that the ESR documents relating the five centralized solicitations were received in the wvOASIS system prior to the 1:30 PM closing time and should be considered valid bids by the Purchasing Division. The specific ESR documents are:

CRFQ 0603 ADJ1600000020

Solicitation Response SR,0603,ESR04061600000004696,1 Solicitation Response SR,0603,ESR04191600000005013,1 Solicitation Response SR,0603,ESR04191600000005025,1 Solicitation Response SR,0603,ESR04201600000005072,1 Solicitation Response SR,0603,ESR04201600000005074,1 Solicitation Response SR,0603,ESR04201600000005079,1

CRFQ 0203 CPR1600000001

No solicitation responses received

CRFQ 0803 DOT1600000083

Solicitation Response SR,0803,ESR03281600000004481,1

CRFQ DOT1600000086

Solicitation Response SR,0803,ESR04201600000005078,1 Solicitation Response SR,0803,ESR04201600000005081,1

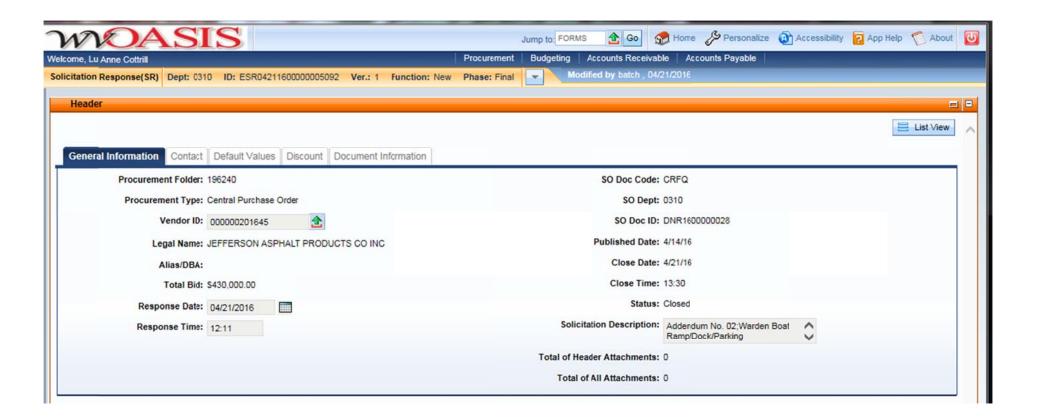
CRFQ DNR1600000028

Solicitation Response SR,0310,ESR04211600000005085,1 Solicitation Response SR,0310,ESR04211600000005092,1



2019 Washington Street, East Charleston, WV 25305 Telephone: 304-558-2306 General Fax: 304-558-6026 Bid Fax: 304-558-3970

The following documentation is an electronically-submitted vendor response to an advertised solicitation from the *West Virginia Purchasing Bulletin* within the Vendor Self-Service portal at *wvOASIS.gov*. As part of the State of West Virginia's procurement process, and to maintain the transparency of the bid-opening process, this documentation submitted online is publicly posted by the West Virginia Purchasing Division at *WVPurchasing.gov* with any other vendor responses to this solicitation submitted to the Purchasing Division in hard copy format.





Purchasing Division 2019 Washington Street East Post Office Box 50130 Charleston, WV 25305-0130

State of West Virginia Solicitation Response

Proc Folder: 196240

Solicitation Description: Addendum No. 02; Warden Boat Ramp/Dock/Parking Improvements

Proc Type: Central Purchase Order

Date issued	Solicitation Closes	Solicitation No	Version
	2016-04-21 13:30:00	SR 0310 ESR04211600000005092	1

VENDOR

000000201645

JEFFERSON ASPHALT PRODUCTS CO INC

FOR INFORMATION CONTACT THE BUYER

Guy Nisbet (304) 558-2596 guy.l.nisbet@wv.gov

Signature X FEIN # DATE

All offers subject to all terms and conditions contained in this solicitation

Page: 1 FORM ID: WV-PRC-SR-001

Line	Comm Ln Desc	Qty	Unit Issue Unit Price	Ln Total Or Contract Amount
1	Boat Ramp, Dock & Parking Lot			\$430,000.00
	Improvements			

Comm Code	Manufacturer	Specification	Model #	
72141204				

Extended Description:

Work will consist of the demolition of portions of the existing concrete sidewalk and ramp; vegetation clearing; construction of new asphalt paved parking lots; construction of new concrete sidewalks; new solar lighting; and other incidental construction as indicated on the construction drawings.

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:_	Jefferson	Asphalt Products	Company
Contractor's License		and the same of th	,)

The apparent successful Vendor must furnish a copy of its contractor's license prior to the issuance of a Award Document.

- 2. DRUG-FREE WORKPLACE AFFIDAVIT: 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. Pursuant to W. Va. Code 21-1D-2(b) and (k), this provision does not apply to public improvement contracts the value of which is \$100,000 or less or temporary or emergency repairs.
- 2.1. DRUG-FREE WORKPLACE POLICY: Pursuant to W. Va. Code § 21-1D-4, Vendor and its subcontractors must implement and maintain a written drug-free workplace policy that complies with said article. The awarding public authority shall cancel this contract if: (1) Vendor fails to implement and maintain a written drug-free workplace policy described in the preceding paragraph, (2) Vendor fails to provide information regarding implementation of its drug-free workplace policy at the request of the public authority; or (3) Vendor provides to the public authority false information regarding the contractor's drug-free workplace policy.

Pursuant to W. Va. Code 21-1D-2(b) and (k), this provision does not apply to public improvement contracts the value of which is \$100,000 or less or temporary or emergency repairs.

Exhibit "A" Pricing Page

WARDEN LAKE BOAT RAMP, COURTESY DOCK AND OTHER WORK INDICATED IN THE BIDDING DOCUMENTS

NAME OF BIDDER: Jefferson Asphalt Products Company

The aforementioned, hereinafter called Bidder, being familiar with and understanding the Bidding Documents and also having examined the site and being familiar with all local conditions affecting the project hereby proposes to furnish all labor, material, equipment, supplies and transportation and to perform all Work in accordance with the Bidding Documents within the time set forth for the sum of:

BASE BID:

For the sum of: Four-Hundred, Mirty-Mousand Dollars

(Show amount in both words and numbers)



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

STATE OF WEST VIRGINIA,
COUNTY OF Jefferson, TO-WIT:
I, James M. Thomas, after being first duly sworn, depose and state as follows:
1. I am an employee of Jefferson Asphalt Products Company, and,
2. I do hereby attest that Jefferson Asphalt Products Company (Company Name)
maintains a written plan for a drug-free workplace policy and that such plan and policy are in compliance with West Virginia Code §21-1D.
The above statements are sworn to under the penalty of perjury.
Printed Name: James M. Thomas
Signature: Jans M. Thro
Title: President
Company Name: Jefferson Asphatt Products Company
Date: 4/21/2016
Taken, subscribed and sworn to before me this 21st day of APRIL, 2016.
By Commission expires JUNE 1,2018
(Seal) OFFICIAL SEAL NOTARY PUBLIC STATE OF WEST VIRGINIA DAVID S. McCAULEY 315 PORTER AVENUE MARTINSBURG, WV 25401 (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.

ADDENDUM ACKNOWLEDGEMENT FORM SOLICITATION NO.:

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 No. 1 Addendum No. 6 Addendum No. 7 Addendum No. 3 Addendum No. 8 Addendum No. 4 Addendum No. 9 Addendum No. 5 Addendum No. 10 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. Jefferson Asphalt Products Company Authorized Signature Addendum No. 8 Addendum No. 9 Addendum No. 10	Addendum Numbers Received: (Check the box next to each addendum)	um received)
Addendum No. 3 Addendum No. 8 Addendum No. 4 Addendum No. 9 Addendum No. 5 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. Jefferson Asphat Products Company Company M. M. M.	Addendum No. 1	Addendum No. 6
Addendum No. 4 Addendum No. 9 Addendum No. 5 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. Tefferson Asphalt Products Company Company M. M. M.	Addendum No. 2	Addendum No. 7
Addendum No. 5 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. Tefferson Asphatt Products Company Company M. M. M.	Addendum No. 3	Addendum No. 8
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. Jefferson Asphalt Products Company Company M. M. Company	Addendum No. 4	Addendum No. 9
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. Tefferson Asphalt Products Company Company	Addendum No. 5	Addendum No. 10
Company Lans M. The	I further understand that any verbal rediscussion held between Vendor's rethe information issued in writing and	epresentation made or assumed to be made during any oral presentatives and any state personnel is not binding. Only
Authorized Signature 4/21/2016 Date	Jefferson Asphalt	Products Company
	Authorized Signature 4/21/2016 Date	

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

CERTIFICATIONAND SIGNATURE PAGE

By signing below, or submitting documentation through wvOASIS, I certify that I have reviewed this Solicitation in its entirety; that I understand the requirements, terms and conditions, and other information contained herein; that this bid, offer or proposal constitutes an offer to the State that cannot be unilaterally withdrawn; that the product or service proposed meets the mandatory requirements contained in the Solicitation for that product or service, unless otherwise stated herein; that the Vendor accepts the terms and conditions contained in the Solicitation, unless otherwise stated herein; that I am submitting this bid, offer or proposal for review and consideration; that I am authorized by the vendor to execute and submit this bid, offer, or proposal, or any documents related thereto on vendor's behalf; that I am authorized to bind the vendor in a contractual relationship; and that to the best of my knowledge, the vendor has properly registered with any State agency that may require registration.

Jefferson Asphalt Products Company

(Company)

James M. Thomas, President

(Authorized Signature) (Representative Name, Title)

304-725-2539 304-728-8546 4/21/2016

(Phone Number) (Fax Number) (Date)

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: Jefferson Asphalt Produ	cts Compa	14	
		_Date:	4-21-2016
State of WEST VIRGINIA			
County of JEFFERSON , to-wit:			
Taken, subscribed, and sworn to before me this 21 day of _	APRIL		, 20 <u>16</u>
	_, 20_18.		
AFFIX SEAL HERE NOT	TARY PUBLIC	Dau	Porfe Cauley
OFFICIAL SEAL	10	Pun	chasing Affidavit (Revised 08/01/2015
NOTARY PUBLIC			

STATE OF WEST VIRGINIA
DAVID S. McCAULEY
315 PORTER AVENUE
MARTINSBURG. WV 25401
My commission expires June 1, 2018

BID BOND

	KNOW ALL MEN BY THESE PR	ESENTS, The	at we, the unde	rsigned, Jeffe	erson Aspha	alt Products	Company, Inc.
of	Charles Town		WV	, as Princ	ipal, and Phil	ladelphia Indem	nity Insurance Company
of	Bala Cynwyd,	PA	, a corp	oration organ	ized and exis	sting under the	laws of the State of
PA	with its principal office i	n the City of_	Bala Cyn	wyd, a	s Surety, are	e held and firn	nly bound unto the State
	st Virginia, as Obligee, in the penal s	CONTRACTOR OF THE PROPERTY OF		L. Sandles			
well ar	nd truly to be made, we jointly and s	everally bind	ourselves, our	heirs, adminis	trators, execu	utors, success	ors and assigns.
_	The Condition of the above obli						
	tment of Administration a certain bid				part hereof,	to enter into a	contract in writing for
Ward	den Lake Boat Ramp/Dock and	Parking Lot	Improvemer	its			
						1(
	NOW THEREFORE,						
	(a) If said bid shall be reject	ted, or					
	(b) If said bid shall be acc	epted and th					with the bid or proposal
	ed hereto and shall furnish any other						
	reement created by the acceptance						
	rce and effect. It is expressly under exceed the penal amount of this ob			lability of the	Surety for an	iy and all clain	is nereunder shall, in no
			97 793				
	The Surety, for the value receive mpaired or affected by any extension notice of any such extension.						
	WITNESS, the following signatur	es and seals	of Principal and	d Surety exec	cuted and sea	aled by a prop	er officer of Principal and
Surety	y, or by Principal individually if Princi						2016
	, or by through matriceany in think	par lo all mare	radar, trilo	day or _		-	
Princir	pal Seal			Je	fferson Asp	halt Product	s Company, Inc.
	par odal					(Name of P	
				D.	Lh	m	1
				Ву		pe President. V	lice President, or
				/	10	Duly Authorize	ed Agent)
				(/	Fres	Duly Authorize	
				0_		(Title)	The second secon
							Charles and the same of the sa
Surety	Seal			Ph	iladelphia I		surance Company
					1,1	(Name of S	urety)
					1/ /	1/X X	13/12/20

IMPORTANT – Surety executing bonds must be licensed in West Virginia to transact surety insurance, must affix its seal, and must attach a power of attorney with its seal affixed.

PHILADELPHIA INDEMNITY INSURANCE COMPANY

231 St. Asaph's Rd., Suite 100 Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That PHILADELPHIA INDEMNITY INSURANCE COMPANY (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint Douglas P. Taylor, Andrew K. Teeter, Kimberly L. Miles, Kimberly S. Burdette, and Jaime L. Carpenter of USI Insurance Services, LLC., its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$100,000,000.00.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY at a meeting duly called the 1st day of July, 2011.

RESOLVED:

That the Board of Directors hereby authorizes the President or any Vice President of the Company to: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED:

That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and biding upon the Company in the future with the respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEALTO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 10TH DAY OF JUNE 2013.



Konnos

Robert D. O'Leary Jr., President & CEO Philadelphia Indemnity Insurance Company

On this 10th day of June 2013, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.

COMMONWEALTH OF PENINSYLVANIA

Notarial Seal

Kimberly A. Kessiesid, Notary Public

Lower Herion Twp. Industydpaety County

My Commission Expires Dec. 18, 2016

MEMBER, PENISYLVANIA ASSOCIATION OF NOTARIES

(Seal)

Notary Public:

(Notary Seal)

residing at: Bala C

Bala Cynwyd, PA

My commission expires:

December 18, 2016

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do herby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto on this 10TH day of June 2013 true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 21st_day of April , 20 16



Edward Sayago, Corporate Secretary

PHILADELPHIA INDEMNITY INSURANCE COMPANY



Declaration Of Subcontractors Performing In Excess of \$25,000.00

Gull Corporation
PO Box 271
Leesburg, Virginia 20178
WV Contractor License #WV027120