



# West Virginia Purchasing Division

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.

Header

List View

General Information Contact Default Values Discount Document Information

Procurement Folder: 147605

SO Doc Code: CRFQ

Procurement Type: Central Contract - Fixed Amt

SO Dept: 0804

Vendor ID: 000000214815

SO Doc ID: RMA1600000003

Legal Name: CHESAPEAKE THERMITE WELDING LLC

Published Date: 3/10/16

Alias/DBA:

Close Date: 3/17/16

Total Bid: \$236,000.00

Close Time: 13:30

Response Date: 03/17/2016

Status: Closed

Response Time: 11:45

Solicitation Description: Addendum No. 6 Construction Contract for Crossing

Total of Header Attachments: 0

Total of All Attachments: 0



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

**State of West Virginia  
 Solicitation Response**

**Proc Folder :** 147605

**Solicitation Description :** Addendum No. 6 Construction Contract for Crossing

**Proc Type :** Central Contract - Fixed Amt

Date issued	Solicitation Closes	Solicitation No	Version
	2016-03-17 13:30:00	SR 0804 ESR03171600000004295	1

**VENDOR**

000000214815  
 CHESAPEAKE THERMITE WELDING LLC

**FOR INFORMATION CONTACT THE BUYER**

Melissa Pettrey  
 (304) 558-0094  
 melissa.k.pettrey@wv.gov

**Signature X** **FEIN #** **DATE**

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

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
1	Highway/Railroad Grade Crossing	1.00000	EA	\$236,000.000000	\$236,000.00

Comm Code	Manufacturer	Specification	Model #
72141603			

**Extended Description :** Replace highway/railroad grade crossing and signals at Cheat Bridge on the West Virginia Central Railroad



**BID BOND**

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Chesapeake Thermite Welding, LLC  
of 1065 Possum Point Road, Port Haywood, VA 23138, as Principal, and United States Surety Company  
of 20 W. Aylesbury Road, Timonium, MD 21094, a corporation organized and existing under the laws of the State of Maryland  
with its principal office in the City of Timonium, MD, as Surety, are held and firmly bound unto the State  
of West Virginia, as Obligee, in the penal sum of 5% of total amount bid (\$ 5% of total amount bid) 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  
Contract for SVBRR; RMA 1600000003

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 Obligee may accept such bid, and said Surety does hereby waive notice of any such extension.

WITNESS, the following signatures and seals of Principal and Surety, executed and sealed by a proper officer of Principal and Surety, or by Principal individually if Principal is an individual, this 15th day of March, 2016.



Principal Seal

Chesapeake Thermite Welding, LLC

(Name of Principal)

By [Signature]

(Must be President, Vice President, or Duly Authorized Agent)

President

(Title)

United States Surety Company

(Name of Surety)

Surety Seal

[Signature]

Attorney-in-Fact  
Gregory M. Allen

**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.**

Bond No.: USSC616

(Acknowledgement of Surety Company)

STATE OF Delaware )  
 ) SS:  
COUNTY OF New Castle )

On this 15<sup>th</sup> day of March, 20 16, before me personally came Gregory M. Allen to me known, who being by me duly sworn, did depose and say that he resides in West Chester, PA that he is the Attorney-in-fact of United States Surety Company the corporation described in and which executed the within instrument; that he knows the seal of said corporation; that seal affixed to said instrument is such corporate seal; that is so affixed by the order of the Board of Directors of said corporation, and that he signed his / **X** her name thereto by like order; and that the liabilities of said company do not exceed its assets as ascertained in the manner provided by the laws of the West Virginia, and the said further said Sandra Lee Gilchrist (Notary) that she is acquainted with Gregory M. Allen and knows him / **X** her to be the Attorney-In-Fact of said company; that the signature of the said Gregory M. Allen subscribed to the within instrument is in the genuine handwriting of the said Gregory M. Allen and was subscribed thereto by Gregory M. Allen and was subscribed thereto by like order of the Board of Directors, and in the presence of him, / **X** her, the said.

Sandra Lee Gilchrist  
**Sandra Lee Gilchrist**  
Notary Public of New Castle County,  
My Commission Expires January 22, 2017

SANDRA LEE GILCHRIST  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires Jan. 22, 2017



**UNITED STATES SURETY COMPANY**  
**STATUTORY STATEMENT OF ADMITTED ASSETS,**  
**LIABILITIES, CAPITAL AND SURPLUS (1)**  
**December 31, 2014**

**Admitted Assets**

Investments:	
Fixed Maturities, at amortized cost	49,558,265
Cash and short term investments	<u>1,068,751</u>
<i>Total cash and Invested assets:</i>	<u>50,627,016</u>
Investment income due and accrued	578,738
Premium receivable	2,528,982
Reinsurance recoverable on paid losses	(16,183)
Net deferred tax asset	969,272
Electronic data processing equipment and software	2,932
Receivables from parent, subsidiaries and affiliates	3,080,088
State income tax receivable	16,787
Cash held for others	<u>51,636</u>
	<u>7,212,252</u>
<i>Total admitted assets</i>	<u>57,839,268</u>


**Liabilities and Capital and Surplus**

Liabilities:	
Unpaid loss and loss adjustment expense	6,215,480
Commission payable	143,918
Accrued expenses	1,058,080
Taxes, licenses, and fees	91,058
Federal taxes	1,518,179
Unearned premiums	9,618,672
Advance premium	6,711
Ceded reinsurance balance payable	(10,601)
Amounts withheld or retained for others	1,443,756
Payable to parent, subsidiaries and affiliates	<u>735,881</u>
<i>Total liabilities</i>	<u>20,821,134</u>
Capital and Surplus:	
Capital Stock	2,100,000
Additional paid-in and contributed capital	21,898,706
Unassigned surplus	13,019,428
	<u>37,018,134</u>
<i>Total liabilities and capital and surplus</i>	<u>57,839,268</u>

(1) - In accordance with the statutory financial statements as filed on March 1, 2015.

I, Peter W. Carman, Chief Financial Officer of United States Surety Company, hereby certify that to the best of my knowledge and belief, the foregoing is a full and true Statutory Statement of Admitted Assets, Liabilities and Capital and Surplus of the Company as of December 31, 2014, prepared in conformity with accounting practices prescribed or permitted by the Maryland Insurance Administration. The foregoing statement should not be taken as a complete statement of financial condition of the Company. Such a statement is available upon written request at the Company's home office located at 20 West Aylesbury Road, Timonium, Maryland 21093.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Corporation at Timonium, Maryland.

  
 \_\_\_\_\_  
 Peter W. Carman  
 Chief Financial Officer



**POWER OF ATTORNEY**

**AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY  
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, Texas Bonding Company, an assumed name of American Contractors Indemnity Company, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

**Bruce M. Allen, Karen L. Allen, Kenneth C. Turner, Gregory M. Allen**

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver **any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed** \*\*\*\*\*Unlimited\*\*\*\*\* Dollars (\$ \*\*\*unlimited\*\*\* ).

This Power of Attorney shall expire without further action on December 20, 2017. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

*Be it Resolved*, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

*Attorney-in-Fact* may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

*Be it Resolved*, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 1st day of December, 2014.

**AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY  
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

Corporate Seals



By:

*[Signature]*  
**Daniel P. Aguilar, Vice President**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Los Angeles SS:

On this 1st day of December, 2014, before me, Maria G. Rodriguez-Wong, a notary public, personally appeared Dan P. Aguilar, Vice President of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature

*[Signature]*

(Seal)



I, Michael Chalekson, Assistant Secretary of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 15th day of March 2016.

Corporate Seals



Bond No. USSC616  
Agency No. 12274

*[Signature]*

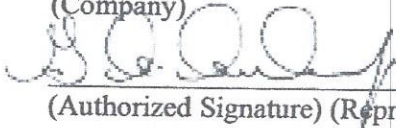
**Michael Chalekson, Assistant Secretary**

**CERTIFICATION AND 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.

Chesapeake Thermite Welding, LLC dba CTW

(Company)



George Anderson, VP

(Authorized Signature) (Representative Name, Title)

804-725-1111 804-725-1065 3-17-2016

(Phone Number) (Fax Number) (Date)

# Proposal

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**From:** CTW  
P.O. Box 129  
Port Haywood, VA 23138  
Phone: 804-725-1111  
Fax: 804-725-1065


**Project:** WV STATE RAIL AUTHORITY  
**Description:** Durbin RR Cheat Bridge Grade Crossing

ITEM / DESCRIPTION	BID QTY	U/M	UNIT BID	AMOUNT
001 Highway/Railroad Grade Crossing	1.000	LS	236,000.00	\$236,000.00

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**TOTAL BID:** \$236,000.00

Signature



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

**STATE OF WEST VIRGINIA,**

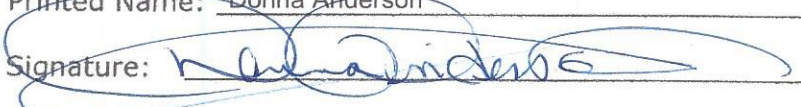
**COUNTY OF Mathews, TO-WIT:**

I, Donna Anderson, after being first duly sworn, depose and state as follows:

- 1. I am an employee of Chesapeake Thermit Welding, LLC dba CTW; and,  
(Company Name)
- 2. I do hereby attest that Chesapeake Thermit Welding, LLC dba CTW  
(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: Donna Anderson  
 Signature:   
 Title: President  
 Company Name: Chesapeake Thermit Welding, LLC dba CTW  
 Date: 3-17-16

Taken, subscribed and sworn to before me this 17th day of March, 2016.

By Commission expires 12/31/2016

(Seal) **Stephanie Gwynne Tiller**  
 Notary Public  
 Registration # 7524030  
 Commonwealth of Virginia  
 My Commission Expires  
 December 31, 2016

  
 (Notary Public)

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

STATE OF WEST VIRGINIA  
Purchasing Division

**PURCHASING AFFIDAVIT**

**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: Chesapeake Thermite Welding, LLC dba CTW

Authorized Signature:  Date: 3-17-16

State of Virginia

County of Mathews, to-wit:

Taken, subscribed, and sworn to before me this 17th day of March, 2016.

My Commission expires Dec. 31, 2016.

**AFFIX SEAL HERE**

**NOTARY PUBLIC**



*Purchasing Affidavit (Revised 08/01/2015)*

Stephanie Gwynne Tiller  
Notary Public  
Registration # 7524030  
Commonwealth of Virginia  
My Commission Expires  
December 31, 2016

**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: Chesapeake Thermite Welding, LLC dba CTW

Contractor's License No. WV 052850

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.