

=== COVER PAGE ===

TO: _____

FROM: BSC TRI

FAX: 7246256607

TEL: 7246256609

COMMENT:

RECEIVED
2018 AUG -1 AM 11:38
WV PURCHASING
DIVISION

8007 Finch Road
Gibsonia, PA. 15044
724-625-6609 (o)
412-759-2914 (m)
724-625-6607 (fax)
rzortman@consolidated.net



Fax

To: BUYER: Brittany Ingraham **From:** R. Zortman

Fax: 304-558-3970 **Pages:** 12 (including cover page)

Phone: **Date:** 8/1/2018

Re: Sealed Bid **cc:**

- Urgent
 For Review
 Please Comment
 Please Reply
 Please Recycle

• **Comments:**

SEALED BID:

BUYER: Brittany Ingraham

SOLICITATION NO: CRFQ DEP190000003

BID OPENING DATE: August 1, 2018

BID OPENING TIME: 1:30 P.M.

**RESPONSE TO REQUEST FOR QUOTATION SOLICITATION
NUMBER CRFQ 0313 DEP1900000001
DEP1900000002 & DEP1900000003**

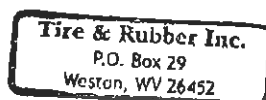
I, Randall Zortman, President and CEO of Tire & Rubber, Inc., hereby submit this request for quotation to the above solicitation number under protest for the following reasons:

This request for quotation does not mandate that all entities submitting a bid have a certificate of convenience and necessity from the West Virginia Public Service Commission as does Tire & Rubber, Inc., for the transportation of waste tires on an intrastate basis. Although Title 33 Legislative Rule, Department Of Environmental Protection, Division Of Waste Management, Series 5, Waste Tire Management Rule 33-5-2.24 "persons transporting waste tires generated by their own business activities, citizens transporting their own waste tires, or persons who are transporting waste tires generated from state authorized waste tire remediation or cleanup projects are not, in this instance, waste tire transporters," this series of rules does not circumvent W. Va. Code §24A-2-5 which states that "It shall be unlawful for any common carrier by motor vehicle to operate within this state without first having obtained from the commission a certificate of convenience and necessity." Furthermore, the aforementioned Waste Tire Management Rule 1.1.c.2. states that "In the event of conflict between this rule and other state agencies' rules, the more stringent rule prevails." According to the Rules Governing Motor Carriers, Private Commercial Carriers, and The Filing Of Evidence Of Insurance And Financial Responsibility By Motor Carriers, (150 CSR 9) of the West Virginia Public Service Commission, Rule 3.17.a. states "No common carrier by motor vehicle in the transportation of passengers, household goods, or solid waste may operate on the public highways of West Virginia without first having obtained a certificate of convenience and necessity from the Commission." In addition, Rule 3.17.g. of those same rules makes it a criminal act for any motor carrier to engage in the transportation of solid waste for hire over the public highways of West Virginia without first having obtained a certificate of convenience and necessity. Moreover, as set forth in those rules, Rule 1.8.t. defines "solid waste" and inclusive in that definition is "waste tires."

Finally, W. Va. Code §24-2-1b, in discussing the powers of the West Virginia Public Service Commission states, "The commission shall establish rules for the collection of waste tires by private commercial carriers of solid waste."

In summary, the Public Service Commission both by rule and statute mandates that common carriers of waste tires must have a certificate of convenience and necessity issued by the West Virginia Public Service Commission. This cannot be circumvented by the West Virginia Department of Environmental Protection nor does any rule or regulation of the West Virginia DEP change this mandate.

Respectfully submitted under protest,



Randall E Zortman 8/1/18
Randall Zortman PRES + CEO



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

State of West Virginia
Request for Quotation
27 - Miscellaneous

Proc Folder: 471517

Doc Description: Addendum No.01 - SOUTHERN District Tire Collection Events

Proc Type: Central Master Agreement

Date Issued	Solicitation Closes	Solicitation No	Version
2018-07-25	2018-08-01 13:30:00	CRFQ 0313 DEP1900000003	2

BID CLERK
DEPARTMENT OF ADMINISTRATION
PURCHASING DIVISION
2019 WASHINGTON ST E
CHARLESTON WV 25305
US

Vendor Name, Address and Telephone Number:

FOR INFORMATION CONTACT THE BUYER

Brittany E Ingraham
(304) 558-2157
brittany.e.ingraham@wv.gov

Signature X *Rawald E Zortner* FEIN # 20-2068042 DATE 7/31/18

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

Addendum

Addendum No.01 issued to publish and distribute the attached information to the vendor community.

Request for Quotation

The West Virginia Purchasing Division is soliciting bids on behalf of the West Virginia Department of Environmental Protection, Environmental Advocate's Office, Rehabilitation Environmental Action Plan to establish an open-end contract for Southern District tire collection events, per the bid requirements, specifications, terms and conditions attached to this solicitation.

ENVIRONMENTAL PROTECTION REAP OFFICE 601 57TH ST SE CHARLESTON US	WV25304	STATE OF WEST VIRGINIA VARIOUS LOCATIONS AS INDICATED BY ORDER No City US	WV 99999
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Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
1	Trailer Dropped at Site	75.00000	EA	1,850	138,750

Comm Code	Manufacturer	Specification	Model #
78142004			

Extended Description :

The Pricing Page contains a list of the Contract Items and estimated purchase volume. The estimated purchase volume for each item represents the approximate volume of the anticipated purchase only. No future use of the Contract or any individual item is guaranteed or implied.

ENVIRONMENTAL PROTECTION REAP OFFICE 601 57TH ST SE CHARLESTON US	WV25304	STATE OF WEST VIRGINIA VARIOUS LOCATIONS AS INDICATED BY ORDER No City US	WV 99999
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Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
2	Trailer to Recycling / Disposal Site	75.00000	EA	1,850	138,750

Comm Code	Manufacturer	Specification	Model #
78142004			

Extended Description :

The Pricing Page contains a list of the Contract Items and estimated purchase volume. The estimated purchase volume for each item represents the approximate volume of the anticipated purchase only. No future use of the Contract or any individual item is guaranteed or implied.

ENVIRONMENTAL PROTECTION REAP OFFICE 801 57TH ST SE CHARLESTON WV25304 US	STATE OF WEST VIRGINIA VARIOUS LOCATIONS AS INDICATED BY ORDER No City WV 99999 US
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Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
3	Box Truck Per Day	24.00000	EA	1,300	31,200

Comm Code	Manufacturer	Specification	Model #
78142004			

Extended Description :

The Pricing Page contains a list of the Contract Items and estimated purchase volume. The estimated purchase volume for each item represents the approximate volume of the anticipated purchase only. No future use of the Contract or any individual item is guaranteed or implied.

ENVIRONMENTAL PROTECTION REAP OFFICE 801 57TH ST SE CHARLESTON WV25304 US	STATE OF WEST VIRGINIA VARIOUS LOCATIONS AS INDICATED BY ORDER No City WV 99999 US
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Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
4	Crew at Work Site - Load and Unload Tires	1300.00000	EA	50/HR	65,000

Comm Code	Manufacturer	Specification	Model #
76122405			

Extended Description :

The Pricing Page contains a list of the Contract Items and estimated purchase volume. The estimated purchase volume for each item represents the approximate volume of the anticipated purchase only. No future use of the Contract or any individual item is guaranteed or implied.

ENVIRONMENTAL PROTECTION REAP OFFICE 601 57TH ST SE CHARLESTON WV25304 US	STATE OF WEST VIRGINIA VARIOUS LOCATIONS AS INDICATED BY ORDER No City WV 99999 US
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Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
5	Trailer Rental on a monthly basis	4.00000	MO	250	1,000

Comm Code	Manufacturer	Specification	Model #
78141900			

Extended Description :

The Pricing Page contains a list of the Contract Items and estimated purchase volume. The estimated purchase volume for each item represents the approximate volume of the anticipated purchase only. No future use of the Contract or any individual item is guaranteed or implied.

DEP1900000003	Document Phase Final	Document Description Addendum No.01 - SOUTHERN District Tire Collection Events	Page 5 of 5
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ADDITIONAL TERMS AND CONDITIONS

See attached document(s) for additional Terms and Conditions

ADDENDUM ACKNOWLEDGEMENT FORM

SOLICITATION NO.: CRFQ DEP 1900000003

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

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

Addendum Numbers Received:

(Check the box next to each addendum received)

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

I understand that failure to confirm the receipt of addenda may be cause for rejection of this bid. I further understand that any verbal representation made or assumed to be made during any oral discussion held between Vendor's representatives and any state personnel is not binding. Only the information issued in writing and added to the specifications by an official addendum is binding.

TIRE + RUBBER INC
Company

Russell S Zytner
Authorized Signature

July 30, 2018
Date

NOTE: This addendum acknowledgment should be submitted with the bid to expedite document processing.
Revised 6/8/2012

REQUEST FOR QUOTATION
Southern District tire collection events.

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- 8.2 Vendor Supply:** Vendor must carry sufficient inventory of the Contract Items being offered to fulfill its obligations under this Contract. By signing its bid, Vendor certifies that it can supply the Contract Items contained in its bid response.
- 8.3 Reports:** Vendor shall provide quarterly reports and annual summaries to the Agency showing the Agency's items purchased, quantities of items purchased, and total dollar value of the items purchased. Vendor shall also provide reports, upon request, showing the items purchased during the term of this Contract, the quantity purchased for each of those items, and the total value of purchases for each of those items. Failure to supply such reports may be grounds for cancellation of this Contract.
- 8.4 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: RANDALL E. FORTMAN

Telephone Number: 412-759-2914

Fax Number: 724-625-6607

Email Address: RFORTMAN@CONSOLIDATED.NET

DESIGNATED CONTACT: Vendor appoints the individual identified in this Section as the Contract Administrator and the initial point of contact for matters relating to this Contract.

Randall E Zortman, PRES + CEO
(Name, Title)

RANDALL E ZORTMAN, PRES + CEO
(Printed Name and Title)

8007 Finch Road
(Address)

GIBSONIA, PA 15044

412-759-2914 724-625-6607
(Phone Number) / (Fax Number)

(email address)

CERTIFICATION AND SIGNATURE: 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.

TRES + Rubber Inc
(Company)

Randall E Zortman PRES + CEO
(Authorized Signature) (Representative Name, Title)

RANDALL E ZORTMAN, PRES + CEO
(Printed Name and Title of Authorized Representative)

July 30, 2018
(Date)

412-759-2914 724-625-6607
(Phone Number) (Fax Number)

STATE OF WEST VIRGINIA
Purchasing Division
PURCHASING AFFIDAVIT

CONSTRUCTION CONTRACTS: Under W. Va. Code § 5-22-1(i), the contracting public entity shall not award a construction contract to any bidder that is known to be in default on any monetary obligation owed to the state or a political subdivision of the state, including, but not limited to, obligations related to payroll taxes, property taxes, sales and use taxes, fire service fees, or other fines or fees.

ALL CONTRACTS: 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: (1) for construction contracts, the vendor is not in default on any monetary obligation owed to the state or a political subdivision of the state, and (2) for all other contracts, 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: Trust Rubber, Inc

Authorized Signature: Randall E. Gostman Date: July 30, 2018

State of West Virginia

County of Lewis to-wit:

Taken, subscribed, and sworn to before me this 30 day of July 30, 2018.

My Commission expires April 11, 2021, 20 .



NOTARY PUBLIC Shawna M June

West Virginia Ethics Commission Disclosure of Interested Parties to Contracts

(Required by W. Va. Code § 6D-1-2)

Name of Contracting Business Entity: Tire & Rubber Inc Address: 710 GRASS RUN ROAD
WESTON, WV 26452

Name of Authorized Agent: RANDALL E. ZORTMAN Address: GIBSONIA, PA 15044
FRES-F20

Contract Number: DEP 1900000001,2,3 Contract Description: DISTRICT TIRE COLLECTION
EVENTS

Governmental agency awarding contract: WV DEP

Check here if this is a Supplemental Disclosure

List the Names of Interested Parties to the contract which are known or reasonably anticipated by the contracting business entity for each category below (attach additional pages if necessary):

1. Subcontractors or other entities performing work or service under the Contract

Check here if none, otherwise list entity/individual names below.

2. Any person or entity who owns 25% or more of contracting entity (not applicable to publicly traded entities)

Check here if none, otherwise list entity/individual names below.

3. Any person or entity that facilitated, or negotiated the terms of, the applicable contract (excluding legal services related to the negotiation or drafting of the applicable contract)

Check here if none, otherwise list entity/individual names below.

Signature: Randall E Zortman Date Signed: 7/30/18

Notary Verification

State of: West Virginia, County of Lewis

I, _____, the authorized agent of the contracting business entity listed above, being duly sworn, acknowledge that the Disclosure herein is being made under oath and under the penalty of perjury.

Taken, sworn to and subscribed before me this 30 day of July, 2018

Shawna M Turner

Notary Public's Signature



To be completed by State Agency:

Date Received by State Agency: _____

Date submitted to Ethics Commission: _____

Governmental agency submitting Disclosure: _____