



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](http://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](http://WVPurchasing.gov) with any other vendor responses to this solicitation submitted to the Purchasing Division in hard copy format.

Header  

## General Information

Contact

Default Values

Discount


Document Information

Procurement Folder: 471517

SO Doc Code: CRFQ

Procurement Type: Central Master Agreement

SO Dept: 0313

Vendor ID:  

SO Doc ID: DEP1900000003

Legal Name: TIRE &amp; RUBBER INC


Published Date: 7/25/18

Alias/DBA:



Close Date: 8/1/18

Total Bid: \$374,700.00

Close Time: 13:30

Response Date:  

Status: Closed

Response Time: Solicitation Description:   [Apply Default Values to Commodity Lines](#)[View Procurement Folder](#)



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

**State of West Virginia  
 Solicitation Response**

**Proc Folder :** 471517

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

**Proc Type :** Central Master Agreement

Date issued	Solicitation Closes	Solicitation Response	Version
	2018-08-01 13:30:00	SR 0313 ESR08011800000000460	1

VENDOR
000000110798 TIRE & RUBBER INC

**Solicitation Number:** CRFQ 0313 DEP1900000003

**Total Bid :** \$374,700.00      **Response Date:** 2018-08-01      **Response Time:** 11:08:05

**Comments:**

**FOR INFORMATION CONTACT THE BUYER**  
 Brittany E Ingraham  
 (304) 558-2157  
 brittany.e.ingraham@wv.gov

Signature on File	FEIN #	DATE
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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	Trailer Dropped at Site	75.00000	EA	\$1,850.000000	\$138,750.00

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.

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
2	Trailer to Recycling / Disposal Site	75.00000	EA	\$1,850.000000	\$138,750.00

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.

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
3	Box Truck Per Day	24.00000	EA	\$1,300.000000	\$31,200.00

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.

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
4	Crew at Work Site - Load and Unload Tires	1300.00000	EA	\$50.000000	\$65,000.00

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.

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
5	Trailer Rental on a monthly basis	4.00000	MO	\$250.000000	\$1,000.00

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.

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

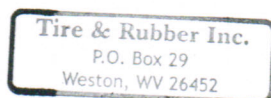
I, Randall Zortman, President and CEO of Tire & Rubber, Inc., hereby submit this request for quotation to the above solicitation number under protest for the following reasons:

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* 9/1/18  
Randall Zortman PRES + CEO

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

TIRE + 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: Trest Rubber Inc  
Authorized Signature: Randall E Zostman 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 Turner



# 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 Tax Address: 710 GRASS Run Road  
Weston, WV 26452

Name of Authorized Agent: Russell E. Zortman Address: GIBSONIA, PA 15044  
TRESTCO

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: Russell 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 Sign

**To be completed by State Agency:**  
Date Received by State Agency: \_\_\_\_\_  
Date submitted to Ethics Commission: \_\_\_\_\_  
Governmental agency submitting Disclosure: \_\_\_\_\_



**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 Zostman  
Authorized Signature

July 30, 2018  
Date

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

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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. ZORTMAN

Telephone Number: 412-759-2914

Fax Number: 724-625-6607

Email Address: RZORTMAN@consolidated.net