



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 1

List View

- General Information
- Contact
- Default Values
- Discount
- Document Information
- Clarification Request

Procurement Folder: 823901


Procurement Type: Central Master Agreement

Vendor ID: 000000203375 

Legal Name: KELLY PAVING INC

Alias/DBA:

Total Bid: \$0.00

Response Date: 02/22/2021 

Response Time: 12:24

Responded By User ID: kp 

First Name: Kathy

Last Name: Flinn

Email: kflinn@shellyandsands.c

SO Doc Code: CRFQ

SO Dept: 0803

SO Doc ID: DOT2100000085

Published Date: 2/18/21

Close Date: 2/23/21

Close Time: 13:30

Status: Closed

Solicitation Description: Asphalt Materials, Pick Up by Agency - Statewide 6621C048

Total of Header Attachments: 1

Total of All Attachments: 1



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

**State of West Virginia  
 Solicitation Response**

**Proc Folder:** 823901  
**Solicitation Description:** Asphalt Materials, Pick Up by Agency - Statewide 6621C048  
**Proc Type:** Central Master Agreement

Solicitation Closes	Solicitation Response	Version
2021-02-23 13:30	SR 0803 ESR02222100000005751	1

**VENDOR**  
 000000203375  
 KELLY PAVING INC

**Solicitation Number:** CRFQ 0803 DOT2100000085  
**Total Bid:** 0  
**Response Date:** 2021-02-22  
**Response Time:** 12:24:08  
**Comments:**

**FOR INFORMATION CONTACT THE BUYER**

John W Estep  
 304-558-2566  
 john.w.estep@wv.gov

**Vendor 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	Asphalts	0.00000	TON	0.000000	0.00

Comm Code	Manufacturer	Specification	Model #
30121600			

**Commodity Line Comments:**

**Extended Description:**

Asphalts

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
2	Asphalt	0.00000	TON	0.000000	0.00

Comm Code	Manufacturer	Specification	Model #
30121601			

**Commodity Line Comments:**

**Extended Description:**

Asphalt



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

State of West Virginia  
 Centralized Request for Quote  
 Highways

Proc Folder: 823901		Reason for Modification:	
Doc Description: Asphalt Materials, Pick Up by Agency - Statewide 6621C048			
Proc Type: Central Master Agreement			
Date Issued	Solicitation Closes	Solicitation No	Version
2021-01-29	2021-02-18 13:30	CRFQ 0803 DOT2100000085	1

**BID RECEIVING LOCATION**

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

**VENDOR** KELLY PAVING, INC.

Vendor Customer Code: 000000203375

Vendor Name : KELLY PAVING, INC.

Address : P O BOX 366

Street :

City : WILLIAMSTOWN

State : WEST VIRGINIA Country : USA Zip : 26187

Principal Contact : Roger Thomas

Vendor Contact Phone: 304-424-7353 Extension:

**FOR INFORMATION CONTACT THE BUYER**

John W Estep  
 304-558-2566  
 john.w.estep@wv.gov

Vendor Signature X *Roger Thomas* FEIN# 55-0583614 DATE 2/18/21

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

**ADDITIONAL INFORMATION****REQUEST FOR QUOTATION:**

The West Virginia Purchasing Division is soliciting bids on behalf of the West Virginia Division of Highways, to establish an open-end Asphalt Materials, Pick Up by Agency contract for use by WVDOH and the West Virginia Parkways Authority upon their request, on preventive maintenance and repair projects throughout the state of West Virginia, from the Vendor's plant. Contract pricing shall be made available to other public agencies upon their request and with the approval of the West Virginia Purchasing Division. Per the Bid Requirements, Specifications, Terms and Conditions attached to this Solicitation.

INVOICE TO	SHIP TO
VARIOUS AGENCY LOCATIONS AS INDICATED BY ORDER	VARIOUS AGENCY LOCATIONS AS INDICATED BY ORDER
No City                      WV    99999 US	No City                      WV    99999 US

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
1	Asphalts	0.00000	TON		

Comm Code	Manufacturer	Specification	Model #
30121600			

**Extended Description:**  
Asphalts

INVOICE TO	SHIP TO
VARIOUS AGENCY LOCATIONS AS INDICATED BY ORDER	VARIOUS AGENCY LOCATIONS AS INDICATED BY ORDER
No City                      WV    99999 US	No City                      WV    99999 US

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
2	Asphalt	0.00000	TON		

Comm Code	Manufacturer	Specification	Model #
30121601			

**Extended Description:**  
Asphalt



Line	Event	Event Date
1	Tech Questions Due by 10:00am	2021-02-05

	Document Phase	Document Description	Page
DOT2100000085	Final	Asphalt Materials, Pick Up by Agency - Statewide 6621C048	3

**ADDITIONAL TERMS AND CONDITIONS**

See attached document(s) for additional Terms and Conditions



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

State of West Virginia  
 Centralized Request for Quote  
 Highways

<b>Proc Folder:</b> 823901			<b>Reason for Modification:</b> Addendum No. 1 - to extend the bid opening to 2/23/2021.
<b>Doc Description:</b> Asphalt Materials, Pick Up by Agency - Statewide 6621C048			
<b>Proc Type:</b> Central Master Agreement			
<b>Date Issued</b>	<b>Solicitation Closes</b>	<b>Solicitation No</b>	<b>Version</b>
2021-02-18	2021-02-23 13:30	CRFQ 0803 DOT2100000085	2

**BID RECEIVING LOCATION**

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

**VENDOR**

**Vendor Customer Code:** 000000203375  
**Vendor Name :** KELLY PAVING, INC.  
**Address :** P O BOX 366  
**Street :**  
**City :** WILLIAMSTOWN  
**State :** WEST VIRGINIA **Country :** USA **Zip :** 26187  
**Principal Contact :** ROGER THOMAS  
**Vendor Contact Phone:** 304-424-7353 **Extension:**

**FOR INFORMATION CONTACT THE BUYER**

John W Estep  
 304-558-2566  
 john.w.estep@wv.gov

Vendor Signature X *Roger Thomas* FEIN# 55-0583614 DATE 2/23/21

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



**ADDITIONAL INFORMATION**

Addendum No. 1 - to extend the bid opening from 02/18/2021 to 02/23/2021. The bid opening time remains at 1:30 pm.

No other changes.

INVOICE TO		SHIP TO	
VARIOUS AGENCY LOCATIONS AS INDICATED BY ORDER		VARIOUS AGENCY LOCATIONS AS INDICATED BY ORDER	
No City	WW 99999	No City	WW 99999
US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
1	Asphalts	0.00000	TON		

Comm Code	Manufacturer	Specification	Model #
30121600			

**Extended Description:**  
Asphalts

INVOICE TO		SHIP TO	
VARIOUS AGENCY LOCATIONS AS INDICATED BY ORDER		VARIOUS AGENCY LOCATIONS AS INDICATED BY ORDER	
No City	WW 99999	No City	WW 99999
US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
2	Asphalt	0.00000	TON		

Comm Code	Manufacturer	Specification	Model #
30121601			

**Extended Description:**  
Asphalt



<u>Line</u>	<u>Event</u>	<u>Event Date</u>
1	Tech Questions Due by 10:00am	2021-02-05

# SOLICITATION NUMBER: CRFQ DOT21\*85

## Addendum Number: 1

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The purpose of this addendum is to modify the solicitation identified as CRFQ DOT21\*85 ("Solicitation") to reflect the change(s) identified and described below.

### Applicable Addendum Category:

- Modify bid opening date and time
- Modify specifications of product or service being sought
- Attachment of vendor questions and responses
- Attachment of pre-bid sign-in sheet
- Correction of error
- Other

### Additional Documentation:

1. To extend the bid opening from 02/18/2021 to 02/23/2021. The bid opening time remains at 1:30 pm.

### Terms and Conditions:

1. All provisions of the Solicitation and other addenda not modified herein shall remain in full force and effect.
2. Vendor should acknowledge receipt of all addenda issued for this Solicitation by completing an Addendum Acknowledgment, a copy of which is included herewith. Failure to acknowledge addenda may result in bid disqualification. The addendum acknowledgement should be submitted with the bid to expedite document processing.

**ADDENDUM ACKNOWLEDGEMENT FORM**  
**SOLICITATION NO.: CRFQ DOT21\*85**

**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 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.

KELLY PAVING, INC.

\_\_\_\_\_  
Company



\_\_\_\_\_  
Authorized Signature

2/23/21

\_\_\_\_\_  
Date

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

Asphalt Materials Pick Up by Agency  
ATTACHMENT A PRICING PAGE (ATT A)

**VENDOR INSTRUCTIONS:**

**Vendor shall complete Parts I, II and III below in their entirety.** Failure to provide the Asphalt Plant Name and Asphalt Plant Location will result in the **disqualification** of corresponding Contract Items. Vendor must complete a separate Pricing Page (ATT A) for EVERY sourced Asphalt Plant providing Contract Items for pick up by WVDOH forces.

**PART I: VENDOR & ASPHALT PLANT INFORMATION (Required)**

Vendor Name: KELLY PAVING, INC.  
 Asphalt Plant Name: KELLY PAVING, INC.  
 Asphalt Plant Location: 123 DODD DRIVE  
 (911 Address) ST MARYS WV 26170

**PART II: WVDOH DISTRICTS SERVED BY ABOVE ASPHALT PLANT (Required).** Mark all Districts which include one or more counties served by the Asphalt Plant listed above in Part I.

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/>            | District 1: Boone, Clay, Kanawha, Mason and Putnam counties                      |
| <input type="checkbox"/>            | District 2: Cabell, Lincoln, Logan, Mingo and Wayne counties                     |
| <input checked="" type="checkbox"/> | District 3: Calhoun, Jackson, Pleasants, Ritchie, Roane, Wirt and Wood counties  |
| <input checked="" type="checkbox"/> | District 4: Doddridge, Harrison, Marion, Monongalia, Preston and Taylor counties |
| <input type="checkbox"/>            | District 5: Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral and Morgan     |
| <input checked="" type="checkbox"/> | District 6: Brooke, Hancock, Marshall, Ohio, Tyler and Wetzel counties           |
| <input checked="" type="checkbox"/> | District 7: Barbour, Braxton, Gilmer, Lewis, Upshur and Webster counties         |
| <input type="checkbox"/>            | District 8: Pendleton, Pocahontas, Randolph and Tucker counties                  |
| <input type="checkbox"/>            | District 9: Fayette, Greenbrier, Monroe, Nicholas and Summers counties           |
| <input type="checkbox"/>            | District 10: McDowell, Mercer, Raleigh and Wyoming counties                      |

**PART III: ENTER PRICE PER UNIT OF MEASURE FOR CONTRACT ITEMS BID.**

Contract Item #	Contract Item Description	Unit of Measure	List Price
A	Asphalt Section 401 - Base I	TON	61.00
B	Asphalt Section 401 - 25mm Superpave	TON	70.00
C	Asphalt Section 401 - Base II	TON	66.00
D	Asphalt Section 401 - Patch and Level	TON	66.00
E	Asphalt Section 401 - Wearing IV	TON	66.00
F	Asphalt Section 402 - Wearing IV	TON	75.00
G	Asphalt Section 401 - 19mm Superpave	TON	70.00
H	Asphalt Section 401 - Scratch Course	TON	66.00
I	Asphalt Section 402 - 9.5mm Superpave	TON	85.00
J	Asphalt Section 401 - Wearing 1	TON	73.00
K	Asphalt Section 402 - Wearing 1	TON	75.00
L	Asphalt Section 401 - 4.75mm Superpave	TON	85.00
M	Asphalt Section 402 - 4.75mm Superpave	TON	90.00
N	Asphalt Section 401 - Wearing III	TON	80.00
O	Asphalt Section 402 - Wearing III	TON	85.00
P	Asphalt Section 401 - 12.5mm Superpave	TON	73.00
Q	Asphalt Section 402 - 12.5mm Superpave	TON	76.00
R	Asphalt Plant Run	TON	73.00
S1	Surcharge for PG Binder - 70 minus 22	TON	5.00
S2	Surcharge for PG Binder - 76 minus 22 - ordered in 400 ton increments	TON	12.00
T1	Off-Season Plant Opening - First Day	DAY	5000.00
T2	Off-Season Plant Opening - Each Additional Day	DAY	1000.00



SHEL&SA-23

D1BNELSON

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
2/10/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # 954553  
AssuredPartners of Ohio, LLC  
3900 Kinross Lakes Parkway #300  
Richfield, OH 44286

CONTACT NAME: Lisa Trnjan  
PHONE (A/C, No, Ext): (440) 895-6584 FAX (A/C, No): (440) 356-2126  
E-MAIL ADDRESS: lisa.trnjan@AssuredPartners.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Cincinnati Insurance Company	10677
INSURER B : BrickStreet Mutual Insurance Company	12372
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED  
Kelly Paving, Inc.  
P.O. Box 366  
Williamstown, WV 26187

### COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> XCU included <input checked="" type="checkbox"/> Contractual Liab GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC <input type="checkbox"/> OTHER	X		CPP 0895439	4/1/2020	4/1/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY <input checked="" type="checkbox"/> No Phys Damage			CPP 0895439	4/1/2020	4/1/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			EUP 0573222	4/1/2020	4/1/2021	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
B	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WCB1017233	4/1/2020	4/1/2021	<input checked="" type="checkbox"/> PER STATUTE <input checked="" type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
B	WV WC Brickstreet			WCB1017233	4/1/2020	4/1/2021	WOS/Statutory/Broad 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
PROOF for BIDDING: Certificate of Insurance is for "Proof of Coverage" only. A revised Certificate will be issued, per the final contract, if awarded the project, subject to terms and conditions of the policy.  
BID PROJECT: Asphalt Materials, Pick Up By Agency CRFQ 0803 DOT210000085  
The State of West Virginia is included as Additional Insured under the General Liability when required in a written contract or agreement.

### CERTIFICATE HOLDER

State of West Virginia  
Department of Administration, Purchasing Division  
2019 Washington Street East,  
P.O. Box 50130  
Charleston, WV 25302

### CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

West Virginia Ethics Commission  
**Disclosure of Interested Parties to Contracts**

(Required by W. Va. Code § 6D-1-2)

Name of Contracting Business Entity: KELLY PAVING, INC. Address: P O BOX 366  
WILLIAMSTOWN WV 26187

Name of Authorized Agent: ROGER THOMAS Address: P O BOX 366 WILLIAMSTOWN WV 26187

Contract Number: CRFQ0803 DOT 210000085 Contract Description: ASPHALT MATERIALS, PICK UP BY AGENCY

Governmental agency awarding contract: WVDOT

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: Roger Thomas Date Signed: 2/18/21

**Notary Verification**

State of WEST VIRGINIA, County of WOOD:

I, Roger Thomas, 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.

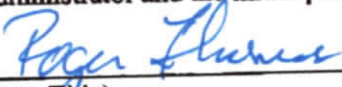
Taken, sworn to and subscribed before me this 18TH day of February, 2021.



[Signature]  
Notary Public's Signature

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

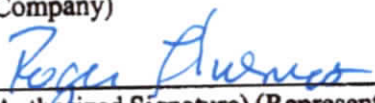
**DESIGNATED CONTACT:** Vendor appoints the individual identified in this Section as the Contract Administrator and the initial point of contact for matters relating to this Contract.

 VICE PRESIDENT  
\_\_\_\_\_  
**(Name, Title)**  
ROGER THOMAS VICE PRESIDENT  
\_\_\_\_\_  
**(Printed Name and Title)**  
P O BOX 366 WILLIAMSTOWN WV 26187  
\_\_\_\_\_  
**(Address)**  
304-424-7353 / 740-373-6505  
\_\_\_\_\_  
**(Phone Number) / (Fax Number)**  
rthomas@shellyandsands.com  
\_\_\_\_\_  
**(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.

KELLY PAVING, INC.

\_\_\_\_\_  
**(Company)**

 VICE PRESIDENT  
\_\_\_\_\_  
**(Authorized Signature) (Representative Name, Title)**

Roger Thomas, Vice President  
\_\_\_\_\_  
**(Printed Name and Title of Authorized Representative)**

2/18/21  
\_\_\_\_\_  
**(Date)**

304-424-7353 / 740-373-6505  
\_\_\_\_\_  
**(Phone Number) (Fax Number)**

**REQUEST FOR QUOTATION**  
**Asphalt Materials, Pick Up by Agency**

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**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** Immediate cancellation of the Contract.

**10.2.2** Immediate 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 No Substitutions:** Vendor shall supply only Contract Items submitted in response to the Solicitation unless a contract modification is approved in accordance with the provisions contained in this Contract.

**11.2 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.

**11.3 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.

**11.4 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:** ROGER THOMAS  
**Telephone Number:** 304-424-7353  
**Fax Number:** 740-373-6505  
**Email Address:** rthomas@shellyandsands.com



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: KELLY PAVING, INC.

Authorized Signature: *Roger Phoua* Date: 2/18/21

State of WEST VIRGINIA

County of WOOD, to-wit:

Taken, subscribed, and sworn to before me this 18th day of FEBRUARY, 2021.

My Commission expires MAY 14, 2021.

**AFFIX SEAL HERE**



**NOTARY PUBLIC**

*Kathy S. Flinn*

*Purchasing Affidavit (Revised 01/19/2018)*