

**ADDENDUM ACKNOWLEDGEMENT FORM**  
**SOLICITATION NO.: CRFO DOT2200000088**

**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.

M.S. Johnston Co., Inc.

Company



Authorized Signature

January 3, 2022

Date

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

01/03/22 14:52:11

	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 Construction

Proc Folder: 965927	Reason for Modification: ADDENDUM NO_1	
Doc Description: ADDENDUM NO-1 JEFFERSON HVAC INSTALLATION/REMOVAL	Addendum No_1 to add Pre bid sign in sheets..... See Page 2 for complete info	
Proc Type: Central Purchase Order		
Date Issued	Solicitation Closes	Solicitation No
2021-12-16	2022-01-04 13:30	CRFQ 0803 DOT220000088
		Version
		2


**BID RECEIVING LOCATION**

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

**VENDOR**

Vendor Customer Code: 000000192652  
 Vendor Name : M.S. JOHNSTON CO., INC.  
 Address : 13261 PENNSYLVANIA AVE.  
 Street :  
 City : HAGERSTOWN  
 State : M.D. Country : USA Zip : 21742  
 Principal Contact : MICHAEL S. JOHNSTON  
 Vendor Contact Phone: 301-733-1066 Extension: 105

**FOR INFORMATION CONTACT THE BUYER**  
 John W Estep  
 304-558-2566  
 john.w.estep@wv.gov

Vendor Signature X  FEIN# 52-0730817 DATE 1-3-2022

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

**Reason for Modification:**

ADDENDUM NO\_1

Addendum No\_1 to add Pre bid sign in sheets  
Vendor questions and response  
Move Question date to 12/27/21  
Move Bid Opening to 01/04/2022

**ADDITIONAL INFORMATION**

ADDENDUM NO\_1  
Addendum No\_1 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 West Virginia Division of Highways to establish a contract for the following, Removal of the Existing AC Unit and Installation of New HVAC Unit, along with the Installation of new ductwork for breakroom and a mini split for the Storeroom at Jefferson Co HQ, 1301 Old Leetown Pike, Kearneysville, WV 25430 Per the Bid Requirements, Specifications, Terms and Conditions attached to this Solicitation.

**INVOICE TO** | **SHIP TO**

DIVISION OF HIGHWAYS | STATE OF WEST VIRGINIA  
DISTRICT FIVE | JOBSITE - SEE SPECIFICATIONS  
PO BOX 99 |  
BURLINGTON WV | No City WV  
US | US

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
1	05220220 - JEFFERSON HVAC INSTALLATION/REMOVAL	1.00000	EA		

Comm Code	Manufacturer	Specification	Model #
72151207			

**Extended Description:**  
Removal of the Existing AC Unit and Installation of New HVAC Unit, along with the Installation of new ductwork for breakroom and a mini split for the Storeroom at Jefferson Co HQ, 1301 Old Leetown Pike, Kearneysville, WV 25430

**SCHEDULE OF EVENTS**

Line	Event	Event Date
1	Prebid @ 1:00pm Jefferson County HQ	2021-12-08
2	Tech Questions due by 10:00am	2021-12-27

	Document Phase	Document Description	Page
DOT2200000088	Final	ADDENDUM NO-1 JEFFERSON HVAC INSTALLATION/REMOVAL	3

**ADDITIONAL TERMS AND CONDITIONS**

See attached document(s) for additional Terms and Conditions

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: M.S. JOHNSTON CO., INC.

Authorized Signature: [Signature] Date: JANUARY 3, 2022

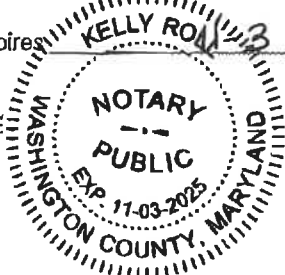
State of MARYLAND

County of WASHINGTON, to-wit:

Taken, subscribed, and sworn to before me this 3rd day of January, 2022

My Commission expires 3 KELLY ROLL, 2025

AFFIX SEAL HERE




NOTARY PUBLIC

[Signature]  
Purchasing Affidavit (Revised 01/19/2018)

**EXHIBIT A - Pricing Page**  
05220220 - HVAC INSTALLATION AT JEFFERSON COUNTY HQ

Item Number	Quantity	Unit of Measure	Description	Unit Price		Total
001	1	EA	Removal of the Existing AC Unit and Installation of New HVAC Unit, along with the Installation of new ductwork for breakroom and a mini split for the Storeroom at Jefferson Co HQ - See specifications for more detail			
				<b>GRAND TOTAL</b>		\$60,300.00

VENDOR NAME	M.S. JOHNSTON CO., INC.
VENDOR ADDRESS	13261 PENNSYLVANIA AVE., HAGERSTOWN, MD 21742
PHONE #	301-733-1066
EMAIL	ESTIMATE@MSJOHNSTON.COM
SIGNATURE	

WV-73  
Approved / April 30, 2020



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

I, MICHAEL S. JOHNSTON, after being first duly sworn, depose and state as follows:

- 1. I am an employee of M.S. JOHNSTON CO., INC.; and,  
(Company Name)
- 2. I do hereby attest that M.S. JOHNSTON CO., INC.  
(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: MICHAEL S. JOHNSTON

Signature: [Handwritten Signature]

Title: PRESIDENT

Company Name: M.S. JOHNSTON CO., INC.

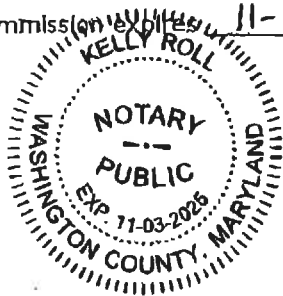
Date: JANUARY 3, 2022

md  
STATE OF ~~WEST VIRGINIA~~,  
COUNTY OF Washington, TO-WIT:

Taken, subscribed and sworn to before me this 3rd day of January, 2022.

By Commission 11-3-2025

(Seal)



[Handwritten Signature: Kelly Roll]  
(Notary Public)

**Subcontractor List Submission (Construction Contracts Only)**

**Bidder's Name:** M.S. JOHNSTON CO., INC.

Check this box if no subcontractors will perform more than \$25,000.00 of work to complete the project.

Subcontractor Name	License Number if Required by W. Va. Code § 21-11-1 et. seq.

Attach additional pages if necessary



**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.

\_\_\_\_\_  
(Name, Title)

MICHAEL S. JOHNSTON, PRESIDENT

\_\_\_\_\_  
(Printed Name and Title)

13261 PENNSYLVANIA AVE., HAGERSTOWN, MD 21742

\_\_\_\_\_  
(Address)

301-733-1066/301-797-9675

\_\_\_\_\_  
(Phone Number) / (Fax Number)

MIKE@MSJOHNSTON.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.

By signing below, I further certify that I understand this Contract is subject to the provisions of West Virginia Code § 5A-3-62, which automatically voids certain contract clauses that violate State law.

\_\_\_\_\_  
M.S. JOHNSTON CO., INC.

(Company)

  
\_\_\_\_\_  
(Authorized Signature) (Representative Name, Title)

\_\_\_\_\_  
MICHAEL S. JOHNSTON, PRESIDENT  
(Printed Name and Title of Authorized Representative)

\_\_\_\_\_  
JANUARY 3, 2022  
(Date)

\_\_\_\_\_  
301-733-1066/301-797-9675  
(Phone Number) (Fax Number)

## West Virginia Ethics Commission

**Disclosure of Interested Parties to Contracts**

Pursuant to *W. Va. Code* § 6D-1-2, a state agency may not enter into a contract, or a series of related contracts, that has/have an actual or estimated value of \$1 million or more until the business entity submits to the contracting state agency a Disclosure of Interested Parties to the applicable contract. In addition, the business entity awarded a contract is obligated to submit a supplemental Disclosure of Interested Parties reflecting any new or differing interested parties to the contract within 30 days following the completion or termination of the applicable contract.

For purposes of complying with these requirements, the following definitions apply:

*"Business entity"* means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership or corporation, but does not include publicly traded companies listed on a national or international stock exchange.

*"Interested party"* or *"Interested parties"* means:

- (1) A business entity performing work or service pursuant to, or in furtherance of, the applicable contract, including specifically sub-contractors;
- (2) the person(s) who have an ownership interest equal to or greater than 25% in the business entity performing work or service pursuant to, or in furtherance of, the applicable contract. (This subdivision does not apply to a publicly traded company); and
- (3) the person or business entity, if any, that served as a compensated broker or intermediary to actively facilitate the applicable contract or negotiated the terms of the applicable contract with the state agency. (This subdivision does not apply to persons or business entities performing legal services related to the negotiation or drafting of the applicable contract.)

*"State agency"* means a board, commission, office, department or other agency in the executive, judicial or legislative branch of state government, including publicly funded institutions of higher education; Provided, that for purposes of *W. Va. Code* § 6D-1-2, the West Virginia Investment Management Board shall not be deemed a state agency nor subject to the requirements of that provision.

The contracting business entity must complete this form and submit it to the contracting state agency prior to contract award and to complete another form within 30 days of contract completion or termination.

*This form was created by the State of West Virginia Ethics Commission, 210 Brooks Street, Suite 300, Charleston, WV 25301-1804. Telephone: (304)558-0664; fax: (304)558-2169; e-mail: [ethics@wv.gov](mailto:ethics@wv.gov); website: [www.ethics.wv.gov](http://www.ethics.wv.gov).*

# West Virginia Ethics Commission Disclosure of Interested Parties to Contracts

(Required by W. Va. Code § 6D-1-2)

Name of Contracting Business Entity: M.S. JOHNSTON CO, INC Address: 13261 PENNSYLVANIA AVE.  
HAGERSTOWN, MD 21742

Name of Authorized Agent: MICHAEL S. JOHNSTON Address: SAME

Contract Number: \_\_\_\_\_ Contract Description: HVAC REPLACEMENT

Governmental agency awarding contract: DEPARTMENT OF ADMINISTRATION

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: [Handwritten Signature]

Date Signed: 1-3-2022

### Notary Verification

State of Maryland, County of Washington

I, Kelly Roll, 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 3rd day of January, 2022

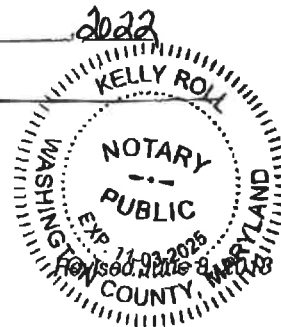
[Handwritten Signature: Kelly Roll]  
Notary Public's Signature

**To be completed by State Agency:**

Date Received by State Agency: \_\_\_\_\_

Date submitted to Ethics Commission: \_\_\_\_\_

Governmental agency submitting Disclosure: \_\_\_\_\_



West Virginia  
Agency Purchasing Division  
REQ.P.# DOT2200000088

**BID BOND**

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, M.S. Johnston Company, Inc.  
of Hagerstown Maryland, as Principal, and UNITED STATES SURETY COMPANY  
of Timonium Maryland is a corporation organized and existing under the laws of the State of Maryland  
with its principal office in the City of Timonium as Surety, are held and firmly bound unto the State  
of West Virginia, as Obligees, in the penal sum of Five Percent (5%) of Total Bid Amount (\$ 5%) 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  
Jefferson HVAC Installation/Removal  
Jefferson County HQ, 1301 Old Leetown Pike, Kearneysville, WV 25430

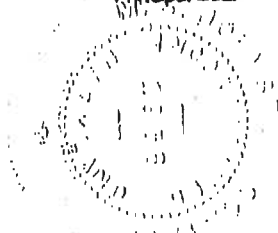
**NOW THEREFORE,**

(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 Obligees 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 4th day of January, 2022.

Principal Seal



Surety Seal

M. S. Johnston Company, Inc.  
(Name of Principal)

By [Signature]  
(Must be President, Vice President, or  
Duly Authorized Agent)

[Signature]  
(Title)

UNITED STATES SURETY COMPANY  
(Name of Surety)

[Signature]  
Francis D. Carden, Attorney-in-Fact

**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.



**TOKIO MARINE  
HCC**

### POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That, UNITED STATES SURETY COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Maryland, and having its principal office in Timonium, Maryland, does by these presents make, constitute and appoint,

### FRANCIS DELEVEAUX GARDEN

Its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver bond number BB2018314 issued in the course of its business and to bind the Company thereby, in an amount not to exceed \*\*\*\*\* UNLIMITED \*\*\*\*\* (\*\*UNLIMITED\*\*). Said appointment is made under and by authority of the following resolutions of the Board of Directors of United States Surety Company:

*"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 cancelling 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." Adopted by unanimous written consent in lieu of meeting on September 1<sup>st</sup>, 2011.

The Attorney-in-Fact named above may be an agent or a broker of the Company. The granting of this Power of Attorney is specific to this bond and does not indicate whether the Attorney-in-Fact is or is not an appointed agent of the Company.

IN WITNESS WHEREOF, United States Surety Company has caused its seal to be affixed hereto and executed by its Senior Vice President on this 1<sup>st</sup> day of June, 2018.

State of California  
County of Los Angeles



By: Adam S. Pessin  
Adam S. Pessin, Senior Vice President

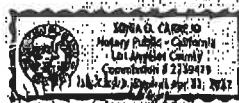
A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

On this 1<sup>st</sup> day of June, 2018, before me, Sonia O. Carrejo, a notary public, personally appeared Adam S. Pessin, Senior Vice President of United States Surety 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 Sonia O. Carrejo (seal)



I, Kio Lo, Assistant Secretary of United States Surety Company, do hereby certify that the Power of Attorney and the resolution adopted by the Board of Directors of said Company as set forth above, are true and correct transcripts thereof and that neither the said Power of Attorney nor the resolution have been revoked and they are now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of January, 2022.

Bond No. BB2018314

Agency No. 12102



Kio Lo  
Kio Lo, Assistant Secretary

HCC82ZPOAUSSC06/2018