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TYPE NAME/ADDRESS HERE

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

TERMS OF SALE

### Request for Quotation

RFQ NUMBER RMA800000

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ADDRESS CORRESPONDENCE TO ATTENTION OF

BUTCH CHITTUM 304-558-8806

WV STATE RAIL AUTHORITY (DBA) SOUTH BRANCH VALLEY RAILROAD 120 WATER PLANT DRIVE MOOREFIELD, WV

26836 304-538-2305 SHIP VIA F.O.B FREIGHT TERMS

06/13	/2007					
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## GENERAL TERMS & CONDITIONS REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)

- 1. Awards will be made in the best interest of the State of West Virginia.
- 2. The State may accept or reject in part, or in whole, any bid.
- 3. All quotations are governed by the West Virginia Code and the Legislative Rules of the Purchasing Division.
- 4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125.00 registration fee.
- 5. All services performed or goods delivered under State Purchase Orders/Contracts are to be continued for the term of the Purchase Order/Contract, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
- 6. Payment may only be made after the delivery and acceptance of goods or services.
- 7. Interest may be paid for late payment in accordance with the West Virginia Code.
- 8. Vendor preference will be granted upon written request in accordance with the West Virginia Code.
- 9. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
- 10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
- 11. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
- 12. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
- 13. BANKRUPTCY: In the event the vendor/contractor files for bankruptcy protection, this contract is automatically null and void, and is terminated without further order.
- 14. HIPAA Business Associate Addendum The West Viginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (http://www.state.wv.us/admin/purchase/vrc/hipaa.htm) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Covered Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.

#### **INSTRUCTIONS TO BIDDERS**

- 1. Use the quotation forms provided by the Purchasing Division.
- 2. SPECIFICATIONS: Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as EQUAL to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
- 3. Complete all sections of the quotation form.
- 4. Unit prices shall prevail in cases of discrepancy.
- 5. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
- 6. BID SUBMISSION: All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications.

#### SIGNED BID TO:

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



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RAILROAD
120 WATER PLANT DRIVE
MOOREFIELD, WV
26836 304-538-2305

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RFO COPY TYPE NAME/ADDRESS HERE MOOREFIELD, WV

FREIGHTTERMS DATE PRINTED TERMS OF SALE SHIP VIA F.O.B. 06/13/2007 BID OPENING DATE: 08/07/2007 BID OPENING TIME 01:30PM CAT LINE QUANTITY UOP ITEM NUMBER UNIT PRICE AMOUNT NO. ) MAINTENANCE BOND: A TWO (2) YEAR MAINTENANCE BOND COVERING THE ROOFING SYSTEM WILL BE A REQUIREMENT OF THE SUCCESSFUL VENDOR. REV. 11/00 EXHIBIT 7 DOMESTIC ALUMINUM, GLASS & STEEL IN PUBLIC WORKS PROJECTS IN ACCORDANCE WITH WEST VIRGINIA CODE 5-19-1 ET., SEQ., EVERY CONTRACT FOR CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR, IMPROVEMENT OR MAINTENANCE OF PUBLIC WORKS, WHERE THE COST IS MORE THAN \$50,000 AND, IN THE CASE OF STEEL ONLY, WHERE THE COST OF STEEL IS MORE THAN \$50,000 OR WHERE MORE THAN 10,000 POUNDS OF STEEL ARE REQUIRED, THE STATE WILL ACCEPT ONLY ALUMINUM GLASS, OR STEEL PRODUCTS PRODUCED IN THE UNITED STATES. IN ADDITION, ITEMS OF MACHINERY OR EQUIPMENT PURCHASED FOR USE AT THE SITE OF PUBLIC WORKS SHALL BE MADE OF DOMESTIC ALUMINUM, GLASS OR STEEL, UNLESS THE COST OF THE PRODUCT IS LESS THAN \$50,000 OR LESS THAN 10,000 POUNDS OF STEEL ARE USED IN PUBLIC WORKS PROJECTS. FOREIGN MADE ALUMINUM, GLASS OR STEEL PRODUCTS MAY BE ACCEPTED ONLY IF THE COST OF DOMESTIC PRODUCTS IS FOUND TO BE UNREASONABLE. SUCH COST IS UNREASONABLE IF IT I 20% OR MORE HIGHER THAN THE BID PRICE FOR FOREIGN MADE PRODUCTS. IF THE DOMESTIC ALUMINUM, GLASS OR STEEL PRODUCTS TO BE SUPPLIED OR PRODUCED IN A "SUBSTANTIAL LABOR SURPLUS AREA", AS DEFINED BY THE UNITED STATES DEPARTMENT OF LABOR, FOREIGN PRODUCTS MAY BE SUPPLIED ONLY IF DOMESTIC PRODUCTS ARE 30% OR MORE HIGHER IN SEE REVERSE SIDE FOR TERMS AND CONDITIONS SIGNATURE TELEPHONE DATE TITLE FEIN ADDRESS CHANGES TO BE NOTED ABOVE



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26836 304-538-2305 DATE PRINTED TERMS OF SALE SHIP VIA FOB: FREIGHT TERMS 06/13/2007 BID OPENING DATE: 08/07/2007 **BID OPENING TIME** 01:30PM CAT. LINE QUANTITY UOP ITEM NUMBER UNIT PRICE AMOUNT PRICE THAN THE FOREIGN MADE PRODUCTS. IF, PRIOR TO THE AWARD OF A CONTRACT UNDER THE ABOVE PROVISIONS, THE SPENDING OFFICER OF THE SPENDING UNIT DETERMINES THAT THERE EXISTS A BID FOR LIKE FOREIGN ALUMINUM, GLASS OR STEEL THAT IS REASONABLE AND LOWER THAN THE LOWEST BID DOMESTIC PRODUCTS, THE SPENDING OFFICE MAY REQUEST, IN WRITING, A REEVALUATION AND REDUCTION IN THE LOWEST BID FOR SUCH DOMESTIC PRODUCTS. ALL VENDORS MUST INDICATE IN THEIR BID IF THEY ARE SUPPLYING FOREIGN ALUMINUM, GLASS OR STEEL. REV. 3/88

EXHIBIT 9

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NOTICE FOR ISSUANCE & ACKNOWLEDGEMENT OF CONSTRUCTION PROJECT ADDENDA

THE ARCHITECT/ENGINEER AND/OR AGENCY SHALL BE REQUIRED TO ABIDE BY THE FOLLOWING SCHEDULE IN ISSUING CONSTRUCTION PROJECT ADDENDA FOR STATE AGENCIES:

- (1) THE ARCHITECT/ENGINEER SHALL PREPARE THE ADDENDUM AND A LIST OF ALL PARTIES THAT HAVE PROCURED DRAWINGS AND SPECIFICATIONS FOR THE PROJECT. THE ADDENDUM AND LIST SHALL BE FORWARDED TO THE BUYER IN THE STATE PURCHASING DIVISION. THE ARCHITECT/ENGINEER SHALL ALSO SEND A COPY OF THE ADDENDUM TO THE STATE AGENCY FOR WHICH THE CONTRACT IS ISSUED.
- (2) THE BUYER SHALL SEND THE ADDENDUM TO ALL INTERESTED PARTIES AND, IF NECESSARY, EXTEND THE BID OPENING DATE. ANY ADDENDUM SHOULD BE RECEIVED BY THE BUYER WITHIN FOURTEEN (14) DAYS PRIOR TO THE BID

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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#### DESCRIPTION

Belington: This crossing is at WVCR MP 11.47 where the WVCR main track crosses County Route 11 in downtown Belington. This crossing is situated in tangent track and currently has a timber surface. Only the 40-foot section in the roadway is to be replaced.

Junior: This crossing is at WVCR MP 15.30 where the WVCR main track crosses Bridge Street. This crossing is located in tangent track and is 24 feet long. It currently has a timber surface.

Cheat Bridge: This crossing is at WVCR MP 71.75 where the WVCR main track crosses U.S. Route 250 and WV 92. The crossing is located in tangent track and is 45 feet long. It currently has an asphalt surface with rubber flangeways.

The Belington and Cheat Bridge crossings will receive full-depth, steel-framed, steel-reinforced concrete panel crossing surfaces with end deflectors and rubber flangeway filler. The panels must be secured against shifting or movement under traffic. The Junior crossing will receive the LT Resources composite crossing surface. Information on the composite crossing surface is attached to this RFQ. All three crossings will have the existing surface, ties and ballast removed. New drain pipes and signal conduits will be installed. New wood ties will be sized and spaced according to the manufacturer's specifications. New ballast will be installed and tamped tight. The existing rail will be used at all locations.

The contractor shall be responsible for all materials required for this project. Materials and equipment may be kept on WVCR property clear of all traffic. Nothing may be placed on adjacent property without the landowner's permission. All debris and refuse shall be removed from WVCR property and disposed of properly.

The contractor shall be responsible for the repair of any damage done to the signal system at any crossing and shall make repairs in a timely fashion so as not to delay rail traffic.

The contractor shall comply with all safety rules and regulations as required by the Federal Railroad Administration, WVCR and other parties as applicable.

The contractor shall use Heavy and Highway Construction Rates as established for Barbour County (Belington and Junior crossings) and Randolph County (Cheat Bridge crossing). These rates are pursuant to WV Code21-5A, et, seq. and are available at <a href="https://www.wvsos.com/adlaw/wagerates/heavyhighway06.htm">www.wvsos.com/adlaw/wagerates/heavyhighway06.htm</a>. The contractor shall be responsible for submitting certified payrolls to the SRA.

#### **BIDDING REQUIREMENTS**

Bid must be a total amount that includes all costs associate with this project. The project will be awarded to the lowest qualified bidder. The contractor <u>must</u> have previous experience in the installation highway-railroad grade crossings.

A mandatory prebid meeting will be held at the crossing in Belington on Wednesday. July 11, 2007 at 10:00 a.m. This meeting will include a visit to each of the crossings.



LT Resources, Inc.

6690 Champion Forest Dr., #360

> Spring, TX 77379 281/444.3494

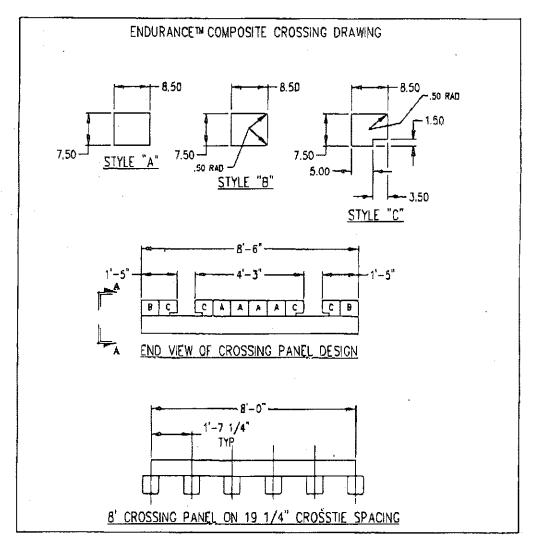
roll frem 800/440.1517

face 281/444.3495

www.linesources.com

## ENDURANCE™ COMPOSITE CROSSINGS

Design For 7-1/2" Thickness - 8' 6" Long Ties\*



Individual components are 7-1/2" thick, 8-1/2" wide, and 8' long.

Gauge panels consist of 3 individual components.

Field panels consist of 2 individual components.

Panels are assembled using steel dowel pins.

\*Also available in 6" thickness, and for 10' long ties. Design for 10' long ties utilizes 3-component field panels.

Custom designs are also available.



LT Resources, Inc.

16690 Champion Forest Dr.,

#360

Spring, TX 77379

201/444,3494

toll free: 800/440.1517

fax: 281/444.3495

www.lucaources.com

# ENDURANCE™ Composite Crossings Installation Recommendations

Rail Size	Panel Thickness	Drill Bit Size	Fastener Size
85-100#	6"	5/8" x 12"	5/8" x 10-1/2"
110-133#	7-1/2"	5/8" x 12"	5/8" x 12"

IMPORTANT NOTE: Refer to "Installation Manual for Contractors" for (1) Storage Recommendations Prior to Use, and (2) Detailed Installation Instructions.

**CROSS TIES:** 

New - 8' 6" Long or 10' Long

**EQUIPMENT:** 

Low RPM pneumatic drill

Standard track tools

5/8" carbide tip percussion rotary masonry bit

1/2" x 16" drill bit for wood

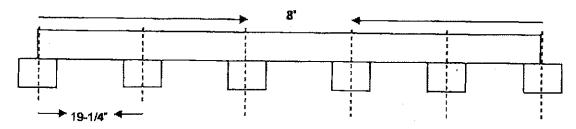
1-3/4" countersinking bit with carbide tip, or

one-step drill bit/countersink bit

FASTENER:

5/8" Recessed-head lag screws, or Dome-head screws

- ENDURANCE™ Composite Crossings are designed for tangent track. However, with slight modifications, the crossings can easily be applied to track with 9° or less curve. Information as to the degree of the curve should be given to the supplier prior to order placement.
- The crossing bed should be prepared in accordance with recommended track construction practices.
- New cross ties should be used in new construction as well as replacement crossings.
- One 8' section of crossing consists of four (4) panels per Figure 1.
- Panel design includes a 3-1/2" wide x 1-1/2" deep notch on each side of each rail, allowing the panels to clear the tie plates.
- The outer edges of the panels have a radius to eliminate any damage by vehicular traffic.
- Cross ties should be positioned on 19-1/4" centers, making sure the ends of the ENDURANCE™ Composite Crossing panels are centered and rest securely on crossties.



A low RPM pneumatic drill should be used to reduce excess heat during the drilling process and to extend the life of the bit. The carbide masonry bit will allow the material to be ejected from the hole and the carbide material allows the bit to be sharpened for repeated use. (continued)

#### Installation Recommendations (continued from previous page)

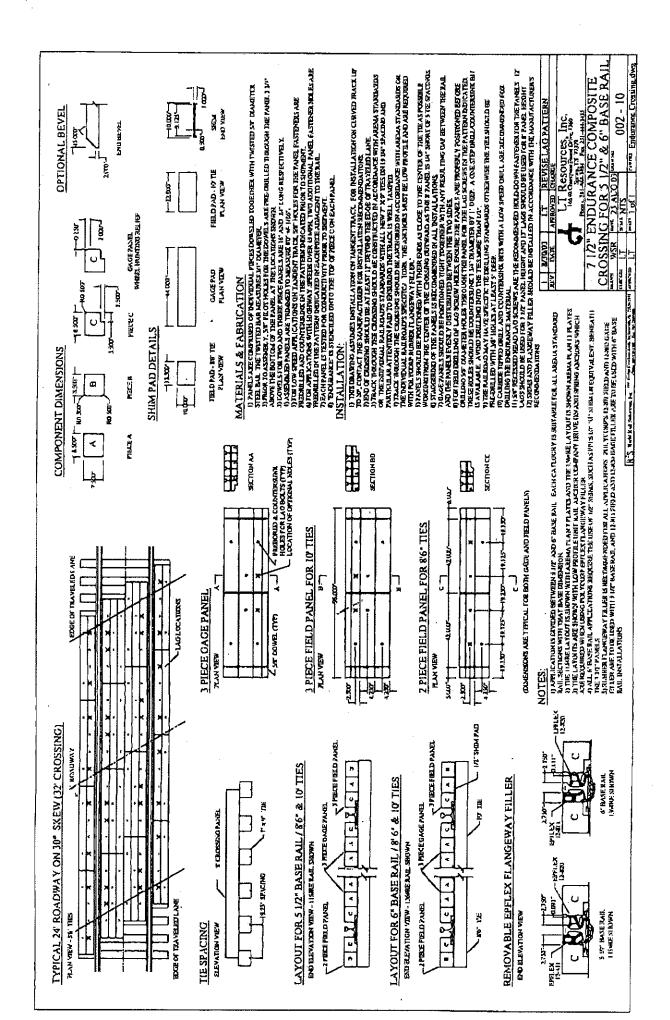
and countersinks car  The 1-3/4" bit sh	be pre-drilled.  ould be used to	countersink to a	·	,	
bit/countersink bit  A 5/8" hole (usir material and into (steel dowels).	ng the carbide m	nasonry bit) sho			
	•			₩	
Field Panel		*	•		
					_
Owner board		þ	•		
Gauge Panel				•	
					<b>-</b>   
	•				
Gauge Panel		*		<del></del>	
	4			•	
Field Panel		•	•		
	•			•	
	19-1/4"	19-1/4"	19-1/4"	19-1/4"	
	Figu	re 1 - Suggested	Fastener Patte	m	
Recessed-head lag s crossties underneath of threads are recom Figure 1 illustrates th	. Recessed-head mended to provide	d lag screws with de a more super	the larger num	nber and greate	er depth
Dome-head screws of	an be used in n	nain entrance ai	nd heavy traffic	areas; howev	er, they
should <u>not</u> be hammed. The appropriate learning material, again, a drill into the cross:	ength 5/8" drill bi volding the asse	t should be used	I to pre-bore the	e holes in the d	
☐ A 1/2" x 16" wood ☐ A 4-prong drill att	achment should t	then be used to	secure the don		into the
crossing until the Gauge panels are be				e cides adiacer	at to the

Flangeway filler is recommended to extend the life of the crossing.

Contractors".

 Factory pre-drilling and countersinking for installation hardware available at an additional charge.

rail. Additional beveling on the jobsite may be needed to accommodate wheel hunting and prevent damage to the crossing panels. See instructions in "Installation Manual for



REO No.	RMA800000
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# STATE OF WEST VIRGINIA Purchasing Division

## **PURCHASING AFFIDAVIT**

West Virginia Code §5A-3-10a states: 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 the debt owned is an amount greater than one thousand dollars in the aggregate

#### **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.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions. "Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities. "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 exceed five percent of the total contract amount.

**EXCEPTION:** The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this 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.

**LICENSING:** Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, or any other state agencies or political subdivision. Furthermore, the vendor must provide all necessary releases to obtain information to enable the Director or spending unit to verify that the vendor is licensed and in good standing with the above entities.

**CONFIDENTIALITY:** The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures and rules. Vendors should visit **www.state.wv.us/admin/purchase/privacy** for the Notice of Agency Confidentiality Policies.

Under penalty of law for false swearing (West Virginia Code, §61-5-3), it is hereby certified that the vendor acknowledges the information in this said affidavit and are in compliance with the requirements as stated.

Vendor's Name:	
:	
Authorized Signature: _	Date:

Purchasing Affidavit (Revised 04/15/07)