



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

Request for Quotation

RFQ NUMBER
DNR209172

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
FRANK WHITTAKER 304-558-2316

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE

SHIP TO

DIVISION OF NATURAL RESOURCES
 WATOGA STATE PARK
 ATTN: PARK SUPERINTENDENT
 HC82, BOX 252
 MARLINTON, WV
 24954-9550 799-4087

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
05/14/2009				

BID OPENING DATE: 05/21/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
***** ADDENDUM NO. 2 *****						
THIS ADDENDUM IS ISSUED TO PROVIDE THE FOLLOWING:						
1) VENDOR SIGN IN SHEET RESULTING FROM THE MANDATORY PRE-BID MEETING HELD ON 04/30/09.						
2) TECHNICAL QUESTIONS AND ANSWERS.						
3) 4 OVERHEAD DRAWINGS.						
BID OPENING DATE AND TIME HAVE NOT CHANGED.						
0001	1	LS		650-38		
PLAYGROUND EQUIPMENT WATOGA STATE PARK						
***** THIS IS THE END OF RFQ DNR209172 ***** TOTAL: _____						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

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 fee.
5. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, 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 may be deemed null and void, and terminated without further order.
14. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia 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 Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
15. **WEST VIRGINIA ALCOHOL & DRUG-FREE WORKPLACE ACT:** If this Contract constitutes a public improvement construction contract as set forth in Article 1D, Chapter 21 of the West Virginia Code ("The West Virginia Alcohol and Drug-Free Workplace Act"), then the following language shall hereby become part of this Contract: "The contractor and its subcontractors shall implement and maintain a written drug-free workplace policy in compliance with the West Virginia Alcohol and Drug-Free Workplace Act, as set forth in Article 1D, Chapter 21 of the West Virginia Code. The contractor and its subcontractors shall provide a sworn statement in writing, under the penalties of perjury, that they maintain a valid drug-free work place policy in compliance with the West Virginia and Drug-Free Workplace Act. It is understood and agreed that this Contract shall be cancelled by the awarding authority if the Contractor: 1) Fails to implement its drug-free workplace policy; 2) Fails to provide information regarding implementation of the contractor's drug-free workplace policy at the request of the public authority; or 3) Provides to the public authority false information regarding the contractor's drug-free workplace policy."

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 case 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: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130

SIGN IN SHEET

Request for Proposal No.

PLEASE PRINT

Date: 4-30-09

Page 1 of 1

* PLEASE BE SURE TO PRINT LEGIBLY. IF POSSIBLE, LEAVE A BUSINESS CARD

FIRM & REPRESENTATIVE NAME

MAILING ADDRESS

TELEPHONE & FAX NUMBERS

Company: <u>Woods Star Park</u>	<u>Keith Davis</u>	<u>Keith Davis</u>	<u>WDBA.com</u>	PHONE <u>304-799-4087</u>
Rep: <u>Keith Davis</u>				TOLL FREE
Email Address:				FAX <u>304-263-4218</u>
Company: <u>Playground Specialists</u>		<u>17352 N. Seton Avenue</u>		PHONE <u>301-271-9236</u>
Rep: <u>Tammy Wood</u>		<u>Emmitsburg, MD 21727</u>		TOLL FREE <u>800-385-0075</u>
Email Address: <u>tammy@playspec.com</u>				FAX <u>301-271-9239</u>
Company: <u>VIA PLAYGROUND SPECIALS</u>		<u>14276 RIVERSIDE DR</u>		PHONE <u>434-2942158</u>
Rep: <u>JIM BENEDICT</u>		<u>ASHLAND, VA 23005</u>		TOLL FREE
Email Address: <u>JIM@VIAPLAYGROUNDS.COM</u>				FAX <u>434-2963289</u>
Company: <u>Altizer Contracting Ltd, Co.</u>		<u>HC 37 Box 806</u>		PHONE <u>304-497-3304</u>
Rep: <u>Roger Altizer</u>		<u>Frankford, WY 24938</u>		TOLL FREE
Email Address: <u>raltizer@contracting.net</u>				FAX <u>304-497-3304</u>
Company: <u>Beans Play Grounds</u>		<u>7625 E. Main Rd</u>		PHONE <u>304-799-4912</u>
Rep: <u>Randy D. Sharp</u>		<u>Lincoln, VA 24485</u>		TOLL FREE <u>877-807-7529</u>
Email Address: <u>rdsharp@beans.com</u>				FAX <u>304-799-4833</u>

DNR209172
Watoga State Park
Playground
Technical Questions

1. The bid documents do not have a top view drawing of the play structures.

Agency response:
Drawings are attached.

2. the bid documents do not have any clear mention of the specifications for this equipment, these bid documents only make reference to wanting a "style of equipment" to be like the Bears brochure . the bid documents for this Watoga RFP do not reflect the level of clarity and specific description that the previous 12 other DNR park playground RFPs that have been issued in past several months.

Agency response:
The required features and functionality of the equipment is included in the specification. Any vendor providing a play structure meeting these minimum features and functionality would be considered to be equal.

3. there is not any mention of the type of ground level items necessary to meet ADA regulations. compliance with ADA and CPSC regulations have specific requirements for number of ground level play activity events, and as well as minimum widths of bridges and width of steps, and types of rails and barriers for maneuvering around the play structure.

Agency response:
The bridges and steps minimum widths are 2 feet, the rails are wood and fully netted on both sides. They must meet minimum ADA requirements.

4. the list of "ways up ,and ways down" and list of "ways to climb across", this narrative is not consistent with common industry standards. Especially the industry standards for CPSC and ASTM guidelines and requirements.

Agency response:
Ways up is the term for going up the play structure; ways down is the term used for going down the structure; and ways across is the term to connect one playground structure to another . We require that the awarded vendor complies with ASTM/CPSC standards. The low vendor will be required to provide proof that they meet these requirements by having a standard document or inspection by ASTN/CPSC.

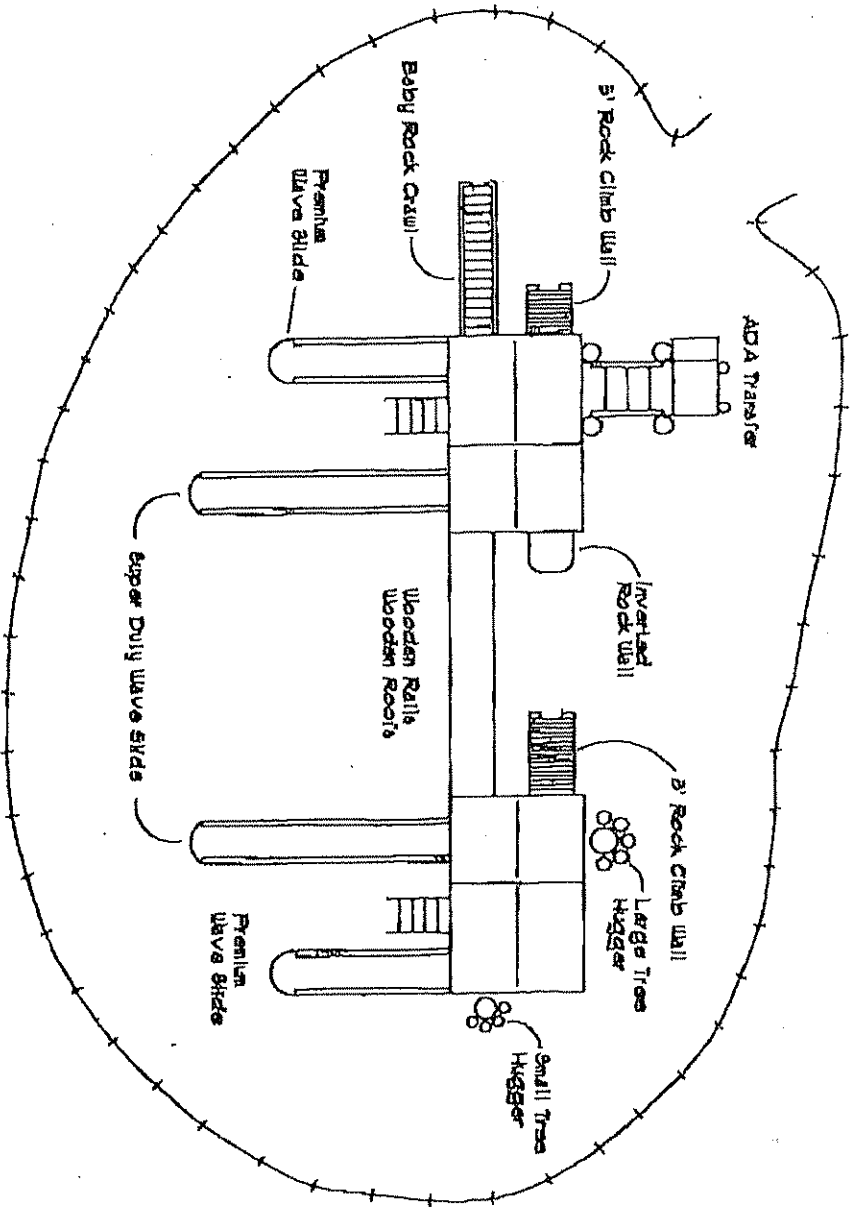
5. Therefore specifically I am asking you to clarify the following in a possible amendment. And since the bid documents state that ADA and CPSC and ASTM compliance must be assured. However the statement that the play equipment should be similar to the "Bears Brochure" , will not offer any assurance that Bears style of type equipment meet ASTM and CPSC guidelines. It appears that this equipment is not a commercial grade of playground equipment that meets ASTM manufacturing requirements. What does Fully netted suspension bridge mean. what does Crooked ladder access mean. What does standard access mean. what does composite mean, and what percentage of product is composite. what does wooden roofs mean, and what type wood material goes on the roof, how high above the platform are the roofs located. More importantly are these items ASTM approved .I ask this because the Bears brochure does not state any of these details and there is a question about compliance with ASTM and CPSC.

ASTM and CPSC and ADA guidelines indicate there are certain exact measurements required for ADA transfer stations. those guidelines list specific measurements for the size and the heights of steps between decks, width of steps, and the heights of distance for head clearance under roofs. Those guidelines list exact and minimum heights of barriers, and the kinds of barriers and safety rails required for bridges and decks and platforms. Those guidelines indicate the exact and minimum measurements for accessibility all around, over and under the play equipment structure to be in compliance with the federal regulations for ADA compliance. Those guidelines state there are minimum required numbers and type of ground level items. Those guidelines state there are specific requirements necessary to comply.

There are certain minimum standards as stated in ASTM and CPSC and ADA guidelines for commercial grade playground equipment that all public playground areas must meet to assure compliance. I want suggest and to invite you in the Purchasing Department to have someone certified and qualified, within the state of WV organization parks and forest division DNR , that person, she or he should conduct a safety inspection and review of the drawings and specifications for the Watoga RFP, prior to the award of the contract for the goods and services that you have advertised for the Watoga Park project.

Agency response:

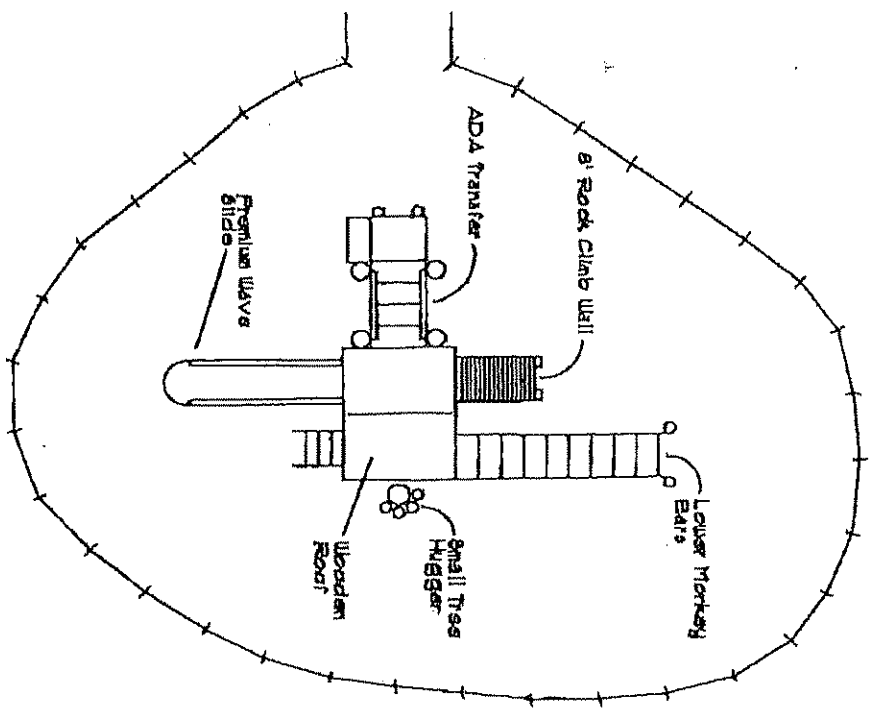
The low vendor must provide documentation to verify that their playground equipment complies with ADA/ASTM/CPSC. A fully netted suspension bridge is netted on both sides with holes meeting safety standards. A crooked ladder is a ladder with uneven steps. The specifications do not request a percentage of composite material. The placement of the roofs can be found on the playground drawings and the roofs are to be constructed of cypress wood .



BEARRS
 BEARSPLOYGROUNDS.COM

7625 E. Main Rd, Lima, NY 14185
 1-877-807-7529, fax 585-624-5694,
 Email: info@bearsploygrounds.com

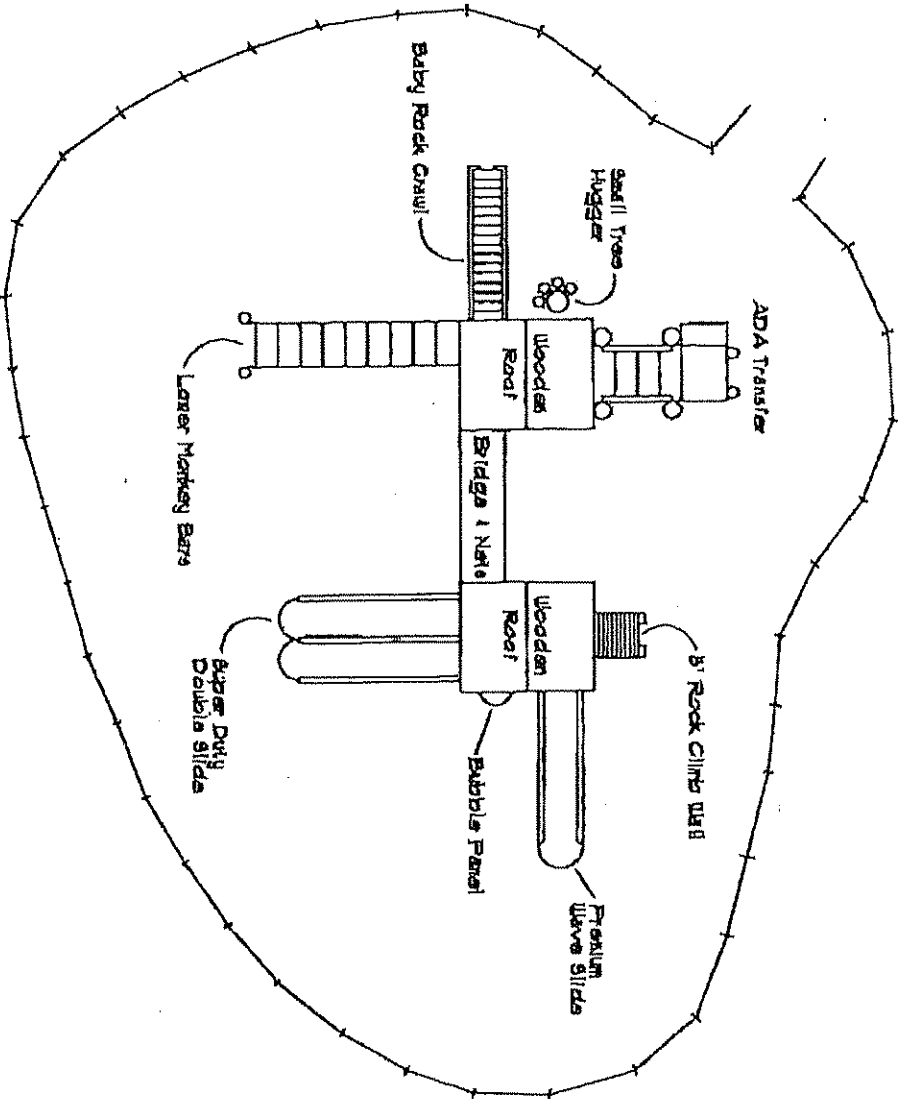
Title:	HUNDRED ACRE WOOD	Date:	3/11/09
Location:	WATOGA STATE PARK, WV	Scale:	1/8" = 1'-0"



BEARS
 BEARSPRAYGROUNDS.COM

7625 E. Main Rd., Lima, NY 14485
 1-877-807-7529, fax 585-624-5694,
 Email: info@bearsplaygrounds.com

Title:	MAGICAL LOG KINGDOM	Date:	3/11/09
Location:	WATOGA STATE PARK, WV	Scale:	1/8" = 1'-0"



Title:

PROUDEST MONKEY VILLAGE

Date:

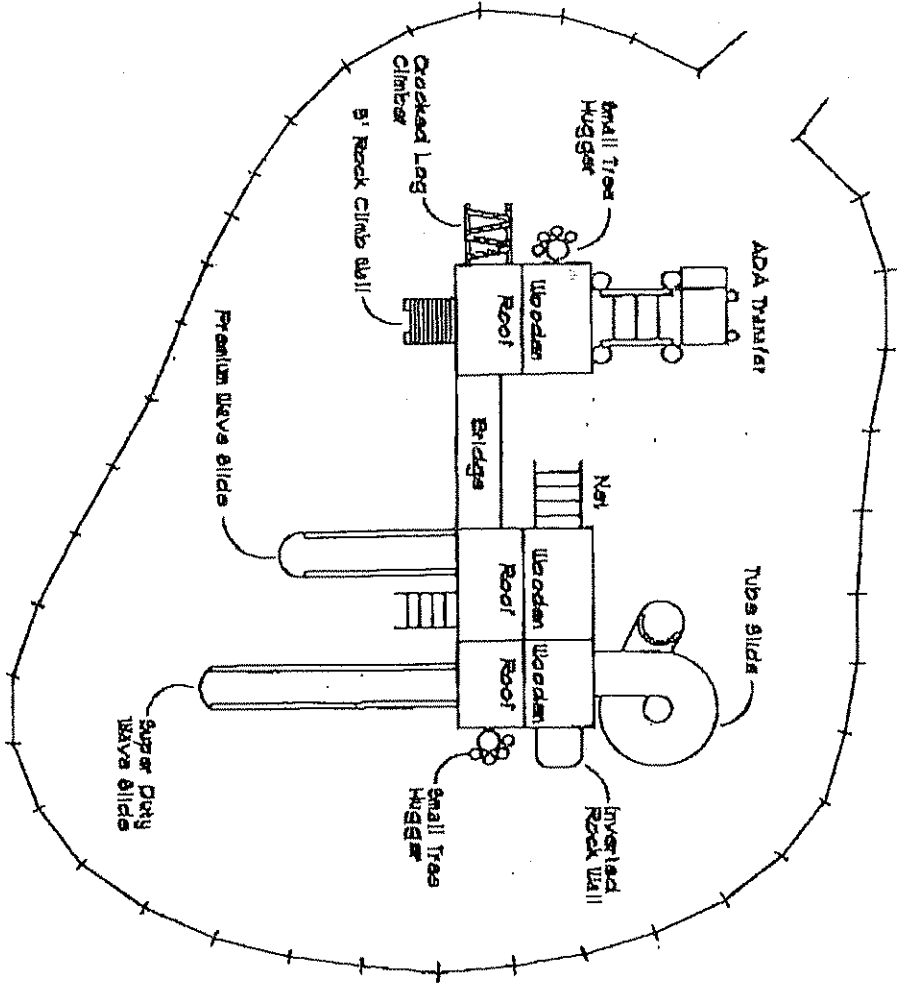
3/1/09

Location:

WATOGA STATE PARK, WV

Scale:

1/8" = 1'-0"



BEARRS
 BEARRSPRAYGROUNDS.COM

7625 E. Main Rd., Lima, NY 14485
 1-877-807-7529, fax 585-624-5694,
 Email: info@bearsplaygrounds.com

Title: SWISS TREEFORT VILLAGE	Date: 3/11/09
Location: WATOGA STATE PARK, WV	Scale: 1/8" = 1'-0"