

**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, the State may deem this contract null and void, and terminate such contract 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

Req # DEP 14756
Trace Fork (Hines) Portals and Refuse
Addendum #1

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REVISIONS TO DRAWINGS

Change 20' length of batgate pipe to 20' minimum.

REVISIONS TO SPECIFICATIONS

Specification 1.4 – Add” Additional mobilization/demobilization payment will not be made if Contractor leaves jobsite and returns to install batgate seals.”

QUESTIONS AND ANSWERS CULVERT CROSSING

Q: Is this a private drive or county road?

A: Private driveway.

QUESTIONS AND ANSWERS AT MINE SEAL LOCATIONS

Q: How wide will the Contractor need to leave the access road?

A: The drawings state that the road needs to be left “better than or equal to.” The access needs to be at least the same current width.

Q: Is all this land the same landowner?

A: The land within the construction limits is the same landowner.

Q: Will the soil borrow be on site?

A: Mapping The Contractor will be able to obtain soil borrow within the construction limits according to Specification 6.4 “Soil Cover”.

Q: Will a separate agreement need to be made with the landowner for soil borrow?

A: No, but soil borrow site will need to be reclaimed as approved by the WVDEP.

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

PRINT LEGIBLY

RFQ # : DEA4756
Project: Trace Fork (Hines) Portal
And Refuse

Bid Date: 10/15/09
Pre-Bid Date: 9/16/09

Name : Robert Carlson
Company: B+B TRANSIT
Address: 316 New River Drive
Belch WVA 25801

Name : Todd Cooper
Company: Alex Energy
Address: 300 Morgan Massey Dr.
Julian, WV 25529

Phone #: 304-693-9388
Fax #: 304-253-4533
Email : BobCarlsonby@gmail.com

Phone#: 304-309-8615
Fax #: 304-309-8664
Email : Ken.brown@masseyenergyco.com

Name : GARY MANHART
Company: Simon & Associates, Inc
Address: 3200 Commerce St
Blacksburg, VA 24060
P.O. Box 10007 24062

Name : DENNIS C. ELBOW
Company: COWGIRL SP INC
Address: PO Box 243
SIMPSON, WV 26435

Phone #: 540-851-4234
Fax #: 540-851-4219
Email : manhartg@simonassoc.com

Phone#: 304-739-4397
Fax #: 304-739-4401
Email : DC@COWGIRLSP@EARTHLINK.NET

Name : ALLEN MURDOCKE
Company: Bermanit Const - SUP
Address: PO Box 10 Precious
WV 250164

Name : BRAD WISEMAN
Company: WISEMAN EXCAVATING
Address: RT 1 Box 190 Liberty WV

Phone #: 304 548-7004
Fax #: _____
Email : _____

Phone#: 304 586-37-36
Fax #: 304 586-37 89
Email : _____

Name : Todd Collins
Company: S&E Clearing
Address: P.O. Box 277
Warney W.V. 25696

Name : DAVID H. BOWMAN
Company: GREEN MOUNTAIN CO
Address: 511 50th STREET
Chas. WV 25304

Phone #: 606-237-1200
Fax #: 606-237-1202
Email : _____

Phone#: 304 925 0293
Fax #: 304 925 9230
Email : Jody.Maine@TOL.COM

MANDATORY PRE-BID SIGN-IN ATTENDANCE SHEET

PRINT LEGIBLY

RFQ # : DEP14756
Project: Trace Fork (Hines) Portal
And Refuse

Bid Date: 10/15/09
Pre-Bid Date: 9/16/09

Name : Ann Wardwill
Company: EASTERN Arrow
Address: PO Box 4108
CHARLESTON, WV
25364

Name : _____
Company: _____
Address: _____

Phone #: 304-414-0255
Fax #: 0256
Email : easternarrow@hotmail.com

Phone# : _____
Fax # : _____
Email : _____

Name : Tony Bradford
Company: Pineville Prding
Address: P.O. Box 1296
Pineville WV 24874

Name : _____
Company: _____
Address: _____

Phone #: 304-732-8303
Fax #: 304-732-7855
Email : _____

Phone# : _____
Fax # : _____
Email : _____

Name : Randy Carpenter
Company: Carpenter Redantra
Address: PO Box 13015
Sissonville, WV
25360

Name : _____
Company: _____
Address: _____

Phone #: 304-984-1115
Fax #: 984-2770
Email : _____

Phone# : _____
Fax # : _____
Email : _____

Name : _____
Company: _____
Address: _____

Name : _____
Company: _____
Address: _____

Phone #: _____
Fax #: _____
Email : _____

Phone# : _____
Fax # : _____
Email : _____