

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

Pre-Bid Conference
SIGN IN SHEET

[Please Print]

Request for Proposal No.: RMA 10003 Date: 9-15-09

<u>Firm & Representative Name</u>	<u>Mailing Address</u>	<u>Telephone & FAX Numbers</u>
1. <u>Balfour Beatty Rail</u> <u>Dave Snyder</u>	<u>1600 RT 136</u> <u>Washington PA 15031</u>	T: <u>724-228-7636</u> F: <u>724-884-0025</u>
2. <u>G.W. Peoples</u> <u>Mark Bowles</u>	<u>1024 RT 519 Suite 200</u> <u>Eighty-Four PA 15330</u>	T: <u>724-223-7807</u> F: <u>724-223-6961</u>
3. <u>Railroad Constructors Inc</u> <u>Dave Ludwig</u>	<u>705 Mantua Ave</u> <u>Paulsboro, NJ 08066</u>	T: <u>856-423-9385</u> F: <u>" " 9389</u>
4. <u>RHINEHART RAILROAD CONST</u> <u>KARL ROGERS</u>	<u>1600 Angleside RD</u> <u>FALLSTON MD 21047</u>	T: <u>410-879-1322</u> F: <u>410-879-1344</u>
5. <u>Tar Taglia</u> <u>John Fields</u>	<u>5867 E. Molloy Rd.</u> <u>Syr. N.Y. 13211</u>	T: <u>(315) 455-0100</u> F: <u>315 455-6608</u>
6. <u>Tar Taglia</u> <u>Herb Stone</u>	<u>"</u>	T: <u>"</u> F: <u>"</u>
7. <u>Richard Hall</u> <u>American Railroad</u>	<u>2870 Normandy Dr.</u> <u>Atlanta, GA 30305</u>	T: <u>404-915-3124</u> F: <u>770-393-0110</u>
8. <u>B+D Rail Road</u> <u>Brian Beane</u>	<u>84 TRUCK CAFE</u> <u>Grayson KY 41143</u>	T: <u>606-475-1866</u> F: <u>606-475-1917</u>
9. <u>TRANSPEC RAILROAD CORP.</u>	<u>PO Box 782</u> <u>HORRICK, WV 25526</u>	T: <u>304-562-2473</u> F: <u>304-562-0111</u>
10. <u>James Hilliard</u> <u>Wintrow Construction</u>	<u>673 Norton Ave.</u> <u>Barberton OH 44203</u>	T: <u>330-753-2903</u> F: <u>330-612-4322</u>

Please print or write legibly. The fax number is essential to contact the attendees in a timely manner.

330-753-0439

Pre-Bid Conference
SIGN IN SHEET

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Request for Proposal No.: RMA Date: 9-15-09

Firm & Representative Name	Mailing Address	Telephone & FAX Numbers
1. <u>Paul Johnson</u> <u>Atlas RR</u>	<u>1253 ST RT 519</u> <u>Eighty Four Pa 15330</u>	T: <u>724 228 4500</u> F: <u>724 228 3183</u> <u>K5PTLASCAD1.CO1</u>
2. <u>DAVE Gerstner</u> <u>Railworks</u>	<u>985 Union Hill Rd.</u> <u>Alpharetta, GA 30004</u>	T: <u>770-740-6284</u> F: <u>770-740-0384</u>
3. <u>DAVE MAGEA</u> <u>ARMAND CASIL RAILROAD CONST. INC.</u>	<u>6403 RINKE ST.</u> <u>WARREN, MI. 48091</u>	T: <u>586-754-4200</u> F: <u>586-754-4408</u>
4. <u>William VALLOS</u> <u>DELTA Railroad construction</u>	<u>2648 West Prospect Road</u> <u>Ashtabula, OH 44004</u>	T: <u>440-992-2997</u> F: <u>440-992-1311</u>
5. <u>Jackie Odeebey</u> <u>R.S COEMAN PR CONST</u>	<u>PO Box 700</u> <u>Nicholasville Ky 40340</u>	T: <u>859-537-78</u> F: <u>859-881-2615</u>
6. <u>MEL FITZPATRICK</u> <u>ACME CONST. CO, INC.</u>	<u>7635 BOND ST.</u> <u>CLEVELAND, OH 44139</u>	T: <u>(440) 232-7479</u> F: <u>(440) 232-7477</u>
7. <u>DOUG GAMIN</u> <u>AMTRAC OF OHIO</u>	<u>11842 LINCOLN WAY EAST</u> <u>WOOSTER, OH 44691</u>	T: <u>330-683-7206</u> F: <u>330-683-3243</u>
8. _____	_____	T: _____ F: _____
9. _____	_____	T: _____ F: _____
10. _____	_____	T: _____ F: _____

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