



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
DEP15828

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
GUY NISBET 304-558-8802

RFQ COPY
 TYPE NAME/ADDRESS HERE

VENDOR

SHIP TO

ENVIRONMENTAL PROTECTION
 DEPARTMENT OF
 OFFICE OF AML&R
 601 57TH STREET SE
 CHARLESTON, WV
 25304 304-926-0499

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
05/21/2012				

BID OPENING DATE: 06/14/2012 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
				ADDENDUM NO 1		
				ADDENDUM FOR THE "SUGARTREE BRANCH REFUSE PILE" PROJECT ISSUED TO DISTRIBUTE THE FOLLOWING INFORMATION FROM THE PRE-BID MEETING HELD: 05/01/2012. BID OPENING DATE WILL BE MOVED AS NOTED BELOW.		
				1. QUESTIONS AND ANSWERS 2. PRE-BID SIGN IN SHEET 3. BID OPENING DATE CHANGED FROM: 06/05/2012 AT 1:30 P TO: 06/14/2012 AT 1:30PM		
				NO OTHER CHANGES.		
				END OF ADDENDUM NO.1		
0001		JB	962-73	RECLAMATION: RESTORATION OF LAND & OTHER PROPERTIES		
				***** THIS IS THE END OF RFQ DEP15828 ***** TOTAL:		

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
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TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
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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. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
4. 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.
5. Payment may only be made after the delivery and acceptance of goods or services.
6. Interest may be paid for late payment in accordance with the *West Virginia Code*.
7. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
8. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
9. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
10. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern the purchasing process.
11. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
12. **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.
13. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, is available online at www.state.wv.us/admin/purchase/vrc/hipaa.html and 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.
14. **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. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.
15. **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, and the West Virginia Insurance Commission. 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.
16. **ANTITRUST:** In submitting a bid to any agency for the State of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the State of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the State of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the State of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership, or person or entity submitting a bid for the same material, supplies, equipment or services and is in all respects fair and without collusion or fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.

INSTRUCTIONS TO BIDDERS

1. Use the quotation forms provided by the Purchasing Division. Complete all sections of the quotation form.
2. 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. Unit prices shall prevail in case of discrepancy. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
4. 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.
5. Communication during the solicitation, bid, evaluation or award periods, except through the Purchasing Division, is strictly prohibited (W.Va. C.S.R. §148-1-6.6).

DEP15828
Sugartree Branch Refuse Pile
Addendum #1

- Item 1: The Contractor shall have 120 days from the date of the Notice to Proceed to complete construction activities on the project. The \$250 per day liquidated damage clause will be in effect after the 120 days. However, the total performance period will be 365 days from the date of the Notice to Proceed for invoicing purposes.
- Item 2: Q - On the refuse regrade, do the cut and fill volumes balance out?
A - Yes, the engineer calculated that the refuse volumes match within 100CY. However, this is an estimate, and actual cut and fill volumes could vary from the engineer's estimate.
- Item 3: Q - Where is the soil borrow area?
A - The proposed soil borrow area is on the eastern edge of the project, and is identified on Sheet 3.
- Item 4: Q - Was the rock in the borrow area tested?
A - No. If you desire to obtain rock on site, the contractor is responsible for testing, and required to submit the test results to WVDEP for approval prior to use. Specifications for hard durable rock (whether obtained on site or commercially) are included in: a) Section 3.0 Quality Control, page 15, and b) Section 7.0 Drainage Control, pages 34, 35, of the specifications.
- Item 5: Q - Does the highwall need graded back (reclaimed)?
A -Yes, where identified on the drawings, and where it is used for rock borrow.
- Item 6: Q - Are there any deep mines in the area?
A - No active mining is in progress under this project. However, the contractor is required to conduct all blasting operations in accordance with section XVII in the special provisions section of the Construction Specifications.
- Item 7: General statement. There are no mine portals to be sealed on this project.
- Item 8: Q - Is the water tank metal?
A - No. The water tank that is to be removed is mostly wood, with some metal framing and concrete base structures.
- Item 9: Q - Did the WVDEP get a price estimate on the gas line relocation?
A - No. Please note that the contractor will be reimbursed based on the actual approved invoice cost (this is our standard specification and is addressed under item 9.0 Utilities, starting on page 43 of the specifications).

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- Item 10: Q - Does any fill go on top of the gas line?
A - The gas line is located both above and below ground, and available information has been shown on the plans. The exact location of the entire length of the gas line has not been determined and therefore it is not known where and/or if how much fill may be required on top of the gas line at the completion of the project.
- Item 11: Q - Does the existing sump remain?
A - Yes, as shown on the drawings.
- Item 12: Q - Does the existing sump or sump discharge pipe need to be cleaned?
A - No.
- Item 13: Q - Can we drill and shoot on the trail?
A - Yes, as per blasting specifications (Section XVII Rock Blasting, page 7 of the specifications). The existing trail will need to remain in its' existing condition, or better, after project completion.
- Item 14: Q - Are there any hazardous materials in the structures to be removed?
A - No, except for the railroad ties. The railroad ties need to be removed and disposed of in an environmentally acceptable way.
- Item 15: Q - Where is the rock borrow area?
A - The proposed rock borrow area is on the eastern edge of the project, and is identified on Sheet 3.
- Item 16: Q - Is any work proposed in the stream?
A - No, except to install the three 24" HDPE pipes shown on sheet 3.
- Item 17: Q - Does the gas line need to be removed/relocated in advance of construction?
A - The details of the gas line relocation will need to be determined by discussion with the gas utility that maintains/owns it. Please also see Item 10, Q & A, above. Contact information for the gas company is given on page 44 of the specifications.

REQUEST FOR QUOTATION NO. DEP15828**SIGN IN SHEET**Page 1 of 3

Sugartree Branch Refuse Pile

PLEASE PRINT

Date: May 1, 2012

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

FIRM & REPRESENTATIVE NAME	MAILING ADDRESS	TELEPHONE & FAX NUMBERS
Company: <u>FORUM CONTRACTING LLC</u>	<u>PO BOX 123</u>	PHONE <u>304-879-5251</u>
Rep: <u>JORDY FORUM</u>	<u>PO BOX 123</u>	TOLL FREE
Email Address: <u>JORDY.FORUM@AOL.COM</u>		FAX <u>304-879-5291</u>
Company: <u>BARNES EXC. INC.</u>	<u>P.O. BOX 13384</u>	PHONE <u>304-984-1725</u>
Rep: <u>ROBERT L. BARNES</u>	<u>SISSONVILLE</u>	TOLL FREE
Email Address: <u>BARNES EXC@AOL.COM</u>	<u>WV. 25360</u>	FAX <u>304-984-0074</u>
Company: <u>GREEN MOUNTAIN COMPANY</u>	<u>511 50th ST</u>	PHONE <u>304 925 0255</u>
Rep: <u>DAVID H. BOWMAN</u>	<u>CHARLESTON WV</u>	TOLL FREE
Email Address: <u>DHB 722C Y6600.CA</u>	<u>25304</u>	FAX <u>925-9270</u>
Company: <u>EAGLE CONTRACTORS LLC</u>	<u>1721 WINFIELD ROAD</u>	PHONE <u>304-552-7781</u>
Rep: <u>BARBIE F. FOSTER</u>	<u>WINFIELD WV 25213</u>	TOLL FREE
Email Address: <u>edent@gefinc.com</u>		FAX <u>304-755-3150</u>
Company: <u>Aspen Corporation</u>	<u>2400 RIVER DRIVE</u>	PHONE <u>304-763-4573</u>
Rep: <u>Ashley Atkins</u>	<u>Daniels WV 25832</u>	TOLL FREE
Email Address: <u>jatkins@aspen-golf.com</u>		FAX <u>304-763-4591</u>

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FIRM & REPRESENTATIVE NAME	MAILING ADDRESS	TELEPHONE & FAX NUMBERS
Company: <u>ESMER + ASSOCIATES, INC</u> Rep: <u>DOD PHILLIPS</u> Email Address: <u>d.phillips@esmerassociates.com</u>	<u>P.O. Box 42C</u> <u>BOOMER, WV 25031</u>	PHONE <u>304-779-2131</u> TOLL FREE FAX <u>304-779-2859</u>
Company: <u>EASTERN ARROW</u> Rep: <u>ANN WARRICK</u> Email Address: <u>easternarrow@hotmail.com</u>	<u>PO Box 4108</u> <u>CHARLESTON, WV 25306</u>	PHONE <u>304-414-0255</u> TOLL FREE FAX <u>0256</u>
Company: <u>Wiseman Excavating Inc.</u> Rep: <u>Vernon Withrow</u> Email Address: <u>jwpoa12@aol.com</u>	<u>RR. 1 Box 190</u> <u>Liberty, WV 25124</u>	PHONE <u>304-586-3736</u> TOLL FREE FAX <u>304-586-3789</u>
Company: <u>FOSTER SUPPLY</u> Rep: <u>DERRICK SEARS</u> Email Address: <u>dsears@fostersupply.com</u>	<u>PO Box 488</u> <u>SCOTT Depot WV 25560</u>	PHONE <u>304-553-6565</u> TOLL FREE FAX <u>304-755-8280</u>
Company: <u>Pineville Paving & Excavating</u> Rep: <u>Kathy Bradford</u> Email Address: <u>tonyppi@aol.com</u>	<u>PO Box 1290</u> <u>Pineville, WV 24874</u>	PHONE <u>304-732-8303</u> TOLL FREE FAX <u>304-732-7855</u>

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FIRM & REPRESENTATIVE NAME	MAILING ADDRESS	TELEPHONE & FAX NUMBERS
Company: <u>Cowgirl Up Inc.</u> Rep: <u>Brian Moore</u> Email Address: <u>DCE_cowgirlup@earthlink.net</u>	<u>P.O. Box 243</u> <u>Simpson, WV 26435</u>	PHONE <u>304-739-4397</u> TOLL FREE <u>N/A</u> FAX <u>304-739-4401</u>
Company: <u>Lester's Excavating Inc.</u> Rep: <u>Mark Lester</u> Email Address: <u>LestersExcavating@yahoo.com</u>	<u>257 Foundation Fork</u> <u>Simon, WV 24882</u>	PHONE <u>304-673-6907</u> TOLL FREE FAX <u>704-664-3094</u>
Company: <u>Breakaway Inc.</u> Rep: <u>Doug Vincent</u> Email Address: <u>doug@breakawaywv.com</u>	<u>1075 Old Turnpike Rd</u> <u>Sutton WV 26601</u>	PHONE <u>765-5717</u> TOLL FREE FAX <u>765-5389</u>
Company: <u>Ronnie Spencer, Inc</u> Rep: <u>J.R. Spencer</u> Email Address: <u>RHS2@Huahes.net</u>	<u>HC 74, Box 201</u> <u>STRANGE CREEK, WV</u> <u>25063</u>	PHONE <u>304-8626</u> TOLL FREE FAX <u>8376</u>
Company: _____ Rep: _____ Email Address: _____	_____ _____ _____	PHONE _____ TOLL FREE FAX _____