

† Solicitation Response(SR) Dept: 0310 ID: ESR0507200000006514 Ver.: 1 Function: New Phase: Historical (Final)

Modified by batch , 05/07/2020

Header 1



General Information Contact Default Values Discount Document Information

Procurement Folder: 706215	SO Doc Code: ARFQ
Procurement Type: Agency Purchase Order	SO Dept: 0310
Vendor ID: VS0000015821	SO Doc ID: DNR2000000040
Legal Name: Select Excavating Services LLC	Published Date: 5/7/20
Alias/DBA: JAMES M BUTCHER	Close Date: 5/7/20
Total Bid: \$478,831.69	Close Time: 13:30
Response Date: 05/07/2020	Status: Closed
Response Time: 12:06	Solicitation Description: Addendum No. 03_Fairfax Pond Dam Structural Repairs
	Total of Header Attachments: 1
	Total of All Attachments: 1



**State of West Virginia
Request For Quotation
Construction**

Procurement Folder :706215

Document Description : Addendum No. 03_Fairfax Pond Dam Structural Repairs

Procurement Type : Agency Purchase Order

Date Issued	Solicitation Closes	Solicitation No	Version	Phase
2020-05-07	2020-05-07 13:30:00	ARFQ 0310 DNR2000000040	4	Final

SUBMIT RESPONSES TO:	VENDOR
BID RESPONSE DIVISION OF NATURAL RESOURCES PROPERTY & PROCUREMENT OFFICE 324 4TH AVE SOUTH CHARLESTON WV 25303-1228 US	Vendor Name, Address and Telephone Select Excavating Services LLC PO Box 581 Jane Lew, WV 26378 (304) 613-9194

FOR INFORMATION CONTACT THE

James H Adkins
(304) 558-3397
jamie.h.adkins@wv.gov

Signature

FEIN # 55-0782890-001

DATE 05/07/20

All offers subject to all terms and conditions contained in this solicitation

ADDITIONAL INFORMATION:

Addendum No. 03 issued to publish and distribute the attached documentation to the vendor community.

INVOICE TO		SHIP TO	
DIVISION OF NATURAL RESOURCES PARKS & RECREATION-PEM SECTION 324 4TH AVE SOUTH CHARLESTON WV25305 US		STATE OF WEST VIRGINIA JOBSITE - SEE SPECIFICATIONS No City WV 99999 US	

Line	Commodity	Line Description	Qty	Unit Issue	Unit Price	Total Price
1		Dam construction service				\$478,831.69

Commodity Code	Manufacturer	Model #	Specification
72141203			

Extended Description
Dam construction service

SCHEDULE OF EVENTS		
Line	Event	Event Date
1	Non Mandatory Pre-Bid Meeting 10 a.m. to 1 p.m. ET	2020-04-08
2	Technical Question Deadline 9:00 a.m. ET	2020-04-21

DNR2000000040	Document Phase Final	Document Description Addendum No. 03_Fairfax Pond Dam Structural Repairs	Page 3 of 3
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ADDITIONAL TERMS AND CONDITIONS

See attached document(s) for additional Terms and Conditions

EXHIBIT A – PRICING PAGE 1/2
Fairfax Pond Dam Modifications

Name of Bidder:

Select Excavating Services LLC

Address of Bidder:

299 Hickory Hill Rd
Jane Lew, WV 26378

Phone Number of Bidder:

304-613-9194

WV Contractors License
No.

WV030892

We, the undersigned, having examined the site and being familiar with the local conditions affecting the cost of the work and also being familiar with the general conditions to bidders, drawings, and specifications, hereby proposes to furnish all materials, equipment, and labor to complete all work in a workmanlike manner, as described in the Bidding documents.

Base Bid

The Base Bid shall consist of renovations of the existing building to include but are not limited to: repair or replacement of exterior clay masonry and concrete. The replacement of guardrails at specified locations. The demolition and replacement of the topping slab and waterproofing at one exterior plaza. The demolition and replacement of various aluminum storefront systems to allow for masonry repairs. The project also includes other incidental construction as needed and described in the construction documents. The total of all items shall be summarized as the Total Base Bid in the space indicated below.

Total Base Bid: Lump sum
for all labor, materials, and
equipment as stipulated in
the Bidding Documents,
written in figures.

\$ 478,831.69

Total Base Bid: Lump sum for
all labor, materials, and
equipment as stipulated in the
Bidding Documents, written in
words.

Four hundred seventy-eight
thousand thirty one dollars
and sixty-nine cents

EXHIBIT A - PRICING PAGE 2/2
FAIRFAX POND DAM MODIFICATIONS - REV. 0
 Prepared By: Civil Tech Engineering, Inc.
 December 21, 2018

ITEM	DESCRIPTION	QUANTITY	UNIT	BID	
				COST/UNIT	EXTENDED PRICE (\$)
1.0	SURVEYING (Max. 5% of Contract)	1.0	LS	\$22,000.00	\$22,000.00
2.0	QUALITY CONTROL TESTING (Max. 5% of Contract)	1.0	LS	\$13,500.00	\$13,500.00
3.0	MOB/DEMOB (Max. 10% of Contract)	1.0	LS	\$35,000.00	\$35,000.00
4.0	CLEARING & GRUBBING	1.0	AC	\$15,000.00	\$15,000.00
5.0	SPILLWAY DEMOLITION	1.0	LS	\$4,250.00	\$4,250.00
6.0	PRINCIPAL SPILLWAY AND TRICKLE TUBE	1.0	LS	\$73,000.00	\$73,000.00
7.0	EXCAVATION	7270.0	CY	\$5.75	\$41,802.50
8.0	REINFORCED CONCRETE	16.0	CY	\$390.00	\$6,240.00
9.1	COHESIVE FILL	2755.0	CY	\$8.00	\$22,040.00
9.2	RANDOM FILL	3735.0	CY	\$6.85	\$25,585.75
10.0	RIP RAP	80.0	CY	\$142.40	\$11,392.00
11.0	EROSION & SEDIMENT CONTROL	1.0	LS	\$21,000.00	\$21,000.00
12.0	SEEDING, FERTILIZING, & MULCHING	3.5	AC	\$4,150.00	\$14,525.00
13.0	DEWATERING & WATER CONTROL	1.0	LS	\$35,000.00	\$35,000.00
14.1	CRUSHED STONE AGGREGATE	450.0	CY	\$43.40	\$19,530.00
14.2	PIPE GATE REMOVAL AND REINSTALLATION	1.0	EA	\$3,000.00	\$3,000.00
14.3	GUARD RAIL	412.0	LF	\$105.12	\$43,309.44
14.4	FISHERMAN'S TRAIL	486.0	LF	\$149.50	\$72,657.00

BID PRICE

\$ 478,831.69

Bid Bond

CONTRACTOR:

(Name, legal status and address)

Select Excavating Services LLC
299 Hickory Hill Rd Jane Lew, WV 26378
(304) 613-9194

SURETY:

(Name, legal status and principal place of business)

Hudson Insurance Company
100 William Street, 5th Floor New York, NY 10038
888-400-5505

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification. Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

OWNER:

(Name, legal status and address)

West Virginia DNR
324 4th Ave
South Charleston SC 25305
BOND AMOUNT:

NOT TO EXCEED Twenty Five Thousand (\$25,000.00) Dollars

PROJECT:

(Name, location or address, and Project number, if any)

Fairfax Dam Modifications

Project Number, if any:

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 4th day of May 2020

Select Excavating Services LLC



(Witness) Caleb Butcher



(Principal) *(Seal)*



(Title) Managing Member



(Surety) David Gonsalves

Attorney In Fact

(Title)



(Witness) Nick Brady



By arrangement with the American Institute of Architects, the National Association of Surety Bond Producers (NASBP) (www.nasbp.org) makes this form document available to its members, affiliates, and associates in Microsoft Word format for use in the regular course of surety business. NASBP vouches that the original text of this document conforms exactly to the text in AIA Document A310-2010, Bid Bond. Subsequent modifications may be made to the original text of this document by users, so careful review of its wording and consultation with an attorney are encouraged before its completion, execution or acceptance.



POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That HUDSON INSURANCE COMPANY, a corporation of the State of Delaware, with offices at 100 William Street, New York, New York, 10038, has made, constituted and appointed, and by these presents, does make, constitute and appoint

David Gonsalves

of the State of North Carolina

its true and lawful Attorney(s)-in-Fact, at New York, New York, each of them alone to have full power to act without the other or others, to make, execute and deliver on its behalf, as Surety, bonds and undertakings given for any and all purposes, also to execute and deliver on its behalf as aforesaid renewals, extensions, agreements, waivers, consents or stipulations relating to such bonds or undertakings provided, however, that no single bond or undertaking shall obligate said Company for any portion of the penal sum thereof in excess of the sum of

Twenty Five Thousand (\$25,000.00) Dollars

Such bonds and undertakings when duly executed by said Attorney(s)-in-Fact, shall be binding upon said Company as fully and to the same extent as if signed by the President of said Company under its corporate seal attested by its Secretary.

In Witness Whereof, HUDSON INSURANCE COMPANY has caused these presents to be of its Senior Vice President thereunto duly authorized, on this 16th day of November, 20 17 at New York, New York.

(Corporate seal)



Attest.....
Dina Daskalakis
Dina Daskalakis
Corporate Secretary

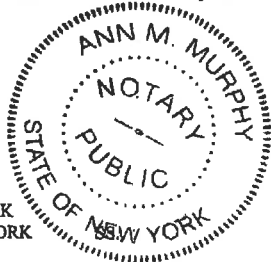
HUDSON INSURANCE COMPANY

By.....
Michael P. Cifone
Michael P. Cifone
Senior Vice President

STATE OF NEW YORK
COUNTY OF NEW YORK. SS.

On the 16th day of November, 20 17 before me personally came Michael P. Cifone to me known, who being by me duly sworn did depose and say that he is a Senior Vice President of HUDSON INSURANCE COMPANY, the corporation described herein and which executed the above instrument, that he knows the seal of said Corporation, that the seal affixed to said instrument is such corporate seal, that it was so affixed by order of the Board of Directors of said Corporation, and that he signed his name thereto by like order.

(Notarial Seal)



.....
Ann M. Murphy
ANN M. MURPHY
Notary Public, State of New York
No. 0166067553
Qualified in Nassau County
Commission Expires December 10, 2021

CERTIFICATION

STATE OF NEW YORK
COUNTY OF NEW YORK

The undersigned **Dina Daskalakis** hereby certifies:

That the original resolution, of which the following is a true and correct copy, was duly adopted by unanimous written consent of the Board of Directors of Hudson Insurance Company dated July 27th, 2007, and has not since been revoked, amended or modified:

"RESOLVED, that the President, the Executive Vice Presidents, the Senior Vice Presidents and the Vice Presidents shall have the authority and discretion, to appoint such agent or agents, or attorney or attorneys-in-fact, for the purpose of carrying on this Company's surety business, and to empower such agent or agents, or attorney or attorneys-in-fact, to execute and deliver, under this Company's seal or otherwise, bonds obligations, and recognizances, whether made by this Company as surety thereon or otherwise, indemnity contracts, contracts and certificates, and any and all other contracts and undertakings made in the course of this Company's surety business, and renewals, extensions, agreements, waivers, consents or stipulations regarding undertakings so made; and

FURTHER RESOLVED, that the signature of any such Officer of the Company and the Company's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seal when so used whether heretofore or hereafter, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed."

THAT the above and foregoing is a full, true and correct copy of Power of Attorney issued by said Company, and of the whole of the original and that the said Power of Attorney is still in full force and effect and has not been revoked, and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney is now in force.

Witness the hand of the undersigned and the seal of said Corporation this 4th day of May, 2020 .

(Corporate seal)



By.....
Dina Daskalakis
Dina Daskalakis, Corporate Secretary

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: ARFQ DNR20*40

Instructions: Please acknowledge receipt of all addenda issued with this solicitation by completing this addendum acknowledgment form. Check the box next to each addendum received and sign below. Failure to acknowledge addenda may result in bid disqualification. Acknowledgment: I hereby acknowledge receipt of the following addenda and have made the necessary revisions to my proposal, plans and/or specification, etc.

Addendum Numbers Received:

(Check the box next to each addendum received)

- | | | | |
|-------------------------------------|----------------|--------------------------|-----------------|
| <input checked="" type="checkbox"/> | Addendum No. 1 | <input type="checkbox"/> | Addendum No. 6 |
| <input checked="" type="checkbox"/> | Addendum No. 2 | <input type="checkbox"/> | Addendum No. 7 |
| <input checked="" type="checkbox"/> | Addendum No. 3 | <input type="checkbox"/> | Addendum No. 8 |
| <input type="checkbox"/> | Addendum No. 4 | <input type="checkbox"/> | Addendum No. 9 |
| <input type="checkbox"/> | Addendum No. 5 | <input type="checkbox"/> | Addendum No. 10 |

I understand that failure to confirm the receipt of addenda may be cause for rejection of this bid. I further understand that any verbal representation made or assumed to be made during any oral discussion held between Vendor's representatives and any state personnel is not binding. Only the information issued in writing and added to the specifications by an official addendum is binding.

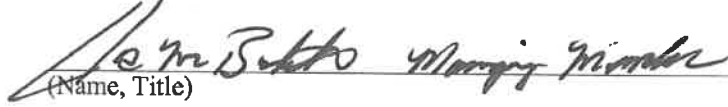
Select Excavating Services LLC
Company


Authorized Signature

05/07/20
Date

NOTE: This addendum acknowledgment should be submitted with the bid to expedite document processing.

DESIGNATED CONTACT: Vendor appoints the individual identified in this Section as the Contract Administrator and the initial point of contact for matters relating to this Contract.



(Name, Title)
James M Butcher, Managing Member

(Printed Name and Title)
PO Box 581 Jane Lew, WV 26378

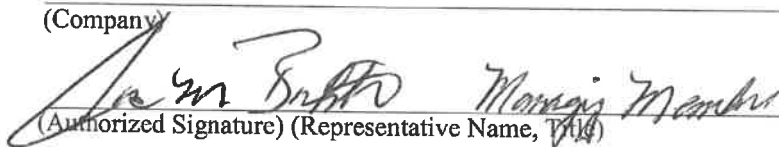
(Address)
304-613-9194

(Phone Number) / (Fax Number)
Jim@selectexcavating.com

(email address)

CERTIFICATION AND SIGNATURE: By signing below, or submitting documentation through wvOASIS, I certify that I have reviewed this Solicitation in its entirety; that I understand the requirements, terms and conditions, and other information contained herein; that this bid, offer or proposal constitutes an offer to the State that cannot be unilaterally withdrawn; that the product or service proposed meets the mandatory requirements contained in the Solicitation for that product or service, unless otherwise stated herein; that the Vendor accepts the terms and conditions contained in the Solicitation, unless otherwise stated herein; that I am submitting this bid, offer or proposal for review and consideration; that I am authorized by the vendor to execute and submit this bid, offer, or proposal, or any documents related thereto on vendor's behalf; that I am authorized to bind the vendor in a contractual relationship; and that to the best of my knowledge, the vendor has properly registered with any State agency that may require registration.

Select Excavating Services LLC

(Company)


(Authorized Signature) (Representative Name, Title)

James M Butcher, Managing Member

(Printed Name and Title of Authorized Representative)

05/07/20

(Date)

304-613-9194

(Phone Number) (Fax Number)

CONTRACTOR LICENSE

Authorized by the

West Virginia Contractor Licensing Board

Number: WV030892

Classification:
GENERAL ENGINEERING

SELECT EXCAVATING SERVICES LLC
DBA SELECT EXCAVATING SERVICES LLC
PO BOX 581
JANE LEW, WV 26378

Date Issued

Expiration Date

NOVEMBER 05, 2019

NOVEMBER 05, 2020



**WEST VIRGINIA
CONTRACTOR
LICENSING
BOARD**

James M. Beatty
Authorized Company Signature

John D. ...
Chair, West Virginia Contractor
Licensing Board

This license, or a copy thereof, must be posted in a conspicuous place at every construction site where work is being performed. This license number must appear in all advertisements, on all bid submissions and on all fully executed and binding contracts. This license cannot be assigned or transferred by licensee. Issued under provisions of West Virginia Code, Chapter 21, Article 11.



State of West Virginia
DRUG FREE WORKPLACE CONFORMANCE AFFIDAVIT
West Virginia Code §21-1D-5

STATE OF WEST VIRGINIA,

COUNTY OF Lewis, TO-WIT:

I, James M Butcher, after being first duly sworn, depose and state as follows:

- 1. I am an employee of Select Excavating Services LLC; and,
2. I do hereby attest that Select Excavating Services LLC

maintains a written plan for a drug-free workplace policy and that such plan and policy are in compliance with West Virginia Code §21-1D.

The above statements are sworn to under the penalty of perjury.

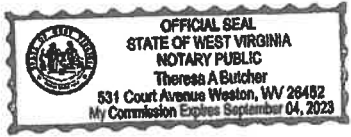
Printed Name: James M Butcher
Signature:
Title: Managing Member
Company Name: Select Excavating Services LLC
Date: 02/20/20

Taken, subscribed and sworn to before me this 20 day of February 2020.

By Commission expires Sept 4, 2023

(Seal)

Theresa A Butcher
(Notary Public)



STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

CONSTRUCTION CONTRACTS: Under W. Va. Code § 5-22-1(i), the contracting public entity shall not award a construction contract to any bidder that is known to be in default on any monetary obligation owed to the state or a political subdivision of the state, including, but not limited to, obligations related to payroll taxes, property taxes, sales and use taxes, fire service fees, or other fines or fees.

ALL OTHER CONTRACTS: Under W. Va. Code §5A-3-10a, 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: (1) the debt owed is an amount greater than one thousand dollars in the aggregate; or (2) the debtor is in employer default.

EXCEPTION: The prohibition listed above does not apply where a vendor has contested any tax administered pursuant to chapter eleven of the W. Va. 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.

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.

"Employer default" means having an outstanding balance or liability to the old fund or to the uninsured employers' fund or being in policy default, as defined in W. Va. Code § 23-2c-2, failure to maintain mandatory workers' compensation coverage, or failure to fully meet its obligations as a workers' compensation self-insured employer. An employer is not in employer default if it has entered into a repayment agreement with the Insurance Commissioner and remains in compliance with the obligations under the repayment agreement.

"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 exceeds five percent of the total contract amount.

AFFIRMATION: By signing this form, the vendor's authorized signer affirms and acknowledges under penalty of law for false swearing (W. Va. Code §61-5-3) that: (1) for construction contracts, the vendor is not in default on any monetary obligation owed to the state or a political subdivision of the state, and (2) for all other contracts, that neither vendor nor any related party owe a debt as defined above and that neither vendor nor any related party are in employer default as defined above, unless the debt or employer default is permitted under the exception above.

WITNESS THE FOLLOWING SIGNATURE:

Vendor's Name: Select Excavating Services LLC

Authorized Signature: *[Signature]* Date: 02/20/20

State of WV

County of Lewis, to-wit:

Taken, subscribed, and sworn to before me this 20 day of February, 2020

My Commission expires Sept. 4, 2023

AFFIX SEAL HERE

NOTARY PUBLIC *[Signature]*

