

Solicitation Response(SR) Dept: 0310 ID: ESR05072000000006517 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

Procurement Type:

Agency Purchase Order

Vendor ID:

VC0000040572

Legal Name:

HEETER GEOTECHNICAL CONSTRUCTION LLC

Alias/DBA:

Total Bid:

\$675,663.00

Response Date:

05/07/2020

Response Time:

12:04

SO Doc Code:

ARFQ

SO Dept:

0310

SO Doc ID:

DNR2000000040

Published Date:

5/7/20

Close Date:

5/7/20

Close Time:

13:30

Status:

Closed

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

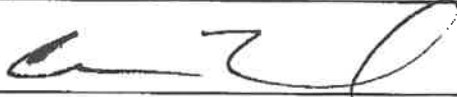
Procurement Type : Agency Purchase Order

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

| BID RESPONSE | Vendor Name, Address and Telephone |
|---|--|
| DIVISION OF NATURAL RESOURCES PROPERTY & PROCUREMENT OFFICE 324 4TH AVE SOUTH CHARLESTON WV 25303-1228 US | HEETER GEOTECHNICAL CONSTRUCTION, LLC 130 MEADOW RIDGE RD MT. MORRIS, PA 15349 |

FOR INFORMATION CONTACT THE

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

Signature X  FEIN # 47-2016663 DATE 05/07/2020

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 | | | | \$675,663.00 |

| 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 |
|----------------------|--------------------------------|---|------------------------------|

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:

HEETER GEOTECHNICAL CONSTRUCTION, LLC

Address of Bidder:

130 MEADOW RIDGE RD
MT. MORRIS, PA 15349

Phone Number of Bidder:

304-291-0175

WV Contractors License
No.

WV053884

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 all the work described in the Construction Documents.

All Bidders should complete the following Unit Price Sheets. All unit prices shall include the complete installed price including all necessary work, labor, supplies, materials, equipment, excavation, backfill, etc. All items not specifically enumerated in the Plans and Specifications shall be considered incidental to the project and included in the various pay items.

Unit Prices shall be used solely for the negotiations of any requested Change Orders subsequent to the award of the Contract. Any contract issued as a result of this bid will contain the amount of the base bid and any approved alternates. Incomplete Bids will be considered non-responsive. Quantities indicated on the following page(s) are best estimates of actual quantities needed. **The Contract award shall be based on the lowest Total Base Bid.**

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

\$675,663.00

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

SIX HUNDRED SEVENTY-FIVE THOUSAND, SIX HUNDRED SIXTY-THREE DOLLARS AND ZERO CENTS.

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

| ITEM | DESCRIPTION | BID | | | |
|------|--|----------|------|-------------|---------------------|
| | | QUANTITY | UNIT | COST/UNIT | EXTENDED PRICE (\$) |
| 1.0 | SURVEYING (Max. 5% of Contract) | 1.0 | LS | \$33,000.00 | \$33,000.00 |
| 2.0 | QUALITY CONTROL TESTING (Max. 5% of Contract) | 1.0 | LS | \$33,000.00 | \$33,000.00 |
| 3.0 | MOB/DEMOB (Max. 10% of Contract) | 1.0 | LS | \$67,000.00 | \$67,000.00 |
| 4.0 | CLEARING & GRUBBING | 1.0 | AC | \$12,500.00 | \$12,500.00 |
| 5.0 | SPILLWAY DEMOLITION | 1.0 | LS | \$7,000.00 | \$7,000.00 |
| 6.0 | PRINCIPAL SPILLWAY AND TRICKLE TUBE | 1.0 | LS | \$48,000.00 | \$48,000.00 |
| 7.0 | EXCAVATION | 7270.0 | CY | \$13.00 | \$94,510.00 |
| 8.0 | REINFORCED CONCRETE | 16.0 | CY | \$3,300.00 | \$52,800.00 |
| 9.1 | COHESIVE FILL | 2755.0 | CY | \$37.00 | \$101,935.00 |
| 9.2 | RANDOM FILL | 3735.0 | CY | \$26.00 | \$97,110.00 |
| 10.0 | RIP RAP | 80.0 | CY | \$122.00 | \$9,760.00 |
| 11.0 | EROSION & SEDIMENT CONTROL | 1.0 | LS | \$22,500.00 | \$22,500.00 |
| 12.0 | SEEDING, FERTILIZING, & MULCHING | 3.5 | AC | \$1,800.00 | \$6,300.00 |
| 13.0 | DEWATERING & WATER CONTROL | 1.0 | LS | \$12,000.00 | \$12,000.00 |
| 14.1 | CRUSHED STONE AGGREGATE | 450.0 | CY | \$67.00 | \$30,150.00 |
| 14.2 | PIPE GATE REMOVAL AND REINSTALLATION | 1.0 | EA | \$4,000.00 | \$4,000.00 |
| 14.3 | GUARD RAIL | 412.0 | LF | \$28.00 | \$11,536.00 |
| 14.4 | FISHERMAN'S TRAIL | 486.0 | LF | \$67.00 | \$32,562.00 |

BID PRICE

\$675,663.00

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.

HEETER GEOTECHNICAL CONSTRUCTION, LLC

Company


Authorized Signature

05/07/2020

Date

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

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

CONSTRUCTION CONTRACTS: Under W. Va. Code § 5-22-1(f), 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 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: Heeter Geotechnical Construction

Authorized Signature: [Signature] Date: 4/29/20

State of PA

County of Greene, to-wit:

Taken, subscribed, and sworn to before me this 29th day of April, 2020.

My Commission expires Aug 4th 2020, 2020

AFFIX SEAL HERE
COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
COURTNEY SCHWARTZ
Notary Public
DUNKARD TWP, GREENE COUNTY
My Commission Expires Aug 4, 2020

NOTARY PUBLIC [Signature]
Purchasing Affidavit (Revised 01/19/2018)

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Heeter Geotechnical Construction LLC
of 130 Meadow Ridge Road, Mt. Morris, PA 15349 as Principal, and Euler Hermes North America Insurance
Company of 800 Red Brook Blvd., Owings Mills, MD 21117, a corporation organized and existing under the laws of the State of Maryland
with its principal office in the City of Owings Mills, MD as Surety, are held and firmly bound unto the State
of West Virginia, as Oblige, in the penal sum of Five Percent of Amount Bid (\$ 5%) for the payment of which,
well and truly to be made, we jointly and severally bind ourselves, our heirs, administrators, executors, successors and assigns.

The Condition of the above obligation is such that whereas the Principal has submitted to the Purchasing Section of the
Department of Administration a certain bid or proposal, attached hereto and made a part hereof, to enter into a contract in writing for
Fairfax Pond Dam Modifications, West Virginia Division of Natural Resources
RFQ# DNR200000040

NOW THEREFORE,

(a) If said bid shall be rejected, or
(b) If said bid shall be accepted and the Principal shall enter into a contract in accordance with the bid or proposal
attached hereto and shall furnish any other bonds and insurance required by the bid or proposal, and shall in all other respects perform
the agreement created by the acceptance of said bid, then this obligation shall be null and void, otherwise this obligation shall remain in
full force and effect. It is expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no
event, exceed the penal amount of this obligation as herein stated.

The Surety, for the value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no
way impaired or affected by any extension of the time within which the Oblige may accept such bid, and said Surety does hereby
waive notice of any such extension.

WITNESS, the following signatures and seals of Principal and Surety, executed and sealed by a proper officer of Principal and
Surety, or by Principal individually if Principal is an individual, this 28th day of April, 2020.

Principal Seal

Heeter Geotechnical Construction LLC
(Name of Principal)

By [Signature]
(Must be President, Vice President, or
Duly Authorized Agent)

Scott Kiger - President
(Title)

Surety Seal

Euler Hermes North American Insurance Company
(Name of Surety)

[Signature]
Andrew Bly Attorney-in-Fact

IMPORTANT - Surety executing bonds must be licensed in West Virginia to transact surety insurance, must affix its seal, and must attach a power of attorney with its seal affixed.

EULER HERMES NORTH AMERICA INSURANCE COMPANY

800 Red Brook Boulevard * Owings Mills, Maryland 21117

The number of persons authorized by this Power of Attorney is not more than:

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That EULER HERMES NORTH AMERICA INSURANCE COMPANY (EULER HERMES), a corporation organized and existing under the laws of the state of Maryland, does hereby nominate, constitute, and appoint the person or persons named below, each individually if more than one is named, its true and lawful attorney-in-fact, for and in its name, place, and stead to execute on behalf of EULER HERMES, as surety, any and all bonds, undertakings, and contracts of suretyship, or other written obligations in the nature thereof; provided that the liability of EULER HERMES on any such bond, undertaking, or contract of suretyship executed under this authority shall not exceed the limits stated below.

| NAME | ADDRESS | LIMIT OF POWER |
|-----------------|-----------------------|----------------|
| James L. Bly | 1501 Reedsdale Street | Unlimited |
| Pamela L. Nunez | Suite 3005 | |
| Andrew Bly | Pittsburgh, PA 15232 | |
| Johnathan Byers | | |

This Power of Attorney revokes all previous powers issued on behalf of the attorney(s)-in-fact named above.

IN WITNESS WHEREOF, EULER HERMES has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunder affixed this 1st day of January, 2020.

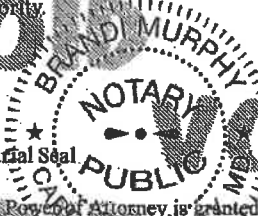


James Daly, President and CEO-The Americas

Keith Sherman, Senior Vice President and Chief Operating Officer-Surety

State of Maryland, County of Baltimore

On this 1st day of January, 2020, before me personally appeared Keith Sherman, to me known, being duly sworn, deposes and says that he resides in Phoenix, MD, that he is the Senior Vice President and Operating Officer-Surety of EULER HERMES, the Company described herein and which executed the above instrument; that he know the seal of EULER HERMES; that the seal affixed to said instrument is such corporate seal; that it was so affixed by authority of the Board of Directors of EULER HERMES; and that he signed his name thereto by like authority.



Brand Murphy
Notary Public

This Commission Expires August 19, 2020

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of EULER HERMES NORTH AMERICA INSURANCE COMPANY (Company) by unanimous consent on October 1, 2015.

RESOLVED: That the President, Executive Vice President, Senior Vice President, Vice President, Secretary, Assistant Vice Secretary, and Senior Vice President and Chief Operating Officer-Surety, be and hereby are authorized from time to time to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship or other written obligation in the nature thereof; to prescribe their respective duties and all respective limits of their authority; and to revoke any such appointment at any time.

RESOLVED FURTHER: That the Company seal and signature of the aforesaid officers and may be affixed by facsimile to any Power of Attorney given for the execution of any bond, undertaking, contract of suretyship, or other written obligations in the nature thereof, such signature and seal when so used 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.

CERTIFICATION

I, Keith Sherman, Senior Vice President and Chief Operating Officer-Surety of EULER HERMES NORTH AMERICA INSURANCE COMPANY, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of October 1, 2015, have not been revoked and are now in full force and effect.

Signed and sealed this 26th day of April, 2020.



Keith Sherman, Senior Vice President and Chief Operating Officer-Surety



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

Pennsylvania
STATE OF WEST VIRGINIA,

COUNTY OF Greene, TO-WIT:

I, Scott Kiger, after being first duly sworn, depose and state as follows:

1. I am an employee of Heeter Geotechnical Construction and,
(Company Name)
2. I do hereby attest that Heeter Geotechnical Construction
(Company Name)

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: Scott Kiger

Signature: _____

Title: President

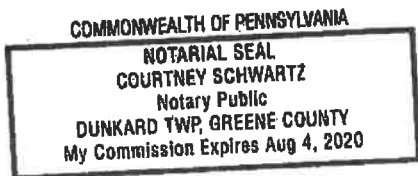
Company Name: Heeter Geotechnical Construction

Date: 4/29/2020

Taken, subscribed and sworn to before me this 29th day of April, 2020.

By Commission expires Aug 4th 2020

(Seal)



Courtney Schwartz
(Notary Public)

Subcontractor List Submission (Construction Contracts Only)


Bidder's Name: HEETER GEOTECHNICAL CONSTRUCTION, LLC

Check this box if no subcontractors will perform more than \$25,000.00 of work to complete the project.

| Subcontractor Name | License Number if Required by W. Va. Code § 21-11-1 et. seq. |
|----------------------------|---|
| SOLID ROCK EXCAVATING, INC | WV032330 |
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Attach additional pages if necessary.

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)

AARON C. REEL, P.E.

ENGINEERING MANAGER

(Printed Name and Title)

130 MEADOW RIDGE RD, MT. MORRIS, PA 15349

(Address)

304-291-0175

(Phone Number) / (Fax Number)

areel@shaftdrillers.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.

HEETER GEOTECHNICAL CONSTRUCTION, LLC

(Company)



(Authorized Signature) (Representative Name, Title)

AARON C. REEL, P.E.

ENGINEERING MANAGER

(Printed Name and Title of Authorized Representative)

05/07/2020

(Date)

304-290-0175

(Phone Number) (Fax Number)