


Request for Bids	 Marshall University Office of Purchasing One John Marshall Drive Huntington, WV 25755-4100 Direct all inquiries regarding this order to: (304) 696-2821	Bid # R1801960
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Vendor: Phone: Fax:	For information call: Buyer: Harold Sanders Phone: (304) 696-2821 Email: Sanders13@marshall.edu
FEIN/SSN:	

Sealed requests to bid for furnishing the supplies, equipment or services described below will be received by the Institution. TO RECEIVE CONSIDERATION FOR AWARD, UNLESS OTHERWISE NOTED, THE BID WILL BE SUBMITTED ON THIS FORM IN ORIGINAL AND (1) COPY, SIGNED IN FULL IN INK, AND RECEIVED IN THE PURCHASING DEPARTMENT TO HAVE A DATE/TIME STAMP AFFIXED, ON OR BEFORE THE DATE AND TIME SHOWN FOR THE BID OPENING. When applicable, prices will be based on units specified; and Bidders will enter the delivery date or time for each item contained herein. The Institution reserves the right to accept or reject bids on each item separately or as a whole, to reject any or all bids, to waive informalities or irregularities and to contract as the best interests of the Institution may require. BIDS ARE SUBJECT TO THE GENERAL TERMS AND CONDITIONS AS PRINTED ON THE REVERSE SIDE HEREOF AND AS SET FORTH HEREIN.

DATE 4/18/18		DELIVERY REQUIREMENTS	DEPARTMENT REQUISITION NO.	BIDS OPEN: 3:00 p.m. 04/25/18	BIDDER MUST ENTER DELIVERY DATE FOR EACH ITEM BID
Item #	Quantity	Description			Unit Price
		<u>ADDENDUM NO. 1</u> Project: TT 1 ST Floor Enhancements Bid Opening Time and Date: 3:00 p.m. on 4/25/18 The purpose of this addendum is to modify and/or clarify the project specifications as per the attached twelve (12) page document dated April 18, 2018, prepared by Bastian & Harris Architects and to Extend the Bid opening date to 4/25/18. Replace pages 14-15, 19-23 and 38 with the enclosed attachments Receipt of this addendum must be acknowledged and submitted with the bidding document(s). <i>Failure to confirm the receipt of each Addendum is cause for rejection of bids.</i>			

Total

To the Purchasing Department,

In compliance with the above, the undersigned offers and agrees, if this offer is accepted within _____ calendar days (30 calendar days unless a different period is inserted by the purchaser) from the bid open date, specified above, to furnish any or all items upon which prices are offered, at the price set opposite each item, delivered at the designated point(s), within the time specified.

Bidder guarantees shipment from _____

within _____ days

FOB _____ After receipt of order at address shown

Terms _____

Bidder's name Vendor _____

Signed By _____

Typed Name _____

Title _____

Street Address _____

City/State/Zip _____

Date _____

Phone _____

Fein _____

ADDENDA ACKNOWLEDGEMENT

I hereby acknowledge receipt of the following checked addenda and have made the necessary revisions to my proposal, plans, and/or specifications, etc.

Addenda:

No. 1 _____

No. 2 _____

No. 3 _____

No. 4 _____

No. 5 _____

I understand that failure to confirm the receipt of the each Addendum is cause for rejection of bids.

Signature/Date

Company

Title



18 April 2018

ADDENDUM #1

(Total of 12 pages)

**Twin Towers
1ST Floor Enhancements
Marshall University**

Requisition # R1801960

The following items are clarifications and/or changes to the scope of the work and shall be included in the contract price.

GENERAL

Item #1 Bid Date

A. Due to State requirements, bid date has been extended as follows:

Time: 3:00 pm

Date: **25 April 2018**

Place: Office of Purchasing
Old Main – Room 125
Marshall University
One John Marshall Drive
Huntington, WV 25755

Item #2 Bidding Requirements

- A. Refer to attached revised West Virginia Fairness in Competitive Bidding Act.
- B. Bidders are to use the attached revised Purchasing Affidavit dated 01/19/2018.
- C. Refer to attached Criteria for Selection of Lowest Qualified Bidders Award of Bids by Marshall University.

Item #3 General Items

- A. Note that existing power door operators are to be removed under base bid. These operators are to be turned over to Owner for salvage parts.
- B. Note that Marshall University will provide space along the drive on the north side of building, also known as College Avenue, for one (1) dumpster, one (1) Conex storage box, and four (4) parking spaces. Additional employee parking must be arranged through Marshall Campus Police at the Public Safety Office at 304-696-4357.

ARCHITECTURAL

Item #4 Specification Section 01210 - Allowances

- A. Allowance 1 – Unknown Contingency: Note that abandoned electrical devices above ceilings exposed during construction that are not in conformance to National Electric Code and State Fire Marshal requirements are to be removed prior to installation of ceiling. Note also that Owner will remove existing data lines found to be abandoned. Removal of all abandoned electrical items in empty raceways shall be quantified prior to removal and covered under Allowance No. 1 – Unknown Contingency.

Item #5 Specification Section 08211 – Flush Wood Doors

- A. Under 3.2.A, there is reference to Division 8 Section “Door Hardware”. Note that no Door Hardware Section is provided as all existing hardware is to be reused in each opening.

Item #6 Specification Section 08411 – Aluminum-Framed Windows, Entrances and Storefronts

- A. Delete all references to Division 8 Section “Door Hardware”. No Section provided within specifications.
- B. For new aluminum entry doors, provide hardware as listed below:

For use on Entry Doors – Exterior Aluminum Door Replacement:

<u>Qty</u>		<u>Description</u>	<u>Catalog Number</u>	<u>Finish</u>	<u>Mfr</u>
2	EA	Cont. Hinge	112HD	628	IVE
2	EA	Panic Hardware	MD56-8600	32D	SAR
2	EA	Cylinder	As Required	626	C-R
2	EA	Electric Latch Retraction	56 – 24V	630	SAR
2	EA	90 Deg Offset Pull	8190HD 10" O	630	IVE
2	EA	OH Stop	100S	630	GLY
1	EA	Surface Closer	4040XP EDA	689	LCN
1	EA	Pa Mounting Plate	4040XP-18PA	689	LCN
1	EA	Cush Shoe Support	4040XP-30	689	LCN
1	EA	Blade Stop Spacer	4040XP-61	689	LCN
2	EA	DR Position Switch	679-05 HM		SCH
2	EA	Door Sweep	8198AA	AA	ZER
1	EA	Threshold	65A-MSLA-10	A	ZER
1	EA	Power Supply	PS902 (24V)	LGR	VON
2	EA	Weatherstripping	By Door Manufacturer		
1	EA	Automatic Door Operator	See Section 08716		

Operational Description: Electric latch is released when power is applied (Fail Secure). Self-Closing. Automatically Opens & Closes Door. Power door operator is to be installed on one door leaf as indicated. Card swipe allows power door operator interlock to allow use of activation button.

- C. Coordinate necessary operations of Automatic Door Operators and Owner's card access Supplier.

Item #7 Specification Section 12355 – Laminated Plastic Casework

- A. Refer to Article 2.1 and add Chandlers and Southern Cabinetry as acceptable manufacturers.

Item #8 Drawing D1.1 – First Floor Demolition Plan & Coded Notes

- A. As per Demolition Note 8, the responsibility for removing all wall mounted artwork, tackboards, display and temporary signage will be the responsibility of the Owner. Likewise, any material to be reinstalled shall be by Owner. Note any permanently mounted materials that remain at the time painting is scheduled can be assumed to remain.
- B. All doors indicated by heavy dashed line are to be removed whether Coded Note #2 is shown or not. Existing hardware to be reinstalled at each location.
- C. General Demolition Note 8, delete first sentence referring to phasing plan for area to be demolished in each phase. Remainder of Note to remain.
- D. Coded Note 16, in addition to Demolition Note shown, note that existing floor tile and setting bed in both men and women toilets are to be removed.

Item #9 Drawing A1.1 – First Floor Plan & Coded Notes

- A. All doors scheduled to be removed shown on Demolition Plan D1.1 are to be replaced per sheet A1.1. Note that door into classroom and door into office on south end of building shall receive a new door. Existing hardware to be reinstalled. Insert Coded Note 5 at these locations.
- B. For Note 9 where new plumbing fixtures are to be provided, insert the following respective plumbing fixtures:
 - 1 ADA water closet to be “American Standard” model 3043.102 or similar. Floor mount, vitreous china, 17” rim height, elongated bowl with “Church” model #9500C open front seat, less cover with check hinges. Flush valve to be “Sloan” model 111 or similar manual flush valve, 1.28 GPF.
 - 2 Faucet for countertop sink to be “Chicago Faucet” model No. 786 w/GN2A spout, 317 4” wrist blade handles, E3 aerator on 8” centers (coordinate centers with countertop provider. Plumbing contractor to provide and install grid strainer, offset drain assembly, 1-1/4” chrome plated cast brass P-trap with cleanout, loose key angle stops and 3/8” flexible risers and wall flange and “Brocar” piping wrap on exposed piping.
 - 3 Double bowl stainless steel sink to be “Just” model DL-2233-A-GR or similar. 18 gauge, 302 stainless steel, self-rimming, 3 holes, 8” centers, coordinate sink with countertop provider. Faucet to be “Chicago Faucets” model No. 786 w/GN2A spout, 317 4” wrist blade handles, E3 aerator on 8” centers. Plumbing contractor to provide and install grid strainer, 1-1/2” chrome plated cast brass P-trap with cleanout, loose key angle stops and 3/8” flexible risers and wall flange.
- C. Referring to Note 14, provide three (3) applied laminated plastic panels at top and three (3) applied laminated plastic panels at bottom of mail boxes, 3/4” thick with laminated plastic edge banding spaced 1” apart. Panels to be attached with concealed mounting brackets. Color to be selected by Architect. Exposed gap to be painted black.

- D. As part of Alternate #3 – Handicap Ramp, where new power door operator is shown to the right of south entrance, add 4x4 recessed box rough-in for card swipe at this location (note that there is a current penetration through the existing wall at this location).
- E. At masonry wall adjacent to side lite leading to computer lab, provide surface mounted 4x4 box for card reader at this location. Extend wireway to aluminum framing. Modify existing framing to provide a retractable latch at door leading into computer lab.
- F. Remove fixed window adjacent to computer lab into adjacent office. Remove masonry the width of opening down to the floor. Provide new brake metal aluminum trim around resulting opening. Relocate existing power and data rough-ins serving ATM to the office side of this opening. Owner's Supplier will relocate ATM into this opening facing lobby. Contractor to then provide gypsum board on metal stud surround about ATM to fill in opening.

Item #10 Drawing A2-2 – Interior Elevations

- A. Note that accessories listed as NIC shall be provided by the Owner under separate vendor contracts. Note also that Toilet Accessory Schedule indicates 'F' as sanitary product dispenser and 'G' as a waste receptacle; however, accessories shown on elevations have these reversed. Revise schedule so that Item 'F' is waste receptacle and Item "G" is sanitary product dispenser.

Attachments:

West Virginia Fairness in Competitive Bidding Act, 5 pages
Purchasing Affidavit dated 01/19/2018, 1 page
MU Criteria for Selection of Lowest Qualified Bidders, 2 pages

WEST VIRGINIA FAIRNESS IN COMPETITIVE BIDDING ACT

Found in chapter 5 Article 22 (5-22-1) of the WV Code is the requirement for the apparent low bidder on projects exceeding \$250,000 to provide a list of all subcontractors who will perform more than \$25,000 of work on the project, including labor and materials, (provisions apply and may be found in the complete article). If no subcontractors are to be used to complete the project it will be so noted on the subcontractor list.

This information shall be provided to the Marshall University Office of Purchasing within one business day of the opening of bids for review prior to the award of a construction contract.

Failure to submit the subcontractor list within one business day after the deadline for submitting bids shall result in disqualification of the bid.

<http://www.legis.state.wv.us/WVCODE/ChapterEntire.cfm?chap=05&art=22>

WEST VIRGINIA CODE

CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

ARTICLE 22. GOVERNMENT CONSTRUCTION CONTRACTS.

§5-22-1. Bidding required; government construction contracts to go to lowest qualified responsible bidder; procedures to be followed in awarding government construction projects; penalties for violation of procedures and requirements debarment; exceptions.

(a) This section and the requirements in this section may be referred to as the West Virginia Fairness In Competitive Bidding Act.

(b) As used in this section:

(1) "Lowest qualified responsible bidder" means the bidder that bids the lowest price and that meets, as a minimum, all the following requirements in connection with the bidder's response to the bid solicitation. The bidder shall certify that it:

(A) Is ready, able and willing to timely furnish the labor and materials required to complete the contract;

(B) Is in compliance with all applicable laws of the State of West Virginia; and

(C) Has supplied a valid bid bond or other surety authorized or approved by the contracting public entity.

(2) "The state and its subdivisions" means the State of West Virginia, every political subdivision thereof, every administrative entity that includes such a subdivision, all municipalities and all county boards of education.

(3) "State spending unit" means a department, agency or institution of the state government for which an appropriation is requested, or to which an appropriation is made by the Legislature.

(4) "Alternates" means any additive options or alternative designs included in a solicitation for competitive bids that are different from and priced separately from what is included in a base bid.

(c) The state and its subdivisions shall, except as provided in this section, solicit competitive bids for every construction project exceeding \$25,000 in total cost. A vendor who has been debarred pursuant to sections thirty-three-b through thirty-three-f, inclusive, article three, chapter five-a of this code may not bid on or be awarded a contract under this section. All bids submitted pursuant to this chapter shall include a valid bid bond or other surety as approved by the State of West Virginia or its subdivisions.

(d) Following the solicitation of bids, the construction contract shall be awarded to the lowest qualified responsible bidder who shall furnish a sufficient performance and payment bond. The state and its subdivisions may reject all bids and solicit new bids on the project.

(e) Any solicitation of bids shall include no more than seven alternates. Alternates, if accepted, shall be accepted in the order in which they are listed on the bid form: *Provided*, That a public entity may accept an alternate out of the listed order if acceptance would not affect determination of the lowest qualified responsible bidder. Any unaccepted alternate contained within a bid shall expire one hundred fifty days after the date of the opening of bids for review.

Determination of the lowest qualified responsible bidder shall be based on the sum of the base bid and any alternates accepted.

(f) The apparent low bidder on a contract valued at more than \$250,000 for the construction, alteration, decoration, painting or improvement of a new or existing building or structure with a state spending unit shall submit a list of all subcontractors who will perform more than \$25,000 of work on the project including labor and materials. This

section does not apply to other construction projects such as highway, mine reclamation, water or sewer projects. The list shall include the names of the bidders and the license numbers as required by article eleven, chapter twenty-one of this code. This information shall be provided to the state spending unit within one business day of the opening of bids for review prior to the awarding of a construction contract. If the apparent low bidder fails to submit the subcontractor list, the spending unit shall promptly request by telephone and electronic mail that the low bidder and second low bidder provide the subcontractor list within one business day of the request. Failure to submit the subcontractor list within one business day of receiving the request shall result in disqualification of the bid. A subcontractor list may not be required if the bidder provides notice in the bid submission or in response to a request for a subcontractor list that no subcontractors who will perform more than \$25,000 of work will be used to complete the project.

(g) Written approval must be obtained from the state spending unit before any subcontractor substitution is permitted. Substitutions are not permitted unless:

- (1) The subcontractor listed in the original bid has filed for bankruptcy;
- (2) The state spending unit refuses to approve a subcontractor in the original bid because the subcontractor is under a debarment pursuant to section thirty-three-d, article three, chapter five-a of this code or a suspension under section thirty-two, article three, chapter five-a of this code; or
- (3) The contractor certifies in writing that the subcontractor listed in the original bill fails, is unable or refuses to perform the subcontract.

(h) The contracting public entity may not award the contract to a bidder which fails to meet the minimum requirements set out in this section. As to a prospective low bidder which the contracting public entity determines not to have met one or more of the requirements of this section or other requirements as determined by the public entity in the written bid solicitation, prior to the time a contract award is made, the contracting public entity shall document in writing and in reasonable detail the basis for the determination and shall place the writing in the bid file. After the award of a bid under this section, the bid file of the contracting public agency and all bids submitted in response to the bid solicitation shall be open and available for public inspection.

(i) The contracting public entity shall not award a contract pursuant to this section 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. Any governmental entity may submit to the Division of Purchasing information which identifies vendors that qualify as being in default on a monetary obligation to the entity. The contracting public entity shall take reasonable steps to verify whether the lowest qualified bidder is in default pursuant to this subsection prior to awarding a contract.

(j) A public official or other person who individually or together with others knowingly makes an award of a contract under this section in violation of the procedures and requirements of this section is subject to the penalties set forth in section twenty-nine, article three, chapter five-a of the Code of West Virginia.

(k) No officer or employee of this state or of a public agency, public authority, public corporation or other public entity and no person acting or purporting to act on behalf of an officer or employee or public entity may require that a performance bond, payment bond or surety bond required or permitted by this section be obtained from a particular surety company, agent, broker or producer.

(l) All bids shall be open in accordance with the provisions of section two of this article, except design-build projects which are governed by article twenty-two-a of this chapter and are exempt from these provisions.

(m) Nothing in this section applies to:

- (1) Work performed on construction or repair projects by regular full-time employees of the state or its subdivisions;

(2) Prevent students enrolled in vocational educational schools from being utilized in construction or repair projects when the use is a part of the student's training program;

(3) Emergency repairs to building components, systems, and public infrastructure. For the purpose of this subdivision, the term emergency repairs means repairs that if not made immediately will seriously impair the use of building components, systems, and public infrastructure or cause danger to persons using the building components, systems, and public infrastructure; and

(4) A situation where the state or subdivision thereof reaches an agreement with volunteers, or a volunteer group, in which the governmental body will provide construction or repair materials, architectural, engineering, technical or other professional services and the volunteers will provide the necessary labor without charge to, or liability upon, the governmental body.

§5-22-2. Designation of time and place for opening of bids; right to reject or withdraw bid; bid resubmission.

(a) The public entity accepting public contract bids shall, in its resolution providing for the contract or purchase and for the advertisement for bids, designate the time and place that the bids will be received and shall at that time and place publicly open the bids and read them aloud. No public entity may accept or take any bid, including receiving any hand delivered bid, after the time advertised to take bids. No bid may be opened on days which are recognized as holidays by the United States postal service. No public entity may accept or consider any bids that do not contain a valid bid bond or other surety approved by the State of West Virginia or its subdivisions.

(b) The provisions and requirements of this section, section one of article twenty-two of this chapter, the requirements stated in the advertisement for bids and the requirements on the bid form may not be waived by any public entity. The public entity may only reject an erroneous bid after the opening if all of the following conditions exist: (1) An error was made; (2) the error materially affected the bid; (3) rejection of the bid would not cause a hardship on the public entity involved, other than losing an opportunity to receive construction projects at a reduced cost; and (4) enforcement of the bid in error would be unconscionable. If a public entity rejects a bid, it shall maintain a file of documented evidence demonstrating that all the conditions set forth in this subdivision existed. If the public entity determines the bid to be erroneous, the public entity shall return the bid security to the contractor.

(c) A contractor who withdraws a bid under the provisions of this section may not resubmit a bid on the same project. If the bid withdrawn is the lowest bid, the next lowest bid may be accepted.

§5-22-3. Certain labor requirements not to be imposed on contractor or subcontractor.

(a) This section may be known and cited as The Fair and Open Competition in Governmental Construction Act.

(b) *Legislative findings.* -- The Legislature finds that to promote and ensure fair competition on governmental, governmental funded or governmental assisted construction projects that open competition in governmental construction contracts is necessary. The Legislature also finds that when a governmental entity awards a grant, tax abatement or tax credit that it should be an open and fair process. Therefore, to prevent discrimination against governmental bidders, offerors, contractors or subcontractors based upon labor affiliation or the lack thereof, the Legislature declares that project labor agreements should not be part of the competitive bid process or be a condition for a grant, tax abatement or tax credit.

(c) *Definitions.* -- For purposes of this section:

(1) "Construction" means the act, trade or process of building, erecting, constructing, adding, repairing, remodeling, rehabilitating, reconstructing, altering, converting, improving, expanding or demolishing of a building, structure, facility, road or highway, and includes the planning, designing and financing of a specific construction project.

(2) "Governmental entity" means the state, a political subdivision or any agency or spending unit thereof.

(3) "Project labor agreement" means any pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project.

(d) *Prohibition - Competitive bid.* -- Commencing July 1, 2015, a governmental entity or a construction manager acting on behalf of a governmental entity, seeking a construction bid solicitation, awarding a construction contract or obligating funds to a construction contract, shall not include the following in the bid specifications, bid requests, project agreements or any other controlling documents for the construction project:

- (1) A requirement or prohibition that a bidder, offeror, contractor or subcontractor must enter into or adhere to a project labor agreement;
- (2) A term, clause or statement that infers, either directly or indirectly, that a bidder, offeror, contractor or subcontractor must enter into or adhere to a project labor agreement;
- (3) A term, clause or statement that rewards or punishes a bidder, offeror, contractor or subcontractor for becoming or remaining, or refusing to become or remain a signatory to, or for adhering or refusing to adhere to, a project labor agreement; or
- (4) Any other provision dealing with project labor agreements.

(e) *Prohibition - Grant, tax abatement or tax credit.* -- Commencing July 1, 2015, a governmental entity may not award a grant, tax abatement or tax credit for construction that is conditioned upon a requirement that the awardee include any prohibited provision set out in subsection (d) of this section.

(f) *Exclusions.* -- This section does not:

- (1) Prohibit a governmental entity from awarding a contract, grant, tax abatement or tax credit to a private owner, bidder, contractor or subcontractor who enters into or who is party to an agreement with a labor organization, if being or becoming a party or adhering to an agreement with a labor organization is not a condition for award of the contract, grant, tax abatement or tax credit, and if the governmental entity does not discriminate against a private owner, bidder, contractor or subcontractor in the awarding of that contract, grant, tax abatement or tax credit based upon the status as being or becoming, or the willingness or refusal to become, a party to an agreement with a labor organization.
- (2) Prohibit a private owner, bidder, contractor or subcontractor from voluntarily entering into or complying with an agreement entered into with one or more labor organizations in regard to a contract with a governmental entity or funded, in whole or in part, from a grant, tax abatement or tax credit from the governmental entity.
- (3) Prohibit employers or other parties from entering into agreements or engaging in any other activity protected by the National Labor Relations Act, 29 U. S. C. §§151 to 169.
- (4) Interfere with labor relations of parties that are left unregulated under the National Labor Relations Act, 29 U. S. C. §§151 to 169.

(g) *Exemptions.* -- The head of a governmental entity may exempt a particular project, contract, subcontract, grant, tax abatement or tax credit from the requirements of any or all of the provisions of subsections (d) and (e) of this section if the governmental unit finds, after public notice and a hearing, that special circumstances require an exemption to avert an imminent threat to public health or safety. A finding of special circumstances under this subsection may not be based on the possibility or presence of a labor dispute concerning the use of contractors or subcontractors who are nonsignatories to, or otherwise do not adhere to, agreements with one or more labor organizations or concerning employees on the project who are not members of or affiliated with a labor organization.

Note: WV Code updated with legislation passed through the [2017 Regular Session](#)

The West Virginia Code Online is an unofficial copy of the annotated WV Code, provided as a convenience. It has NOT been edited for publication, and is not in any way official or authoritative.

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 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: _____

Authorized Signature: _____ Date: _____

State of _____

County of _____, to-wit:

Taken, subscribed, and sworn to before me this ____ day of _____, 20____.

My Commission expires _____, 20____.

AFFIX SEAL HERE

NOTARY PUBLIC _____

MARSHALL UNIVERSITY
CRITERIA FOR SELECTION OF LOWEST QUALIFIED BIDDERS
AWARD OF BIDS

Pursuant to the laws of the State of West Virginia, Marshall University must award bids only to the lowest qualified bidder. Therefore, Marshall University must consider the following factors, and the information from the Contractors Qualification Statement (AIA Document A305-1986), when making a determination as to whether a contractor's bid is not only the lowest, but the most qualified. Therefore, the apparent low bidder shall respond in writing to the following (17) items and provide a completed AIA Document A305-1986 (Contractors Qualification Statement) to the Owner within one (1) days after the bid opening. These documents will be used in the bid evaluation process.

1. The years of experience the bidder has in the construction, renovation or building repair business.
2. The bidder's participation in a drug program that meets the objectives, applicable laws and regulations for a drug free workplace including the use of tobacco and alcohol on school properties.
3. The continuity, experience and skill of the bidder's work force and that of the bidder's designated subcontractors.
4. The bidder's performance on similar construction projects.
5. The bidder's ability to successfully complete projects within the proposed schedules and deadlines.
6. The bidder's participation in a bonafide joint apprenticeship program that is approved by the US Department of Labor, US Bureau of Apprenticeship Training and is administered in compliance with the rules and regulations of the WV Department of Labor. [See DOL 42-7-3.1(i)]
7. The bidder's history of compliance with Worker's Compensation and Unemployment Compensation laws.
8. The bidder's history of compliance with OSHA requirements.
9. The bidder's subcontractor's compliance with state regulatory agencies.
10. The bidder's history of compliance with fringe benefit contributions, i.e., health insurance and pension benefits.
11. The bidder's local hiring plan and history of compliance with the WV Jobs Act, (W. Va. Code, Chapter 21, Article 1C) regarding use of the local labor market.

Criteria for Selection of Lowest Qualified Bidders

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12. The bonding record of the bidder.
13. The bidder's participation as a party in any legal action where an awarded liability could negatively impact the ability of the bidder to complete this project.
14. The bidder's financial stability and its impact on the company's ability to complete the project.
15. The bidder can demonstrate it is not in default on a debt to the State or its political subdivision in aggregate more than \$1,000.
16. The bidder's history of change order requests.
17. Response from bidder's references and recommendations of other owners for whom the bidder has worked.

All of the above factors, as supported by the accompanying Contractors Qualification Statement, will be considered by Marshall University in determining the "best" most qualified bid. No single criteria will be considered the controlling factor in determining whether a bid is, or is not the "best" bid.