

**KANAWHA COUNTY COMMISSION  
407 VIRGINIA STREET, EAST  
CHARLESTON, WEST VIRGINIA 25301  
(304) 357-0115**

**Request for Proposals**

Re: Provide Replacement Windows for the Kanawha County Courthouse Building

Date: January 12, 2011

**MANDATORY  
PRE-BID:**

A Mandatory Pre-Bid Conference will be held on Tuesday, January 25, 2011, at 10:00 a.m. in the Kanawha County Commission Courtroom located in the Kanawha County Courthouse, 409 Virginia Street, East, First Floor, Charleston, WV 25301.

**PROPOSAL  
DUE DATE:**

Proposals must be received on or before Tuesday, February 8, 2011, at 11:00 a.m. in the Kanawha County Commission Purchasing Office, 407 Virginia Street, East, Third Floor, Room 229, Charleston, WV 25301 (P.O. Box 3627, Charleston, WV 25336)

INSTRUCTIONS TO BIDDERS:

**\*PLEASE USE THIS FORM AS THE COVER SHEET FOR YOUR PROPOSAL**

1. Proposals must be received in a sealed envelope with the date and time of the bid opening on the outside of the envelope. Faxed proposals will not be accepted.
2. Proposal must be F.O.B. Delivery Point, unless otherwise indicated in proposal.
4. All proposals should be signed and in ink, showing all facts and the total amount of the proposal.
5. The County reserves the right to accept or reject in part or in whole any bid submitted, whichever is in the best interest of the County.

ITEM	DESCRIPTION	AMOUNT	ALTER. #1 OPAQUE GLASS	CAP FOR MATERIAL PRICE INCREASES
1	Provide Replacement Windows for the Virginia Street Side of the Kanawha County Courthouse Building Located at 409 Virginia Street, East, Charleston, WV	\$ _____	\$ _____	_____ %
2	Provide Replacement Windows for the Kanawha Boulevard Side of the Kanawha County Courthouse Building Located at 409 Virginia Street, East, Charleston, WV	\$ _____	\$ _____	_____ %
3	Provide Replacement Windows for the Goshorn Street Side of the Kanawha County Courthouse Building Located at 409 Virginia Street, East, Charleston, WV	\$ _____	\$ _____	_____ %
4	Provide Replacement Windows for the Court Street Side of the Kanawha County Courthouse Building Located at 409 Virginia Street, East, Charleston, WV	\$ _____	\$ _____	_____ %

**Alternate #1 – Replace existing blackout panels with opaque glass**

Vendor Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**REQUEST FOR PROPOSALS  
COUNTY COMMISSION OF KANAWHA COUNTY  
CHARLESTON, WEST VIRGINIA**

**ITEM:** Provide Replacement Windows for the Kanawha County Courthouse Building

**LOCATION:** Kanawha County Commission  
Kanawha County Courthouse  
409 Virginia Street, East  
Charleston, WV 25301

**CONTACT:**

Jerie Whitehead Purchasing Director Kanawha County Commission 407 Virginia Street, East P.O. Box 3627 Charleston, WV 25301 Telephone (304) 357-0115	Steve Neddo Maintenance Supervisor Kanawha County Commission 407 Virginia Street, East Charleston, WV 25301 Telephone (304) 357-0103
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**MANDATORY PRE-BID:** A Mandatory Pre-Bid Conference will be held on Tuesday, January 25, 2011, at 10:00 a.m. in the Kanawha County Commission Courtroom located in the Kanawha County Courthouse, 409 Virginia Street, East, First Floor, Charleston, WV 25301.

**PROPOSAL DUE DATE:** Proposals must be received in a sealed envelope, with the date and time the proposals are due on the outside of the envelope, on or before Tuesday, February 8, 2011, at 11:00 a.m., in the Kanawha County Commission Purchasing Office, 407 Virginia Street, East, Third Floor, Room 229, Charleston, West Virginia 25301 (P.O. Box 3627, Charleston, WV 25336). *Faxed proposals will not be accepted.*

The following Request for Proposals is intended to describe replacement windows for the Kanawha County Courthouse and the details contained in this Request for Proposals are not designed to exclude any vendor from bidding, but are offered as a means of describing the needs of the Kanawha County Commission. Where brand names may be used, the words "or equal" are assumed to follow.

1. Provide replacement windows for the Kanawha County Courthouse Building located at 409 Virginia Street, East, Charleston, WV 25301, which is to include but is not limited to the following:
  - A. The Kanawha County Courthouse is listed on the National Register of Historical Places. Proposals must be approved by the Kanawha County Commission, the West Virginia State Historic Preservation Office, and the U.S. Department of Energy prior to the commencement of work. All work must be in compliance with 36 CFR Part 800 – Protection of Historic Properties (incorporating amendments effective August 5, 2004). A copy is attached as Attachment #1. All work must also be in compliance with The Secretary of the Interior's Standards for Rehabilitation. A copy is attached as Attachment #2.
  - B. New window units shall match existing windows in style, size, profile, glass lite configurations and materials. The windows shall have fixed sashes that are offset giving the appearance of a true double-hung window that matches the original.



- C. Glazing shall be double-pane, minimum one-half inch width insulating units with argon gas fill and low-e glass. The insulating glazing panels shall fit between stiles, rails and muntins as required to match the true divided lite appearance of the original windows. The replacement windows are to be "re-glazable" (the glass can be replaced by a local glass company if necessary).
- D. New windows shall be constructed of wood that shall be treated to resist insect infestations, mold growth and moisture. The exterior finish shall be factory applied primer and paint with a minimum ten-year warranty. (warranty terms are to be provided in the bid documents). Interior finishes shall match existing finishes.
- E. All exterior trim and sills shall match existing styled, materials and profiles and shall be finished with the same paint finish as exists on the new windows.
- F. Interior trims and finishes shall match existing styles, profiles, color, materials, etc.
- G. Windows are to be in compliance with the Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Energy Efficiency attached as Attachment #3, Building Exterior Windows attached as Attachment #4, and Building Exterior Wood attached as Attachment #5.
- H. Windows are to include glazing, weather stripping, divided lights (where designated), and standard or specified anchorages, trim, attachments and accessories.
- I. There are **approximately** 350 to 400 windows of various sizes in the Courthouse. Vendors are responsible for calculating the exact number of windows (some are only visible from the exterior of the building). Contractor is also responsible for all measurements. No change orders will be issued for additional windows or measurement miscalculations. To schedule a time to come in to identify and measure all windows, please contact Steve Neddo at 304-941-2145.
- J. A manufacturer's window sample is to be submitted to the State Historic Preservation Office for review prior to submitting a bid. Please call SHPO 304-558-0220 to make the necessary arrangements.
- K. Shop drawings are to show dimensioned plans and elevations, large scale details, attachment devices and other components.
- L. The bid should include all windows without blackout panels. The base bid is to include all windows with full glass. Permission has been requested from the State Historic Preservation Office for the installation of opaque glass to replace the blackout panels. We are currently waiting on a response to our request and are, therefore, including the installation of opaque glass as Alternate #1.
- M. The tower windows are to be included in this project. The vendor is to confirm all window sizes and locations. It has been determined that some of the windows have had drywall installed behind them and cannot be seen from the interior of the building. It is the responsibility of the contractor to be sure an exact count is determined prior to the submission of its bid. **No change orders will be issued for windows not included in the original bid or for**

- measurement errors.**
- N. Vendor is to provide off-site storage for windows during each phase of the project and is to coordinate delivery with the contractor performing the installation.
  - O. Elevation drawings are not available.
  - P. **All windows may not be replaced. Proposals are also being solicited for the refurbishing of some or all of the windows.**
  - Q. Increases for material costs are to be capped and the cap is to be recorded on the bid sheet.
  - R. The Kanawha County Commission will prepare and issue the Contract Documents.
  - S. Kanawha County Commission staff will review and approve submittals.
  - T. B&O Taxes are required to be paid to the City of Charleston by the vendor.
  - U. No bid shall be withdrawn for a period of ninety days after the date of the bid opening without the consent of the owner. Any future increases for materials are to be capped. Vendor is to record on the bid sheet the maximum cap allowed for each phase.
  - V. The Kanawha County Commission has received approval from the State Historic Preservation Office to perform this work.
  - W. Each phase of the project will be placed under contract as funding becomes available. The \$600,000 energy efficiency grant, which has been approved, expires on August 27, 2012.
  - X. The Kanawha County Commission is tax exempt. The Tax Exempt Number is 55-6000335-001.
  - Y. Any and all additions in the scope of work (Change Orders) to the Proposals must be approved by the Kanawha County Commission **prior to the work being performed.** The Kanawha County Commission will not guarantee payment for work performed outside of the scope of the proposal without prior approval from the Commission.
  - Z. Successful vendor must complete, or have on file with the Kanawha County Commission, a Kanawha County Commission Vendor Registration Form, "No Debt Affidavit" and Internal Revenue Service Form W-9. Forms are available upon request.
  - AA. Rejection of Bids: The Kanawha County Commission reserves the right to reject any and/or all bids, in whole or in part, and to waive any informality in bidding.

#### **REQUIREMENTS:**

In the event the Kanawha County Commission, should be cited for a violation of any applicable State, Federal or local law, rule or regulation as a result of the vendor's actions associated with the activities described herein, vendor shall reimburse



the Kanawha County Commission for all attorney's fees associated with the defense of same and also reimburse the Kanawha County Commission for any fines, penalties and other costs paid as a result of vendor's actions.

## **DISPUTES AND ARBITRATION THEREOF**

- A. If, at any time, a difference of opinion or dispute shall arise between the parties to this agreement with respect to any right or obligation arising under this agreement, the question in dispute, if it cannot be settled between the parties themselves, may be referred to arbitrators consisting of three competent and disinterested persons, one of which persons shall be selected by the Owner, one by the vendor, and the third by the two arbitrators thus chosen by the Owner and vendor. The party desiring that any matter be submitted to arbitration shall give written notice thereof to the other party, stating therein the specific point or points in dispute and naming the person selected by said party as an arbitrator, and it shall be the duty of the other party, within fifteen days after receiving such notice, to agree in writing to submit the dispute to arbitration and to name an arbitrator. If the party upon whom such notice is served fails to respond thereto with such fifteen day period, then such failure shall be deemed a refusal by such party to agree to submit the dispute to arbitration and civil action may be filed in the Circuit Court of Kanawha County, West Virginia, for the purpose of resolving the dispute. In the event such other party does agree in writing to submit to arbitration but fails to name an arbitrator, the party desiring arbitration may apply to the Judge of the Circuit Court of Kanawha County, West Virginia, to appoint such arbitrator. Likewise, in the event of the failure of the arbitrators thus named to agree upon the third arbitrator within twenty days after notification of their appointment, then the third arbitrator may be named by such Judge upon application of either party hereto, and such Judge is empowered to name such arbitrator. The arbitrators thus chosen shall give to the parties to any dispute written notice of time and place of hearing and at the time and place appointed shall proceed with the hearing, unless, for some good cause of which the arbitrators, or a majority of them, shall be the sole judge, it shall be postponed until some later date within a reasonable time. The discussion of the board of arbitrators thus constituted, or a majority of the persons composing the same, shall be made in writing and a copy thereof delivered to each of the said parties. Payment of the expenses of such arbitration, including the fees of the arbitrators, shall be as directed by the board of arbitration, or a majority thereof.
- B. If the parties hereto expressly agree to submit any dispute to arbitration as herein provided then, and in such event, the decision rendered by the arbitrators shall be binding upon the parties and shall be specifically enforceable. If the parties do not agree, in writing, to submit such dispute to arbitration, the party requesting such arbitration may file a civil action in the Circuit Court of Kanawha County for the purpose of resolving such dispute; however, a request for arbitration shall not be a prerequisite to filing a civil action to settle any such dispute.
- C. Where the parties have submitted any question to arbitration as herein provided, the award of arbitrators shall be final and conclusive upon said parties with reference to the question so submitted and any judgment may be entered upon it in accordance with the provisions of Article 10, Chapter 55 of the Code of West Virginia, 1931, as amended.

## **STANDARDS OF QUALITY AND CODES:**

All work must conform to all rules and regulations of all governmental authorities and agencies having jurisdiction over the project, including, but not limited to:

1. Federal Occupational Safety & Health Administration Regulations (OSHA)
2. WV Department of Environmental Protection
3. WV Bureau of Public Health
4. WV State Fire Marshall
5. WV Department of Natural Resources
6. WV Department of Labor

For the Owner's Record, vendor is to submit copies of permits, licenses, certifications, inspection reports, releases, notices, receipts for fee payments, correspondence and records established in conjunction with compliance with standards and regulations bearing upon performance of work.

## **EQUAL OPPORTUNITY REQUIREMENTS**

Title V of the Civil Rights Act of 1964 provides that no person shall be excluded from participation, denied program benefits or subjected to discrimination on the basis of race, color, or national origin.

Section 3 of the HUD Act of 1968, as amended, provides that to the greatest extent feasible, opportunities for training and employment shall be given to lower-income residents of the project area and that contracts for work to be performed be awarded to business firms located in or owned in substantial part by persons residing in the project area.

Section 109 of the HUD Act of 1974, as amended, provides that no person shall be excluded from participation (including employment), denied program benefits or subjected to discrimination on the basis of race, color, national origin, or sex under any program or activity funded under Title I of the HUD Act of 1974, as amended.

Executive Order 11246, as amended, provides that no persons shall be discriminated against, on the basis of race, color, religion, sex, or national origin in any phase of employment.

Executive Order 11625 provides that grantees establish affirmative action programs for minority business enterprise utilization. Vendors are required to utilize maximum efforts to realize goals set forth in such programs.

**The following documents are to be submitted with vendor's bid document:**

1. Signed and dated bid document to include written warranty information.
2. Name, address and telephone number of three commercial references where contractor has provided replacement windows for historical buildings (include installation dates).