



State of West Virginia  
 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

# Request for Quotation

RFQ NUMBER  
**DPS0651**

PAGE  
**1**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
**BUYER 32**  
**304-558-0492**

**VENDOR**  
 \*709041016      304-232-1541  
**VALLEY NATIONAL GASES INC**  
**PO BOX 6628**  
**67 43RD STREET**  
**WHEELING WV 26003**

**SHIP TO**  
**WEST VIRGINIA STATE POLICE**  
  
**4124 KANAWHA TURNPIKE**  
**SOUTH CHARLESTON, WV**  
**25309                      304-746-2141**

DATE PRINTED <b>05/30/2006</b>	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: **06/21/2006**      BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<b>REQUEST FOR QUOTATION</b>						
<p>THE PURCHASING DIVISION IS SOLICITING BIDS FOR THE WEST VIRGINIA STATE POLICE FOR AN OPEN END CONTRACT TO PROVIDE LIQUID PROPANE GAS DELIVERED TO VARIOUS DETACHMENTS/LOCATIONS IN THE STATE.</p> <p>ATTACHMENTS:</p> <p style="margin-left: 40px;">1. SPECIFICATIONS W/ATTACHED BID FORM            2. AFFIDAVIT</p>						
0001	1	EA		405-03		
<p>LIQUID PROPANE GAS DELIVERED TO VARIOUS LOCATIONS</p> <p>EXHIBIT 1</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON JULY 1, 2006, AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE.</p>						

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<p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS, AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.</p> <p>RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) SUCCESSIVE ONE (1) YEAR PERIODS.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM WITH THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN</p> <p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK).</p> <p>INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF COVERAGE OF COMMERCIAL GENERAL LIABILITY INSURANCE PRIOR TO ISSUANCE OF THE CONTRACT. UNLESS OTHERWISE SPECIFIED IN THE BID DOCUMENTS, THE MINIMUM AMOUNT OF INSURANCE COVERAGE REQUIRED IS \$250,000.</p> <p>WORKER'S COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKER'S COMPENSATION IF SUCCESSFUL.</p>						

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<p><b>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</b></p> <p><b>VENDOR PREFERENCE CERTIFICATE</b></p> <p><b>CERTIFICATION AND APPLICATION* IS HEREBY MADE FOR PREFERENCE IN ACCORDANCE WITH WEST VIRGINIA CODE, 5A-3-37 (DOES NOT APPLY TO CONSTRUCTION CONTRACTS).</b></p> <p><b>A. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED:</b></p> <p><b>( ) BIDDER IS AN INDIVIDUAL RESIDENT VENDOR AND HAS RESIDED CONTINUOUSLY IN WEST VIRGINIA FOR FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION; OR</b></p> <p><b>( ) BIDDER IS A PARTNERSHIP, ASSOCIATION OR CORPORATION RESIDENT VENDOR AND HAS MAINTAINED ITS HEAD-QUARTERS OR PRINCIPAL PLACE OF BUSINESS CONTINUOUSLY IN WEST VIRGINIA FOR FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION; OR 80% OF THE OWNERSHIP INTEREST OF BIDDER IS HELD BY ANOTHER INDIVIDUAL, PARTNERSHIP, ASSOCIATION OR CORPORATION RESIDENT VENDOR WHO HAS MAINTAINED ITS HEADQUARTERS OR PRINCIPAL PLACE OF BUSINESS CONTINUOUSLY IN WEST VIRGINIA FOR FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION; OR</b></p> <p><b>( ) BIDDER IS A CORPORATION NONRESIDENT VENDOR WHICH HAS AN AFFILIATE OR SUBSIDIARY WHICH EMPLOYS A MINIMUM OF ONE HUNDRED STATE RESIDENTS AND WHICH</b></p>						

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<p>HAS MAINTAINED ITS HEADQUARTERS OR PRINCIPAL PLACE OF BUSINESS WITHIN WEST VIRGINIA CONTINUOUSLY FOR THE FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION.</p> <p>B. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED:</p> <p>( ) BIDDER IS A RESIDENT VENDOR WHO CERTIFIES THAT, DURING THE LIFE OF THE CONTRACT, ON AVERAGE AT LEAST 75% OF THE EMPLOYEES WORKING ON THE PROJECT BEING BID ARE RESIDENTS OF WEST VIRGINIA WHO HAVE RESIDED IN THE STATE CONTINUOUSLY FOR THE TWO YEARS IMMEDIATELY PRECEDING SUBMISSION OF THIS BID;</p> <p>OR</p> <p>( ) BIDDER IS A NONRESIDENT VENDOR EMPLOYING A MINIMUM OF ONE HUNDRED STATE RESIDENTS OR IS A NONRESIDENT VENDOR WITH AN AFFILIATE OR SUBSIDIARY WHICH MAINTAINS ITS HEADQUARTERS OR PRINCIPAL PLACE OF BUSINESS WITHIN WEST VIRGINIA EMPLOYING A MINIMUM OF ONE HUNDRED STATE RESIDENTS WHO CERTIFIES THAT, DURING THE LIFE OF THE CONTRACT, ON AVERAGE AT LEAST 75% OF THE EMPLOYEES OR BIDDERS' AFFILIATE'S OR SUBSIDIARY'S EMPLOYEES ARE RESIDENTS OF WEST VIRGINIA WHO HAVE RESIDED IN THE STATE CONTINUOUSLY FOR THE TWO YEARS IMMEDIATELY PRECEDING SUBMISSION OF THIS BID.</p> <p>BIDDER UNDERSTANDS IF THE SECRETARY OF TAX &amp; REVENUE DETERMINES THAT A BIDDER RECEIVING PREFERENCE HAS FAILED TO CONTINUE TO MEET THE REQUIREMENTS FOR SUCH PREFERENCE, THE SECRETARY MAY ORDER THE DIRECTOR OF PURCHASING TO: (A) RESCIND THE CONTRACT OR PURCHASE ORDER ISSUED; OR (B) ASSESS A PENALTY AGAINST SUCH BIDDER IN AN AMOUNT NOT TO EXCEED 5% OF THE BID AMOUNT AND THAT SUCH PENALTY WILL BE PAID TO THE CONTRACTING AGENCY OR DEDUCTED FROM ANY UNPAID BALANCE ON THE</p>						

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<p><b>CONTRACT OR PURCHASE ORDER.</b></p> <p>BY SUBMISSION OF THIS CERTIFICATE, BIDDER AGREES TO DISCLOSE ANY REASONABLY REQUESTED INFORMATION TO THE PURCHASING DIVISION AND AUTHORIZES THE DEPARTMENT OF TAX AND REVENUE TO DISCLOSE TO THE DIRECTOR OF PURCHASING APPROPRIATE INFORMATION VERIFYING THAT BIDDER HAS PAID THE REQUIRED BUSINESS TAXES, PROVIDED THAT SUCH INFORMATION DOES NOT CONTAIN THE AMOUNTS OF TAXES PAID NOR ANY OTHER INFORMATION DEEMED BY THE TAX COMMISSIONER TO BE CONFIDENTIAL.</p> <p>UNDER PENALTY OF LAW FOR FALSE SWEARING (WEST VIRGINIA CODE 61-5-3), BIDDER HEREBY CERTIFIES THAT THIS CERTIFICATE IS TRUE AND ACCURATE IN ALL RESPECTS; AND THAT IF A CONTRACT IS ISSUED TO BIDDER AND IF ANYTHING CONTAINED WITHIN THIS CERTIFICATE CHANGES DURING THE TERM OF THE CONTRACT, BIDDER WILL NOTIFY THE PURCHASIN DIVISION IN WRITING IMMEDIATELY.</p> <p>BIDDER: <i>Valley Nat'l Gases, Inc.</i></p> <p>DATE: <i>6-30-06</i></p> <p>SIGNED: <i>Nancy Scott</i></p> <p>TITLE: <i>Branch Manager</i></p> <p>* CHECK ANY COMBINATION OF PREFERENCE CONSIDERATION(S) IN EITHER "A" OR "B", OR BOTH "A" AND "B" WHICH YOU ARE ENTITLED TO RECEIVE. YOU MAY REQUEST UP TO THE MAXIMUM 5% PREFERENCE FOR BOTH "A" AND "B".</p>						

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<p><b>NOTICE</b></p> <p><b>AN ORIGINAL, SIGNED BID MUST BE SUBMITTED TO:</b></p> <p><b>DEPARTMENT OF ADMINISTRATION</b>  <b>PURCHASING DIVISION</b>  <b>BUILDING 15</b>  <b>2019 WASHINGTON STREET, EAST</b>  <b>CHARLESTON, WV 25305-0130</b></p> <p><b>BIDS DUE JUNE 21, 2006, 1:30 PM</b></p> <p><b>***** THIS IS THE END OF RFQ      DPS0651 ***** TOTAL: _____</b></p>						

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**BID SPECIFICATION – DPS0651**  
**West Virginia State Police**  
**Liquid Propane Gas (LPG)**  
**SPECIFICATIONS**

**General Information**

The West Virginia State Police (hereafter referred to as "Agency") intends to establish an open end contract for the purchase and delivery of **Liquid Propane Gas (LPG)**, for consumption at the below specified Agency facilities:

Location:	Troop 2 Headquarters West Virginia State Police
Size of Facility:	20,000 sq. ft.
Capacity:	2 tanks @ 1,000 gallons each
Estimated Annual Usage:	10,000 gallons

This facility is located within the Bardane Industrial Park (off State Route 9) near Kearneysville, Jefferson County, West Virginia. LPG will be used for the heating of this facility.

Location:	Moorefield/Petersburg Detachment West Virginia State Police
Size of Facility:	8,000 sq. ft.
Capacity:	1 tank @ 1,000 gallons
Estimated Annual Usage:	3,000 gallons

This facility is located on the south side of US Route 220, midway between Moorefield and Petersburg, In Hardy County, West Virginia. LPG will be used for the hearing of this facility.

Location:	Romney Detachment West Virginia State Police
Size of Facility:	6,800 sq. ft.
Capacity:	3 tanks @ 1,000 gallons each
Estimated Annual Usage:	6,000 gallons

This facility is located at 525 Depot Street, within the city of Romney, Hampshire County, West Virginia. LPG will be used for the hearing of this facility and to fuel a 15KW emergency power generator.

Location:	Franklin Detachment West Virginia State Police
Size of Facility:	7,010 sq. ft. (incl basement)
Capacity:	Minimum of 1 tank @ 1,000 gallons each
Estimated Annual Usage:	5,000 gallons

This facility is located on U.S. Route 33, east of the City of Franklin, Pendleton County, West Virginia. LPG will be used for the heating of this facility and to fuel a 15KW emergency power generator.

**Note: All underground tanks are owned by the Agency.**

### **Quality of Product**

The Agency reserves the right to require that prospective Vendors provide proof of the quality of product provided, both during the bid evaluation process, and at any time during the life of the contract. Such proof may include the identity and location of the refiner producing the fuel, and the exact specifications/content of the fuel.

Vendors must be an established Refiner, Distributor or Dealer, and must satisfactorily prove to the Agency that adequate facilities and/or equipment are available to perform all the requirements of this contract. References may be required.

In the event any adulterated or substandard fuel is delivered, all costs associated with emptying and cleaning the Agency's tank(s) will be the responsibility of the Vendor.

### **Delivery**

All costs associated with delivery must be reflected within the below section(s) entitled "Price Quotations."

If an order is placed by Agency personnel, delivery must be made within 48 hours of the time when the order is placed. Agency orders will be placed by telephone or fax. It is the intent of the Agency that "manual" orders of this type will be the exception, and will only be used in other than normal circumstances (see "automatic fill" below).

Prospective Vendors must be willing and able to place all locations served by this contract on an "automatic fill" program. For the purposes of this contract the term



“automatic fill” means the Vendor will monitor fuel consumption at the facility in order to establish a consumption track record for the facility. Having established this track record, the Vendor will then replenish the facility’s fuel tank(s) automatically without an order even being placed by Agency personnel. The object of this program is to eliminate the need for Agency personnel to monitor fuel levels and place orders, while at the same time not running the risk of being out of fuel.

Delivery documents must be presented to Agency personnel when fuel is unloaded. The documents must be signed by an Agency employee after unloading and verification of quantity received is made.

The Vendor will not be held liable in damages for the delay of shipment or failure to deliver caused by fire, flood, Acts of God, Acts of government or by any other circumstances which in the opinion of the Agency are beyond the control of the Vendor. The Agency may, in its discretion, purchase the product on the open market until such time as product becomes available from the Vendor.

### **Taxes**

The West Virginia State Police, as an agency of the State of West Virginia is exempt from West Virginia Consumer Sales Tax (\$0.0485). The State of West Virginia does not charge State Excise Tax on LPG. All invoices are to be submitted for payment “Net” of taxes.

### **Pricing**

Vendors must bid a “Firm Fixed Mark-Up Price” per gallon on fuel (inclusive of all delivery costs). The Vendor is to bid only a firm fixed mark-up for business profit and expenses in supplying the product to the Agency.

### **Invoicing**

Vendor shall invoice the Agency their “Firm Fixed Mark-Up Bid Price” plus the Oil Price Information Service (OPIS) weekly newsletter published price for the week preceding delivery. OPIS, as published by United Communications Group, 11300 Rockville Pike, Suite 1100, Rockville, Maryland 20852 (telephone 800-929-4824). Vendors shall be required to submit proof of cost in conjunction with the submission of invoices. A copy of the page(s) showing the date and the cost will be acceptable.

**Agency Points of Contact**

The Agency contact responsible for placing orders and processing of invoices will be:

**(All locations with the exception of Franklin)**

Logistics Officer or Troop Clerk – Troop 2  
Troop 2 Headquarters                      Voice:                      304-725-3659  
West Virginia State Police                      Fax:                      304-728-6001  
113 Industrial Boulevard  
Kearneysville, WV 25430

**(Franklin location only)**

Logistics Officer or Troop Clerk – Troop 3  
Troop 3 Headquarters  
West Virginia State Police  
1300 Harrison Avenue  
Elkins, WV 26241

**Bid Evaluation and Award**

In-state Vendor Preference will be considered, if checked on the RFQ by the respective in-state vendor. Such preference will be added to the out-of-state vendor's mark-up price for the purpose of bid evaluation.

**Note: The State reserves the right to make a single award for all facilities / locations or to make multiple individual awards.**

**Questions**

Any questions concerning the intent of this bid specification should be directed to:

Carole Woodyard  
WV State Police Procurement Division  
4124 Kanawha Turnpike  
South Charleston, WV 25309  
(304) 746-2141  
[cwoodyard@wvsp.state.wv.us](mailto:cwoodyard@wvsp.state.wv.us)

**Vendor Registration**

Vendor Registration is not required in order to submit a response to this bid solicitation. In the event the successful Vendor(s) is not registered to do business with the State of West Virginia, such registration must be established prior to contract award. Up to close of business on June 7, 2006, the fee is \$45.00 per year; thereafter the fee will be \$125.00 per year.

**BID FORM**

**Charlestown Facility**

Provide all figures in written and numeric form:

Firm Fixed Mark-Up Price  
(must include delivery charge)

\$ \_\_\_\_\_  
(Numeric)

\$ \_\_\_\_\_  
(Written text)

\_\_\_\_\_  
Signature of Individual Submitting Bid

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title of Individual Submitting Bid

\_\_\_\_\_  
Telephone and Fax Number of Individual Submitting Bid

**BID FORM**

**Moorefield/Petersburg Facility**

Provide all figures in written and numeric form:

Firm Fixed Mark-Up Price  
(must include delivery charge)

\$     .545      
(Numeric)

\$     1.723      
(Written text)

Nancy Scott  
Signature of Individual Submitting Bid

6/20/06  
Date

Branch Manager  
Title of Individual Submitting Bid

304-358-2307      304-358-2392  
Telephone and Fax Number of Individual Submitting Bid

**BID FORM**

**Romney Facility**

Provide all figures in written and numeric form:

Firm Fixed Mark-Up Price  
(must include delivery charge)

\$           .545            
(Numeric)

\$           1.723            
(Written text)

Nancy Scott  
Signature of Individual Submitting Bid

6/20/06  
Date

Branch Manager  
Title of Individual Submitting Bid

304-358-2307    304-358-2392  
Telephone and Fax Number of Individual Submitting Bid

**BID FORM**

**Franklin Facility**

Provide all figures in written and numeric form:

Firm Fixed Mark-Up Price  
(must include delivery charge)

\$           .545            
(Numeric)

\$           1.723            
(Written text)

          Nancy Scott            
Signature of Individual Submitting Bid

          6/20/06            
Date

          Branch Manager            
Title of Individual Submitting Bid

          304-358-2307    304-358-2392            
Telephone and Fax Number of Individual Submitting Bid

RFQ No. \_\_\_\_\_

# AFFIDAVIT

**West Virginia Code §5A-3-10a states:**

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 the debt owned is an amount greater than one thousand dollars in the aggregate.

**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.

“Debtor” means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions.

“Political subdivision” means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities.

“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 exceed five percent of the total contract amount.

**EXCEPTION:**

The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this 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.

**LICENSING:**

The vendor must be licensed in accordance with any and all state requirements to do business with the state of West Virginia.

**CONFIDENTIALITY:**

The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency’s policies, procedures and rules. Vendors should visit [www.state.wv.us/admin/purchase/privacy](http://www.state.wv.us/admin/purchase/privacy) for the Notice of Agency Confidentiality Policies.

Under penalty of law for false swearing (West Virginia Code, §61-5-3), it is hereby certified that the vendor acknowledges the information in this said affidavit and are in compliance with the requirements as stated.

Vendor's Name: Valley National Gases, Inc.

Authorized Signature: Nancy Scott Date: 6/20/06