



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
707EC011

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
JOHN JOHNSTON
304-558-2402

VENDOR

*709043751 304-366-4690
MIDDLETOWN TRACTOR SALES
2032 FAIRMONT AVE

FAIRMONT WV 26554

SHIP TO

DIVISION OF HIGHWAYS
EQUIPMENT DIVISION
ROUTE 33
BRUSHY FORK ROAD
BUCKHANNON, WV
26201 **304-472-1750**

DATE PRINTED 10/01/2006	TERMS OF SALE NET30	SHIP VIA Our Truck	F.O.B. Destination	FREIGHT TERMS Prepaid
BID OPENING DATE: 11/08/2006		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA		020-16	\$18070.00	\$18070.00
<p>SIDE MOUNTED HYDRAULICALLY POWERED 60" ROTARY MOWER Motrim LMS-5R</p> <p>OPEN END CONTRACT</p> <p>TO PROVIDE SIDE MOUNTED HYDRAULICALLY POWERED 60 INCH ROTARY MOWER AS DESCRIBED IN ATTACHED PROCUREMENT SPECIFICATION 135-1-B.</p> <p>THERE WILL BE A MANDATORY PRE-BID CONFERENCE AT THE STATE CAPITOL COMPLEX, BUILDING 15, CONFERENCE ROOM, AT 10:00 AM ON 10/26/06. FAILURE TO ATTEND THE PRE-BID CONFERENCE WILL RESULT IN BID DISQUALIFICATION.</p> <p>QUESTIONS: WRITTEN QUESTIONS WILL BE ACCEPTED THROUGH CLOSE OF BUSINESS (5:00PM EST) ON WEDNESDAY 10/18/06. SEND YOUR QUESTIONS TO: PURCHASING DIVISION ATTENTION JOHN JOHNSTON 2019 WASHINGTON ST. E. CHARLESTON, WV. 25305</p> <p>QUESTIONS MAY BE SENT VIA FAX, E-MAIL, OR REGULAR MAIL E-MAIL: JJOHNSTON@WVADMIN.GOV FAX: 304-558-4115</p> <p>IT IS THE VENDORS RESPONSIBILITY TO VERIFY THAT THEIR QUESTIONS HAVE BEEN RECEIVED BY CALLING 304-558-2402.</p> <p>EXHIBIT 2</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON 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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE 	TELEPHONE (304) 366-4690	DATE 11-2-06
TITLE President	FAX 55-0547157	ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



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<p>NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING THIRTY (30) DAYS WRITTEN NOTICE.</p> <p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED 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) 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>QUANTITIES: QUANTITIES LISTED IN THE REQUISITION ARE APPROXIMATIONS ONLY, BASED ON ESTIMATES SUPPLIES BY THE STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF CONTRACT,</p>						

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<p>WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p> <p>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN EQUIPMENT CONTRACT ORDER (FORM NUMBER WV-35) FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL WV-35 MUST BE SENT TO THE PURCHASING DIVISION OF THE DEPARTMENT OF ADMINISTRATION. AFTER APPROVAL AND ENCUMBRANCE, ONE COPY OF THE PURCHASE ORDER WILL BE RETURNED TO THE SPENDING UNIT AND ONE COPY FORWARDED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT. NO ORDER IS VALID UNLESS APPROVED AND ENCUMBERED BY THE PURCHASING DIVISION.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</p> <p>REV. 9/98</p> <p>EXHIBIT 6</p> <p>PRICE ADJUSTMENT PROVISION: THE STATE OF WEST VIRGINIA WILL CONSIDER BIDS THAT CONTAIN PROVISIONS FOR PRICE ADJUSTMENTS PRIOR TO THE ORIGINAL EXPIRATION OF THE CONTRACT, PROVIDED THAT SUCH PRICE ADJUSTMENT COVERS BOTH UPWARD AND DOWNWARD MOVEMENT OF THE COMMODITY PRICE, AND THAT ADJUSTMENT IS BASED ON THE "PASS THROUGH" INCREASE OR DECREASE OF RA MATERIALS AND/OR LABOR, WHICH MAKE UP ALL OR A SUBSTANTIAL PART OF A PRODUCT. ADJUSTMENTS ARE TO BE BASED UPON AN ACTUAL DOLLAR FIGURE, NOT A PERCENTAGE. ALL PRICE ADJUSTMENT REQUESTS MUST BE SUBSTANTIATED IN A MANNER ACCEPTABLE TO THE DIRECTOR PURCHASING, E.G. GOVERNMENTAL BENCH MARKS, GENERAL MARKET INCREASE,</p>						

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<p>PUBLISHED PRICE LISTS. SUCH REQUESTS FOR AND INCREASE SHOULD BE RECEIVED IN WRITING BY THE DIRECTOR OF PURCHASING AT LEAST 30 DAYS IN ADVANCE OF THE EFFECTIVE DATE OF THE INCREASE. ANY TIME THE VENDOR REQUESTS A PRICE ADJUSTMENT, THE PURCHASING DIVISION MAY EITHER ACCEPT THE PRICE ADJUSTMENT AND AMEND THE CONTRACT ACCORDINGLY OR REJECT THE ADJUSTMENT IN ITS ENTIRETY AND CANCEL THE CONTRACT.</p> <p>VENDOR PREFERENCE CERTIFICATE</p> <p>CERTIFICATION AND APPLICATION* IS HEREBY MADE FOR PREFERENCE IN ACCORDANCE WITH WEST VIRGINIA CODE, 5A-3-37 (DOES NOT APPLY TO CONSTRUCTION CONTRACTS).</p> <p>A. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED:</p> <p>() 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</p> <p>(X) 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</p> <p>() BIDDER IS A CORPORATION NONRESIDENT VENDOR</p>						

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SIGNATURE <i>James J. Boush</i>	TELEPHONE	DATE
TITLE <i>Proc.</i>	ADDRESS CHANGES TO BE NOTED ABOVE	

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<p>WHICH HAS AN AFFILIATE OR SUBSIDIARY WHICH EMPLOYS A MINIMUM OF ONE HUNDRED STATE RESIDENTS AND WHICH 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>(X) 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 & 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</p>						

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SIGNATURE <i>James A. Brown</i>	TELEPHONE	DATE
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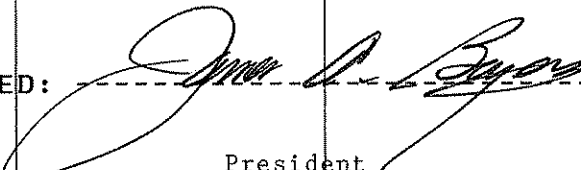
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<p>AND THAT SUCH PENALTY WILL BE PAID TO THE CONTRACTING AGENCY OR DEDUCTED FROM ANY UNPAID BALANCE ON THE CONTRACT OR PURCHASE ORDER.</p> <p>BY SUBMISSION OF THIS CERTIFICATE, BIDDER AGREES TO DISCLOSE ANY REASONABLY REQUESTED INFORMATION TO THE PURCHASING 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 PURCHASING DIVISION IN WRITING IMMEDIATELY:</p> <p>BIDDER: <u>Middletown Tractor Sales</u></p> <p>DATE: <u>11-02-06</u></p> <p>SIGNED: <u></u></p> <p>TITLE: <u>President</u></p> <p>* CHECK ANY COMBINATION OF PREFERENCE CONSIDERATION(S) IN EITHER "A" OR "B", OR BOTH "A" AND "B" WHICH YOU AR</p>						

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CONTACT PERSON (PLEASE PRINT CLEARLY): Zach Marsh						
***** THIS IS THE END OF RFQ 707EC011 *****						TOTAL: \$18070.00

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NOTE: VENDORS SHOULD TYPE THE BIDDER'S EVALUATION REPORT

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
EQUIPMENT DIVISION

BIDDER'S EVALUATION REPORT

PROCUREMENT SPECIFICATIONS FOR OPEN END CONTRACT
NO. 135-1-B

SIDE MOUNTED HYDRAULICALLY POWERED 60 INCH ROTARY MOWER

NOTE TO BIDDER: Procurement Specification No. 135-1-B, Paragraph 2.0 recommends the completion and submittal of this Report with your bid. Purpose of this Report is to enable the West Virginia Division of Highways Evaluation Committee to make full and fair evaluation of the bid.

FAILURE TO SUBMIT THIS REPORT, COMPLETE IN ITS ENTIRETY, MAY SUBJECT THE BIDDER TO DISQUALIFICATION.

Reference Requisition No.: 707EC011

Bidder's Name: Middletown Tractor Sales

Address: 2032 Fairmont Ave Fairmont, WV 26554

Telephone Number: (304) 366-4690

Years Bidder has been registered to do business with the State of West Virginia: 35 YRS.

Years Company has been an authorized dealer for proposed unit: 20 YRS.

X4.2 DELIVERY:

X4.2.1 Delivery date of completed representative unit: 30 Calendar Days After Date of Purchase Agreement

X4.2.2 Delivery date of balance of completed units: 45 Calendar Days After Date of Purchase Agreement

X5.0 AWARD CRITERIA:

X5.1	Prices in quantities of	1-10	<u>\$18070.00</u>	per unit
		11-20	<u>\$18070.00</u>	per unit
		21 and over	<u>\$18070.00</u>	per unit

X6.0 SPECIFICATIONS - GENERAL

X6.1 Manufacturer, model, series, and date of manufacture of proposed unit:

MoTrim Inc. Model: LMS-5R Manufacture Date of Nov. 2006 or Later

Is descriptive literature, fully describing proposed unit attached to your bid? YES NO

If not, why? _____

X6.2 Will the required number of service manuals, and complete parts list be delivered to the Equipment Division at Buckhannon upon completion of delivery of total units? YES NO

Will the required Equipment Preventive Maintenance Form (Section X6.2 of Bidders Evaluation Report) be provided upon inspection of the pilot unit? YES NO

X6.3 TRAINING:

Will training seminar be conducted on Preventive Maintenance, Operator and Mechanic Training YES NO

Will you conduct training with each purchase order against this open end contract? YES NO

Will training be conducted within 2 working days from the delivery of the pilot unit on the individual purchase order? YES NO

If NO, explain time frame Training will be conducted as soon as possible; not to exceed 7 calendar days from delivery of pilot unit.

Will an Operator's Manual be furnished to the Training Academy? YES NO

X6.4 If you are the successful vendor, will you furnish all training aids, i.e., videos, projectors, required in conducting the training? YES NO

X6.4.1 Will all manuals, booklets, etc. explaining preventive maintenance, operator procedures, and service schedule be delivered with each unit? YES NO
If NO, explain _____

X6.5 WARRANTY AND SERVICE POLICY

Will the warranty and service you provide comply with all areas as stated in Section 6.5 of specifications YES NO

Is warranty literature attached? YES NO

Is a minimum two (2) year bumper to bumper basic warranty included? YES NO
Describe:

~~Please see the attached Manufacturer's Basic Warranty Document~~

Note: The Manufacturer's Standard warranty has been extended to meet

The mandatory 24 month period

X6.6 EVALUATION COMMITTEE REQUIREMENTS

Is all component specifications, product literature, component models provided for Evaluation Committee bid determination? YES NO

X6.7 Will all parts, equipment, accessories, material, design and performance characteristics not specified herein, but which are necessary to provide a complete unit, be furnished with the unit and conform in strength, quality of material, and quality of workmanship to those which are advertised and provided to the market in general by the unit industry? YES NO

X6.7.1 Are all parts and accessories adequate and regularly supplied as standard to be included except those which may be duplications of specifications herein, and except these by specification are not to be furnished? YES NO

X6.7.2 Are all standard safety features that are required by Federal and State statutes of law included? YES NO

X7.0 SPECIFICATIONS OF THE QUOTED UNIT

The bidder should complete the following schedule in order for the Division to compare the actual bid unit to the specifications. Should the bidder except a requirement, then such exception may be only on the basis that such feature is not offered by the manufacturer. The Division will have the sole discretion as to whether the bidder's substitution meets the requirements of the specifications.

Manufacturer: MoTrim Model: LMS-5R

X7.1 Frame:

X7.1.1 Mid mount between front and rear wheel of tractor YES NO

X7.1.2 Main frame braced to front axle housing and rear axle YES NO

X7.2 Hydraulic Reservoir and Filtration:

X7.2.1 Manufacturers standard with restriction gauge YES NO

X7.2.2 Are all mower hydraulics separate from the tractor hydraulics YES NO

X7.3 Filter:

X7.3.1 Suction line: 100 mesh

X7.3.2 Main in-tank filter 10 micron, 75 GPM full flow with restriction gauge

X7.4 Mower Lift Assembly:

X7.4.1 Is mower capable of mowing from 90 degrees up to 90 degrees down YES NO

X7.4.2 Is mower capable of raising 17 inches vertically, 6 inches below grade YES NO

X7.5 Hydraulics:

X7.5.1 Pump: Piston pump YES NO

X7.5.2 GPM: 29 & 15 Manufacturers standard? YES NO

X7.5.3 Valve (to mower head): Two (2) position (electric solenoid controlled with direct acting relief valve) YES NO

X7.5.4 Rating of drive shaft assembly 184 ft. lbs. torque

X7.5.4.1 Suction line: 1-1/2 inches

X7.5.4.2 Motor circuit hoses: 1-1/4 inches

X7.5.4.3 Valve: (for raising and lowering mowers) – 2 spool open center YES NO
 Tapered position metering type with adjustable main relief valve YES NO

X7.6 Deck:

X7.6.1 Cutting width: 5 feet (60 inches)

X7.6.2 Deck material:

X7.6.2.1 Deck: 1/4 inch

X7.6.2.2 Reinforcing frame: 4 inch x 9 inch channel

X7.6.2.3 Side skirt: 3/8 inch thick

X7.6.2.4 Are skid shoes full length replaceable YES NO

X7.6.2.5 Is trash deflector rubber, full length standard YES NO Chain: see addendum

X7.7 Spindle:

X7.7.1 Is spindle alloy steel, tapered roller bearings, bottom in oil bath YES NO

X7.7.2 Is spindle housing cast steel unibody YES NO

X7.8 Motor to Spindle Drive:

X7.8.1 Splined coupler, direct drive enclosed (specifically excluding chain or dodge couplers) YES NO

X7.9 Blade Bar and Blades:

X7.9.1 Single leaf YES NO Size: 1-1/4 inch x 6 inch x 27 inchX7.9.2 Blades: Full swing 360 degrees YES NOSize: 1/2 inch x 4 inch x 20-1/8 inch Heat treated up draft alloy steel YES NOX7.9.3 Are blade bolts forged with nut and lock washer, heat treated shouldered YES NO

X7.10 Deflectors:

X7.10.1 Chain guards, front and rear YES NO

X7.11 Optional Equipment:

X7.11.1 Tail wheel assembly YES NO

X7.12 Paint: Describe paint preparation and color:

Thoroughly cleaned, primed, and painted Highway YellowX7.13 Does unit comply with OSHA requirements YES NOX7.14 Does unit comply with advertising guidelines YES NO

X7.15 Preventive Maintenance and Operators Orientation/Training:

X7.15.1 Will manufacturer or dealer comply with conducting seminar YES NOWill you furnish all training aids YES NO



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ADDENDUM NO. 1						
CHANGES TO THE SPECIFICATIONS PER THE ATTACHED.						
MoTrim Inc. Model: LMS-5R						
BID OPENING DATE AND TIME REMAINS THE SAME.						
NO OTHER CHANGES.						
MoTrim Inc. Model: LMS-5R						
0001	1	EA		020-16	\$18070.00	\$18070.00
SIDE MOUNTED HYDRAULICALLY POWERED 60" ROTARY MOWER						
***** THIS IS THE END OF RFQ 707EC011 ***** TOTAL:						\$18070.00

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>James D. Boyles</i>	TELEPHONE 304-366-4690	DATE 11-3-06
TITLE President	FAX 55-0547175	ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

ADDENDUM #1
707EC011

OPEN END CONTRACT
SIDE MOUNTED HYDRAULICALLY POWERED 60" ROTARY MOWER

CHANGES TO SPECIFICATIONS:

FROM:

4.2

DELIVERY (3rd Paragraph)

A completed pilot model for inspection must be provided within 30 calendar days after the date of the purchase agreement by the successful vendor

TO:

4.2

DELIVERY (3rd Paragraph)

A completed factory installed pilot model for inspection must be provided within 30 calendar days after the date of the purchase agreement by the successful vendor. The Division of Highways will provide successful vendor with tractor for the factory installed pilot.

FROM:

7.2.2

All mower hydraulics shall be separate from tractor hydraulics

TO:

7.2.2

All mower hydraulics shall be separate from tractor hydraulics (excluding use of tractor hydraulics)

FROM:

7.5.1

Pump: Piston pump

TO:

7.5.1

Pump: All pump(s) shall be piston pumps

FROM:

7.6.2.5 Trash Deflector: Rubber, full length standard

TO:

7.6.2.5 Trash Deflector: Chain, full length standard

ADD:

7.11.2 Tire to be laminated

ADD:

7.11.3 1/2 inch Lexan shield to right side of tractor cab. Shall be fastened, hinged to meet OSHA safety standard)

ADDENDUM #1
707EC011

OPEN END CONTRACT
SIDE MOUNTED HYDRAULICALLY POWERED 60" ROTARY MOWER

CHANGES TO BIDDER'S EVALUATION REPORT:

FROM:

X4.2.1 Delivery date of completed representative unit: N/A calendar days after date of purchase agreement

TO:

X4.2.1 Delivery date of completed factory installed representative unit: 30 calendar days after the date of purchase agreement

FROM:

X7.2.2 Are all mower hydraulics separate from the tractor hydraulics N/A YES NO

TO:

X7.2.2 Are all mower hydraulics separate from the tractor hydraulics (excluding use of tractor hydraulics) YES NO

FROM:

X7.5.1 Pump: Piston pump N/A YES NO

TO:

X7.5.1 Pump: Are all pump(s) used piston pumps YES NO

FROM:

X7.6.2.5 Is trash deflector rubber, full length standard N/A YES NO

TO:

X7.6.2.5 Is trash deflector chain, full length standard YES NO

ADD:

X7.11.2 Is tire laminated YES NO

ADD:

X7.11.3 Is there a 1/2 inch Lexan shield to right side of tractor cab YES NO

Is it fastened, hinged meeting OSHA safety standards YES NO

132- CLASS MOWER (SHORT BOOM)

Note: Not Limited to

1996	J. Deere	6200
1997	J. Deere	6200
1998	J. Deere	6210
1999	J. Deere	6110
2001	J. Deere	6210
2002	J. Deere	6220
2003	J. Deere	6220
2004	J. Deere	6220
2005	J. Deere	5455

MF 5455

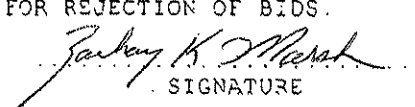


NEXT FUNCTION: _____ ACTION: _____ 10/26/2006 10:53:46
REQUEST: _____ SAVE SHOW PAGE NO: _____

=====

BUY ENTITY: PUR REQUISITION NO: 707EC011

CATALOG NO: _____ ITEM NO: e10 BEGINNING SEQUENCE NUMBER: _____

A/B C/D	REQ. LINE	SEQ NO.	COMMENTS/SPECIFICATIONS/INSTRUCTIONS	PRINT LINE
		95	EXHIBIT 10	Y
		100		Y
		105	REQUISITION NO.:	Y
		110		Y
		115	ADDENDUM ACKNOWLEDGEMENT	Y
		120		Y
		125	I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED	Y
		130	ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY	Y
		135	PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.	Y
		140		Y
		145	ADDENDUM NO.'S:	Y
		150		Y
		155	NO. 1 ... We received Addendum # 1	Y
		160		Y
		165	NO. 2 ... We received Addendum # 2	Y
		170		Y
		175	NO. 3	Y
		180		Y
		185	NO. 4	Y
		190		Y
		195	NO. 5	Y
		200		Y
		205	I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE	Y
		210	ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.	Y
		215		Y
		220		Y
		225	SIGNATURE	Y
		230		Y
		235	Middletown Tractor Sales	Y
		240	COMPANY	Y
		245	11-3-06	Y
		250	Y
		255	DATE	Y
		260		Y
		265		Y
		270	REV. 11/96	Y



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

WV PURCHASING ACA SECT Fax 304-558-4115

Nov 3 2006 02:31pm P001/001

Request for Quotation

RFQ NUMBER
707EC011

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
JOHN JOHNSTON
304-558-2402

*709043751 304-366-4690
 MIDDLETOWN TRACTOR SALES
 2032 FAIRMONT AVE
 FAIRMONT WV 26554

DIVISION OF HIGHWAYS
 EQUIPMENT DIVISION
 ROUTE 33
 BRUSHY FORK ROAD
 BUCKHANNON, WV
 26201 304-472-1750

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
11/03/2006	NET30	Our Truck	Destination	Prepaid
BID OPENING DATE:	11/08/2006		BID OPENING TIME	01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 2						
CHANGE 132-CLASS MOWER (SHORT BOOM) LIST						
FROM: 2005 J. DEERE 5455						
TO: 2005 MASSEY 5455						
BID OPENING DATE AND TIME REMAINS THE SAME.						
NO OTHER CHANGES.						
0001	1	EA		020-16	\$18070.00	\$18070.00
					ROTARY MOWER	
***** THIS IS THE END OF RFQ 707EC011 ***** TOTAL:						\$18070.00

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
<i>James A. Boyer</i>	304-366-4690	11-3-06
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
President	55-0547157	

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

Note: All conditions of this warranty will be extended for a time period of 24 months solely for the goods and services associated with West Virginia DOH request for quotation # 707EC011 and any purchase orders directly related to said RFQ.

LIMITED WARRANTY

MoTrim Incorporated hereby warrants each new MoTrim Mower sold by it to be free from defects in material and workmanship under normal use and service, its obligation under this warranty being limited to making good at its designated factory any part or parts thereof, including all equipment, except cutting knives, hose, ledger plates, rock guards, and rubber bushings supplied by it as standard or optional equipment, which shall, within twelve (12) months (Six months for commercial mowing contractors) after making delivery of such mower to the original purchaser, be returned to MoTrim Incorporated's designated factory with transportation charges prepaid, and which its examination shall disclose to its satisfaction to have been thus defective.

This warranty is expressly in lieu of all other warranties express or implied, and of all other obligations or liabilities on the part of MoTrim Incorporated which neither assumes or authorizes anyone else to assume for it any other obligation or liability, or to give any other warranty or make any other representation on its behalf in connection with the sale or use of MoTrim Mowers.

This warranty shall not apply to any MoTrim Mower which has been repaired or altered in any way so as, in the judgment of MoTrim Incorporated, to affect its stability or reliability, nor which has been subject to misuse, negligence or accident.

This warranty is void if any part is replaced with anything other than standard MoTrim replacement parts.

MoTrim Incorporated
240 Steubenville Ave
P.O. Box 850
Cambridge, Ohio 43725
740-439-2725

This warranty is void unless this section is completed at time of delivery and returned to the factory.

Mower Serial Number _____

Owner's Name _____

Address _____

Date of Delivery _____ Selling Dealer _____

Address _____

Signature of Dealer Representative _____

Signature of Owner _____

The Rugged
ROADSIDE MAINTAINER
Model LMS-5R



COMPLETE SPECIFICATIONS ON EACH
MACHINE, AVAILABLE UPON REQUEST.

MōTrim® INC.

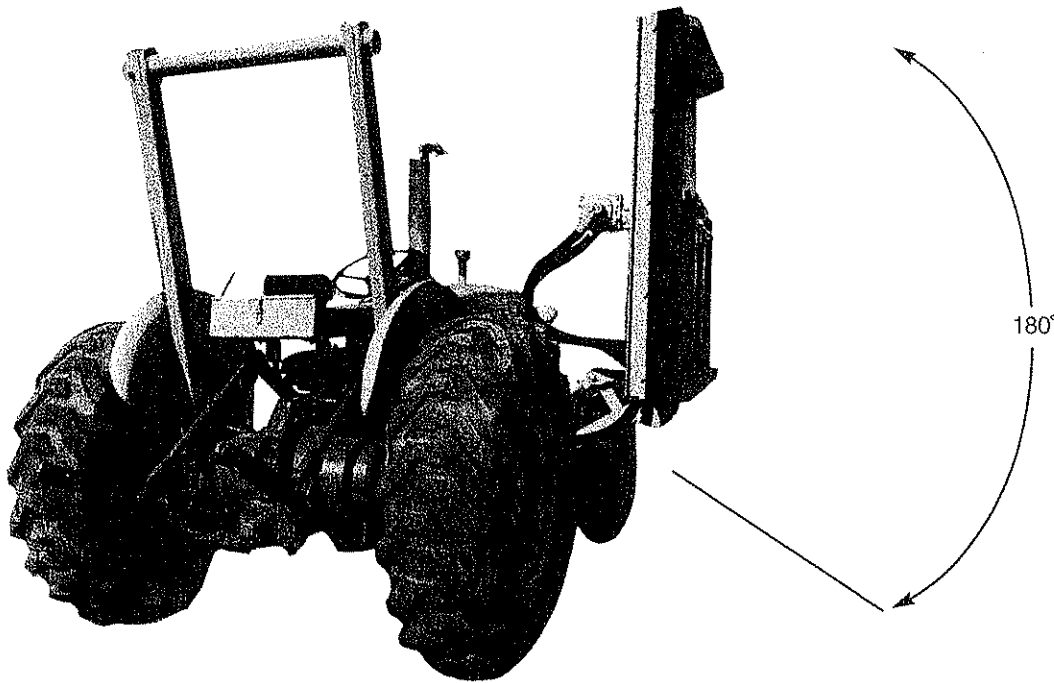
Box 850 Cambridge, Ohio 43725

740-439-2725

FAX 740-432-2098

www.motrim.com

Offered by:



The hydraulically operated suspension system permits adjustment of the mower through a wide 180° + arc.

Mower will move from 90° vertical for cutting upward slopes, brush and tree trimming, down to 90° + below horizontal for mowing down slopes and ditch banks.

All materials and components are heavy duty construction – no belts or chains to break or cause problems.

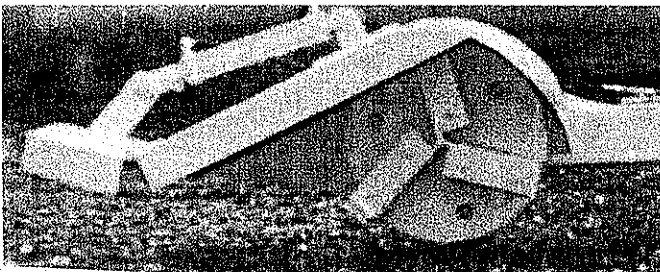
Specifications Subject to change without notice.

Complete specifications available from factory on request.

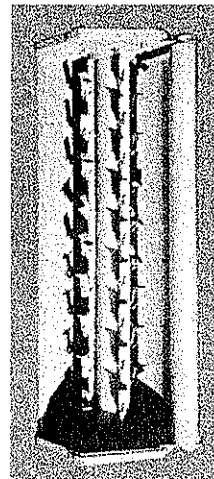
- | | |
|---|--|
| <ul style="list-style-type: none"> • Powerful 80 H.P. motor with 1½" Hydraulic Drive Hose • 4" Max. Dia. Spindle • Safety chains or flaps are standard, state preference. • Hydraulic pump to absorb a minimum of 80 H.P. • ¾" Thick Sidewalls • Full length skid shoes • Tapered roller bearings for spindle • 60 Gal. Oil Tank • 180° Travel | <p>Optional Equipment</p> <ul style="list-style-type: none"> • Gage wheel • Rotary Cutting Disc • Additional cutting blades for use with cutting disc • Hydraulic hose size • Hydraulic components, including pump and motor size • 4' Rotary Cutting Head • Mowers available with Dual or Single Hydraulic Pumps • Safety Chains • Cutter Size |
|---|--|

INTERCHANGEABLE HEADS

U.S. Patent #3,949,539, #4,048,789 And Pending.



Ditch Cleaner (optional accessory) can be interchangeably attached to machine.



Heavy Duty
Flail Head
Available with
Grass or Brush
Knives.

Various Cutting
Widths Available

Flail Mower (optional accessory) mounts quickly on the suspension arm and operates from the hydraulic drive and rugged housing make this unit ideal for mowing rough road-side terrain and drainage ditches.

A F F I D A V I T

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 exceeds 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 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: Middletown Tractor Sales

Authorized Signature:  Date: 11-01-06