



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
DPS0720

PAGE
1

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

VENDOR

*709022429 304-645-4104
AMERIGAS PROPANE LP
2522 RIDEGEFIELD STREET

ROANOKE VA 24012

SHIP TO

WEST VIRGINIA STATE POLICE

4124 KANAWHA TURNPIKE
SOUTH CHARLESTON, WV
25309 304-746-2141

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
12/14/2006				

BID OPENING DATE: **12/28/2006** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
				REQUEST FOR QUOTATION		
				THE PURCHASING DIVISION IS SOLICITING BIDS FOR THE WEST VIRGINIA STATE POLICE TO PROVIDE AN OPEN-END CONTRACT FOR THE DELIVERY OF LIQUID PROPANE GAS (LPG) TO THE KEARNEYSVILLE, WV FACILITY.		
				ATTACHMENTS: 1. SPECIFICATIONS 2. BID FORM 3. AFFIDAVIT		
0001	1	LS		405-03	38 cent per gal, mark-up over the Opis Posting	Current Cost 1.45798 per Gal
				LIQUID PROPANE GAS (LPG)		
				EXHIBIT 3		
				LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE AND EXTENDS FOR A PERIOD OF YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 WRITTEN NOTICE.		
				UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS, PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.		
				RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL		

AmeriGas
 America's Propane Company
 2522 Ridgefield Street
 Roanoke, VA 24012

RECEIVED
 2006 DEC 26 A 9:30
 PURCHASING DIVISION
 STATE OF WV

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE	TELEPHONE	DATE	
<i>Michael Chris</i>	304 725-7087	12/22/06	
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE	
Sales	23-2787917		

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

**GENERAL TERMS & CONDITIONS
REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)**

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. All quotations are governed by the *West Virginia Code* and the *Legislative Rules* of the Purchasing Division.
4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125.00 registration fee.
5. All services performed or goods delivered under State Purchase Orders/Contracts are to be continued for the term of the Purchase Order/Contract, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
6. Payment may only be made after the delivery and acceptance of goods or services.
7. Interest may be paid for late payment in accordance with the *West Virginia Code*.
8. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
9. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
11. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
12. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
13. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, this contract is automatically null and void, and is terminated without further order.
14. **HIPAA Business Associate Addendum** - The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (<http://www.state.wv.us/admin/purchase/vrc/hipaa.htm>) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Covered Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.

INSTRUCTIONS TO BIDDERS

1. Use the quotation forms provided by the Purchasing Division.
2. **SPECIFICATIONS:** Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Complete all sections of the quotation form.
4. Unit prices shall prevail in cases of discrepancy.
5. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
6. **BID SUBMISSION:** All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications.

SIGNED BID TO:

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



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<p>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 TO 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 SUPPLIED 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 THE CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p> <p>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN STATE CONTRACT ORDER (FORM NUMBER WV-39) TO THE VENDOR FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL COPY OF THE WV-39 SHALL BE MAILED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT, A SECOND COPY MAILED TO THE PURCHASING DIVISION, AND A THIRD COPY RETAINED BY THE SPENDING UNIT.</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Michael Ch...</i>	TELEPHONE 304 725-7087	DATE 12/22/06
TITLE Sales	FEIN 23-2787917	ADDRESS CHANGES TO BE NOTED ABOVE

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<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>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM.</p> <p>REV. 04/11/2001 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>() 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</p>						

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<p>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 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>(XX) 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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>M. Ch</i>	TELEPHONE 304 725-7087	DATE 12/22/06
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<p>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 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: ----- AmeriGas (Michael Cline) -----</p> <p>DATE: ----- 12/22/06 -----</p> <p>SIGNED: ----- <i>Michael Cline</i> 12/22/06 -----</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Michael Cline</i>	TELEPHONE 304 735-7087	DATE 12/22/06
TITLE Sales	FEIN 23 2787917	ADDRESS CHANGES TO BE NOTED ABOVE

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TITLE: ----- Sales -----						
<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". (REV. 12/00)</p> <p style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p style="text-align: center;">DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER: RON PRICE-----</p> <p>RFQ. NO.: DPS0720-----</p> <p>BID OPENING DATE: 12/28/2006-----</p> <p>BID OPENING TIME: 1:30 PM-----</p>						

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SIGNATURE <i>[Signature]</i>	TELEPHONE 304 725-7087	DATE 12/22/06
TITLE Sales	FEIN 23 2787917	ADDRESS CHANGES TO BE NOTED ABOVE

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**BID SPECIFICATION – DPS 0720
West Virginia State Police
Liquid Propane Gas (LPG)
SPECIFICATIONS**

GENERAL INFORMATION

The West Virginia State Police (hereinafter 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 Agency facility specified below:

Location:	Troop 2 Headquarters West Virginia State Police
Size of Facility:	20,000 sq. ft.
Capacity:	2 underground tanks @ 1,000 each 4 above ground tanks @ 1,000 each
Estimated Annual Usage:	25,000 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.

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/pr 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 the location 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 of "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:

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

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.

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

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. 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)

\$ 38 cents per gal. over Opis Posting
(Numeric)

\$ Thirty Eight Cent Per Gal. Over Opis Posting
(Written text)

Signature of Individual Submitting Bid

Date

Industrial Sales
Title of Individual Submitting Bid

PH 540 362-0286 FX 540 366-7866
Telephone and Fax Number of Individual Submitting Bid