



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:
DNR209167

PAGE:
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
**FRANK WHITTAKER
 304-558-2316**

VENDOR

*219105310 858-541-2028
 AQUANEERING
 7960 STROMESA CT

 SAN DIEGO CA 92126-4329

SHIP TO

DIVISION OF NATURAL RESOURCES
 EDRA Y HATCHERY

 ROUTE 1
 MARLINTON, WV
 24954

DATE PRINTED 04/08/2009	TERMS OF SALE NET 30	SHIP VIA <i>Common Carrier</i>	F.O.B. <i>Destination</i>	FREIGHT TERMS <i>Included</i>
BID OPENING DATE: 05/05/2009		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA		830-04	30,070	\$30,070
<p>ALUMINUM TANKS</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DIVISION OF NATURAL RESOURCES, IS SOLICITING BIDS FOR AN ALUMINUM DISTRIBUTION TANK FOR FISH TRANSPORT AND DISTRIBUTION FOR THE EDRA Y HATCHERY IN MARLINTON, WV PER THE ATTACHED SPECIFICATIONS.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT MAY BE DEEMED NULL AND VOID, AND TERMINATED WITHOUT FURTHER ORDER.</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 style="text-align: right;">RECEIVED 2009 MAY -1 P 1:05 PURCHASING DIVISION STATE OF WV</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>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>[Signature]</i>	TELEPHONE <i>(858) 578-2028</i>	DATE <i>4-28-09</i>
TITLE <i>VICE PRESIDENT</i>	FEIN <i>33-0614302</i>	ADDRESS CHANGES TO BE NOTED ABOVE

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 fee.
5. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, 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 may be deemed null and void, and 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 Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
15. **WEST VIRGINIA ALCOHOL & DRUG-FREE WORKPLACE ACT:** If this Contract constitutes a public improvement construction contract as set forth in Article 1D, Chapter 21 of the West Virginia Code ("The West Virginia Alcohol and Drug-Free Workplace Act"), then the following language shall hereby become part of this Contract: "The contractor and its subcontractors shall implement and maintain a written drug-free workplace policy in compliance with the West Virginia Alcohol and Drug-Free Workplace Act, as set forth in Article 1D, Chapter 21 of the West Virginia Code. The contractor and its subcontractors shall provide a sworn statement in writing, under the penalties of perjury, that they maintain a valid drug-free work place policy in compliance with the West Virginia and Drug-Free Workplace Act. It is understood and agreed that this Contract shall be cancelled by the awarding authority if the Contractor: 1) Fails to implement its drug-free workplace policy; 2) Fails to provide information regarding implementation of the contractor's drug-free workplace policy at the request of the public authority; or 3) Provides to the public authority false information regarding the contractor's drug-free workplace policy."

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 case 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: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
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PAGE 2

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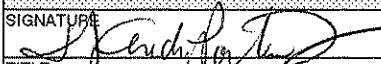
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DIVISION OF NATURAL RESOURCES
 EDRAV HATCHERY
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LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
				BUYER:	44	
				RFQ. NO.:	DNR209167	
				BID OPENING DATE:	05/05/09	
				BID OPENING TIME:	1:30 PM	
<p>PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- 858-689-9326 -----</p> <p>CONTACT PERSON (PLEASE PRINT CLEARLY): ----- MARK FRANCIS -----</p>						
***** THIS IS THE END OF RFQ DNR209167 ***** TOTAL:						\$20,070

SEE REVERSE SIDE FOR TERMS AND CONDITIONS		
SIGNATURE 	TELEPHONE (858) 570-2028	DATE 4-28-09
TITLE VICE PRESIDENT	FEIN 33-01014302	ADDRESS CHANGES TO BE NOTED ABOVE

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

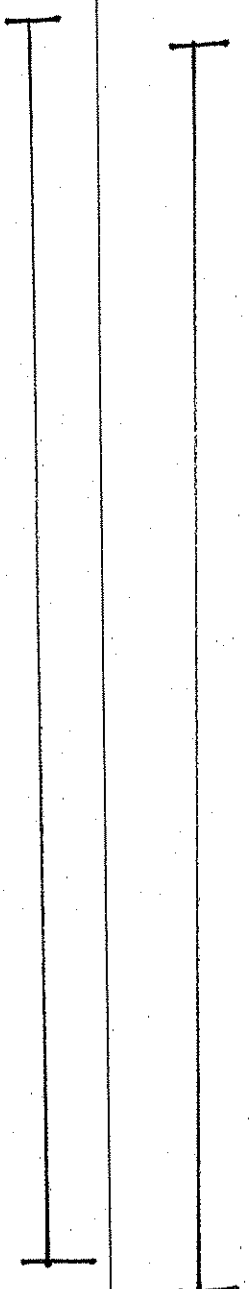
WV-36
REV. 10/81

STATE OF WEST VIRGINIA
PURCHASING CONTINUATION SHEET

BUYER: PAGE Req. or PO#
DNR 209167

VENDOR Aquaneering, Inc.

Spending Unit:
DNR -

Item No:	Quantity	Description	1	
		<p>✓ <u>Dimensions:</u> 87 inches wide x 30 inches deep x 120 inches long (outside dimensions).</p> <p><u>Core:</u> Tank shall have 3/16-inch thick 5052 aluminum inner and outer side walls and bottom. The top deck, lids and inside compartment divider walls shall be 1/4-inch thick 5052 aluminum. A 2-inch thick injected polyurethane foam insulating core shall be installed between the outer and inner walls. This tank shall be designed to have personnel working on the top deck area.</p> <p><u>Capacity:</u> Approximately 1,000 gallons to the overflow drains.</p> <p><u>Compartments:</u> Six of equal dimensions (2 by 3 configuration), with dual in line rear discharge (see fig #1 & 11). Each of the adjoining compartments shall have a three inch diameter round water equalizing portal located as low on the longitudinal wall as possible and inside the screened area, also a three inch diameter round equalizing portal between each of the inline compartments inside the screened area and as low to the floor as possible to allow water levels to maintain equal volume in each of the six compartments during use of the recirculating system (see fig #1).</p>		

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STATE OF WEST VIRGINIA
PURCHASING CONTINUATION SHEET

BUYER:	PAGE	Req. or PO#
		DNR 209167

VENDOR:

Spending Unit:
DNR -

Item No:	Quantity	Description
		<p><u>Lids:</u> The lids are to be 24 inches wide and 27 inches long (see fig # 13). Compartment lids numbered 1,2,3 & 4 shall open towards the cab of the truck or the front of the tank (see fig #3 & #13) and Compartment lid numbered 5 & 6 shall open toward the back of the tank (see fig #13). Each lid will be outfitted and supported with two (2) heavy duty gas spring pistons; the piston brackets shall be made of 1/4" aluminum (see picture #6) that hold the lid in an open position without wedge like back rests. A single Pular model 503 lid clamp is to be mounted in the center of each lid. A 5-inch diameter screened vent (centered), and mounted flush with the top deck surface, and a 3-inch open piano hinge to extend the width of the lid (with 1/4" stainless pin) shall be installed on each lid. The entire inside of the lid is to have a half round silicon rubber bead seal (see fig #6) and shall be flush mounted to the top deck of the tank.</p> <p><u>Exit Drains:</u> There shall be two 8 5/8 in. outside diameter and 1/4-inch thick walled aluminum pipe inline drains that shall extend 6 inches out from the rear of the tank (see fig# 1 & 4). All fish are discharged compartment to compartment via a solid slide gate assembly which covers 12 in. wide by 8 in. high discharge chutes centrally located on the dividing walls in line with the rear exit drains. The gate</p>

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STATE OF WEST VIRGINIA
PURCHASING CONTINUATION SHEET

BUYER:	PAGE	Req. or PO#
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DNR -		

VENDOR Aquaneering, Inc.

Item No:	Quantity	Description
		<p>bottom shall rest on the tank floor with no countersunk groove. This assembly should be as water tight as possible. Pull rods for these assemblies extend up through the deck and have a recessed "T" handle. The slide gate assembly shall be constructed to hold at any position and not be pulled out of the guide slots at its full up position. The rear most slide gates must be water tight (see picture #8) using an "O" ring and pressure devise configuration to eliminate excessive water discharge when the pipe cap is removed.</p> <p><u>Tank Floors:</u> The tank floor will be solid and level, there shall be no slope front to rear (this tank will be mounted on a dump bed truck). The bottom of each compartment shall be sloped side to middle, (see figure # 7) toward flat channels in the centers of each compartment. The channels will be lined up with the bottoms of the slide gate assemblies.</p> <p><u>Overflow Drains:</u> One 1-in. diameter "snap-tite" marine drain plug shall be installed per compartment to allow 6 in. of air space between water level and the inside surface of the lid (see fig #7). The drain is covered on the inside by a perforated disc to prevent fish from escaping. These are to be mounted at the center of each compartment. Each of the plugs shall be attached to the tank by a size 1 brass safety chain. (see picture # 2& # 3)</p>


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VENDOR

Spending Unit:
DNR -

Item No:	Quantity	Description		
		<p><u>Tank Mounting Brackets:</u> A 3-in. x 3-in. x 1/2-in. angle aluminum bracket shall be secured at each end of the tank. The brackets must extend the entire width of the tank and the weld shall also extend for the entire length of the bracket. There shall be no pre-drilled holes on the brackets; this will be done at the hatchery site (see fig #9).</p> <p><u>Internal Screens:</u> Screening to cover aerator intake tube and water recirculating systems will be 1/8-in. thick aluminum having 1/8-in. diameter holes on 3/16-in. staggered centers. All screen joints, corners, and points where screens meet walls will be close fitting to prevent small fish from entering aerator area. Top screen should be angled downward and close fitted around the "fresh-flo" aerator opening. No openings around the screen will be more than 1/16 inch. These screens must be removable (see figure #2).</p> <p><u>Recirculation:</u> None</p>		

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VENDOR Aquaneering, Inc.

Spending Unit:
DNR -

Item No:	Quantity	Description
		<p><u>Oxygen Diffuser Lines and Accessories:</u> Flow meters will be cluster mounted (with suitable protection) on the front of the tank, next to the cab, on the passenger side. There will be one flow meter (5 LPM minimum capacity) for each of the holding compartments. A single line, fitted with regulator for compressed air, will feed all flowmeters from the oxygen tank. Oxygen lines from the flow meters to diffusers in each compartment will be run externally in a U-channel along the center of the top of the tank (may require two channels), in such a way as to minimize interference with employee activities on top of the tank. Diffuser stones will be sized for, and mounted, in each compartment behind the screen, and beneath the bottom of the aerator.</p> <p><u>Aeration:</u> Each compartment will be equipped with a Fresh Flow Model TT aerator centrally positioned (in the screened area inside the compartment) and secured to the tank top by two toggle clamps. The aerators shall be wired with weather proof 2 pin trolling motor connectors compatible to the protected power outlet (see picture #6) and configured as in figure # 13. The aerator tube shall be six inches from the tank bottom and the impeller should be two inches from the end of the tube.</p>

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Item No:	Quantity	Description		
		<p><u>Electrical Power Supply:</u> The tank will be electrically wired to provide a 12 VDC outlet, low profile mounted; between each pair of aerator portholes (see fig #13) Wiring will be through conduit embedded in the deck of the tank. A water proof junction box equipped with 6 switches and power on indicator lights (one for each aerator) will be positioned on the front end top drivers side of the tank ready (inset 14 inches from wide to accommodate for the front ladder) see figure #5 & #13, ready for hook-up to electrical power from the cab of the truck (see picture #2). All electrical items used are to be heavy duty, weatherproof and designed for outdoor use. Receptacles are to be two pin trolling motor style, heavy duty, weather resistant and located as close to the aerator is as practical. Each electrical outlet shall be designed and secured for protection against personnel or other mechanical damage.</p>		
		<p><u>Drain Valves:</u> The tank shall have two 2-inch brass globe drain valves positioned at the bottom of the rear compartments and located within the screened aerator area. The valves should be able to be removed and/or replaced from the outside of the tank (see fig #1 & 4 and picture #1).</p>		
		<p><u>Lifting Rings:</u> The tank shall have stainless steel lifting hardware mounted on each of the four corners and designed for the purpose of lifting the tank on and off the truck (see figure #8 & picture #1).</p>		

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VENDOR

Aquanerling, Inc.

Spending Unit:

DNR -

Item No:	Quantity	Description
		<p><u>Toe Rail:</u> The tank shall have a toe rail installed around the outside top edge of the sides and rear leaving an open section for the ladder mounting plate at the rear of the tank (see fig #10 and picture #4). This rail shall be 7/8-inch stainless marine style pipe securely attached to the tank with boat rail fittings. The top of the rail shall be two inches high from the top of the tank.</p> <p><u>Accessories:</u></p> <p>1) REAR LADDER MOUNT: A 24 inch by 6 inch by 1/2-inch thick aluminum plate securely installed at the rear of the tank deck and centered to be used to mount an access ladder. The aluminum plate shall have four 1/2-inch diameter holes drilled and threaded for attaching the ladder as configured in figure # 5. Also see picture #5.</p> <p>2) FRONT LADDER MOUNT: A 12 inch by 3 inch by 1/2-inch thick aluminum plate shall be securely welded at front drivers top corner of the tank deck (see figure #5) The aluminum plate shall have four 1/2-inch diameter holes drilled and threaded for attaching the ladder as configured in Figure #5</p> <p>2) WINCH MOUNT: A 14-inch by 6-inch by 1/2-inch thick aluminum plate installed for the use of mounting a loading winch. This plate shall be center mounted between compartments #3, 4,5,& 6 and positioned longitudinal to the tank deck (see figure #11) The plate must be anchored to the tank deck in a manner that will</p>

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PURCHASING CONTINUATION SHEET

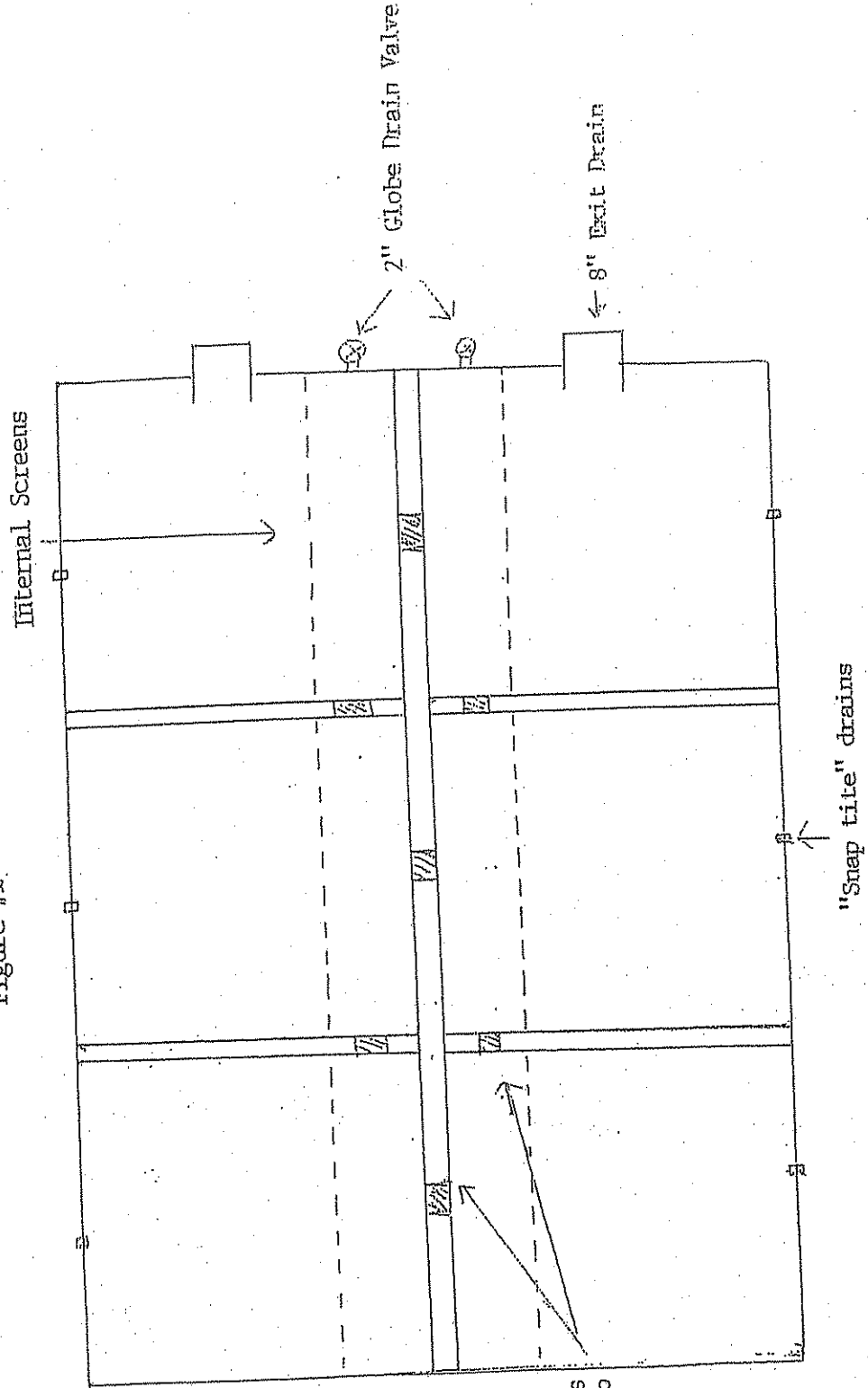
BUYER:	PAGE	Req. or PO#
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Spending Unit:
DNR -

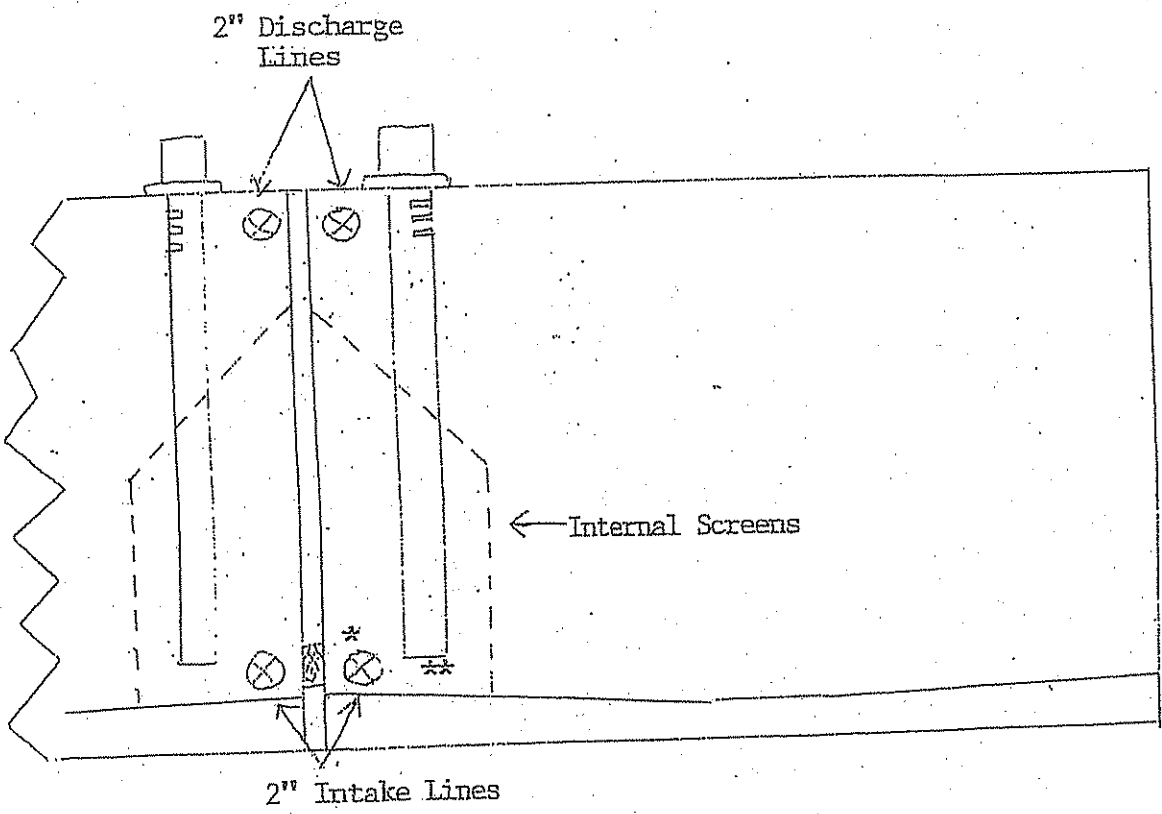
Item No:	Quantity	Description	Amount
		<p>support a electric winch with a sideways pull of up to one hundred pounds. All anchoring hardware must be flush with the surface of the winch plate. The plate shall have four 1/2-inch holes drilled and threaded one inch in from each of the four corners to mount the winch (See figure #12 and picture 9).</p> <p>3) A 3/4-inch conduit shall be imbedded in the tank deck to supply a route for power to the winch. The conduit shall extend 3 inches out of the rear of the tank and have a 90 degree elbow facing up at the winch plate end (See figure #11 & #12 and picture #7).</p> <p>Upon completion of the tank at the manufacturer's site the tank shall be filled with water for a minimum of 24 hours and checked for leaks. The tank will be tested at the delivery site in the same manner, any tank delivered to our hatchery site that leaks will be rejected. A written statement of QUALITY ASSURANCE is required by this state agency to insure the tank meets or exceeds all of the stated specifications.</p> <p>This tank shall be built and delivered to the designated hatchery location in no more than 120 days from the receipt of the purchase order. Should the delivery deadline be exceeded, the West Virginia Division of Natural Resources will impose a fine of \$50.00 per day.</p> <p>A written warranty for any manufacturing defects for a minimum of three years is required by the Division of Natural Resources, Wildlife Section.</p>	
TOTAL			\$30,070

Figure #1.



3" Diameter water equalizing portals located as near to the bottom as possible.

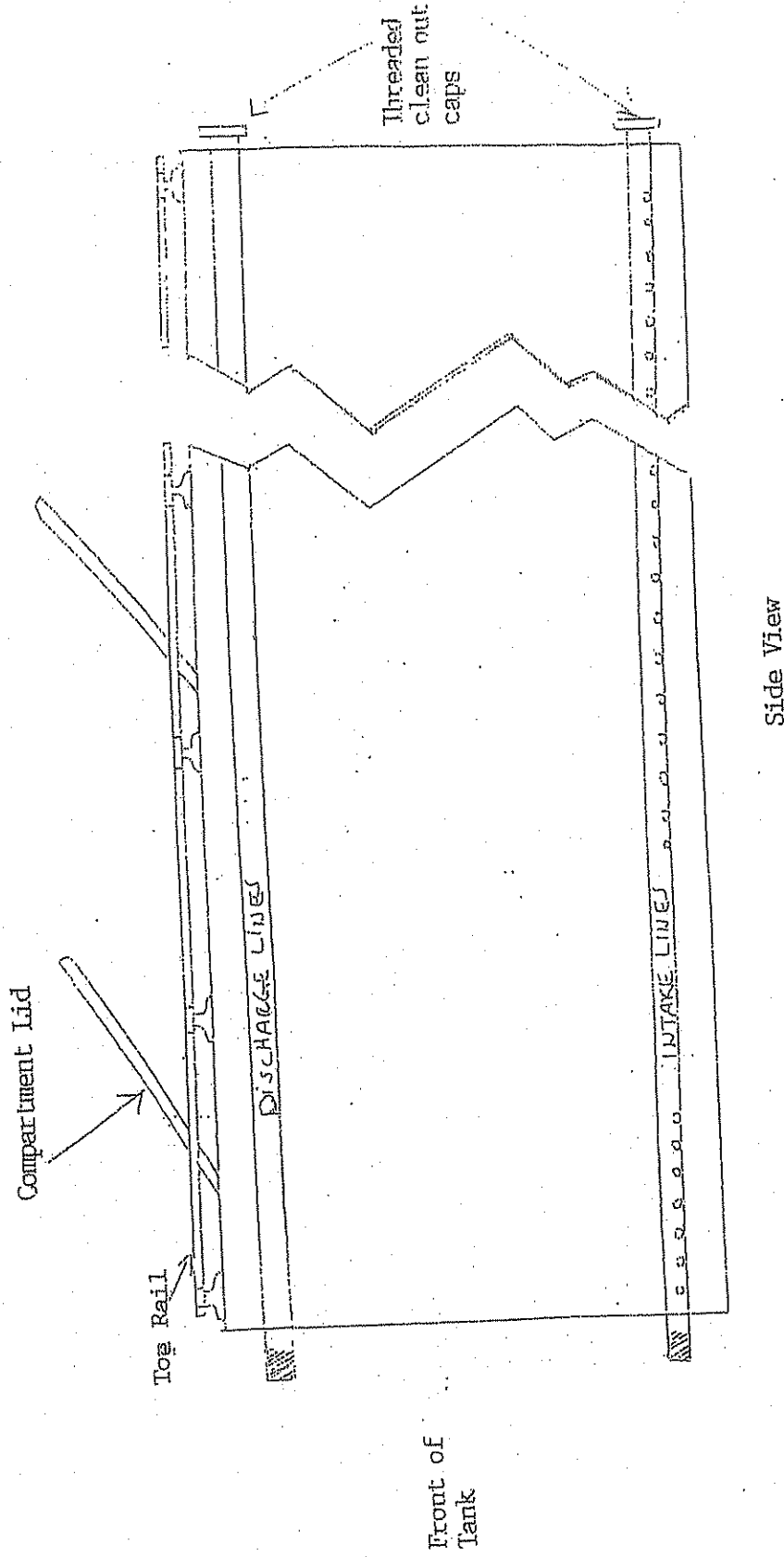
FIGURE# 2



Note: *3" diameter portal between 2" intake lines

**Aerator tubes must be 6" above tank floor and the impeller 2" from the bottom of the tube

FIGURE #3



Note: Toe rail must be installed on the sides and back of the tank.

FIGURE #4

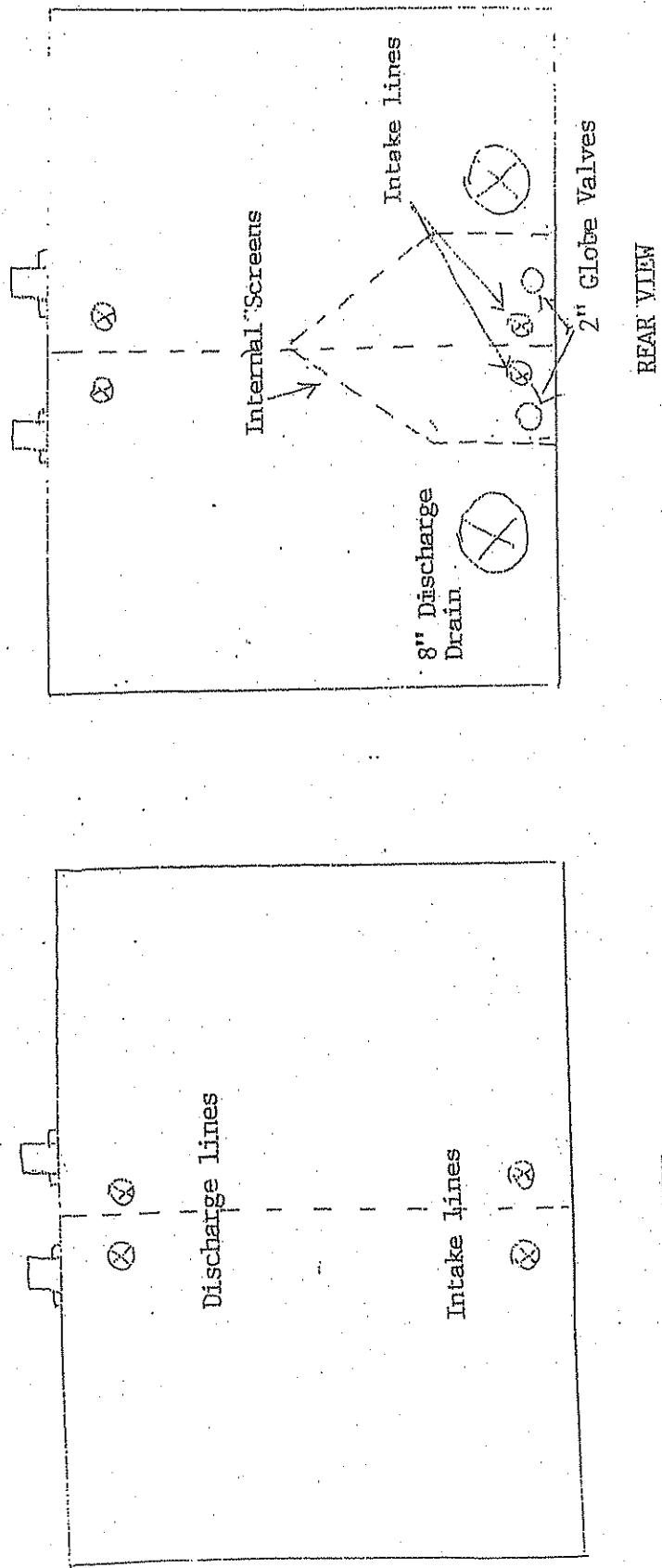
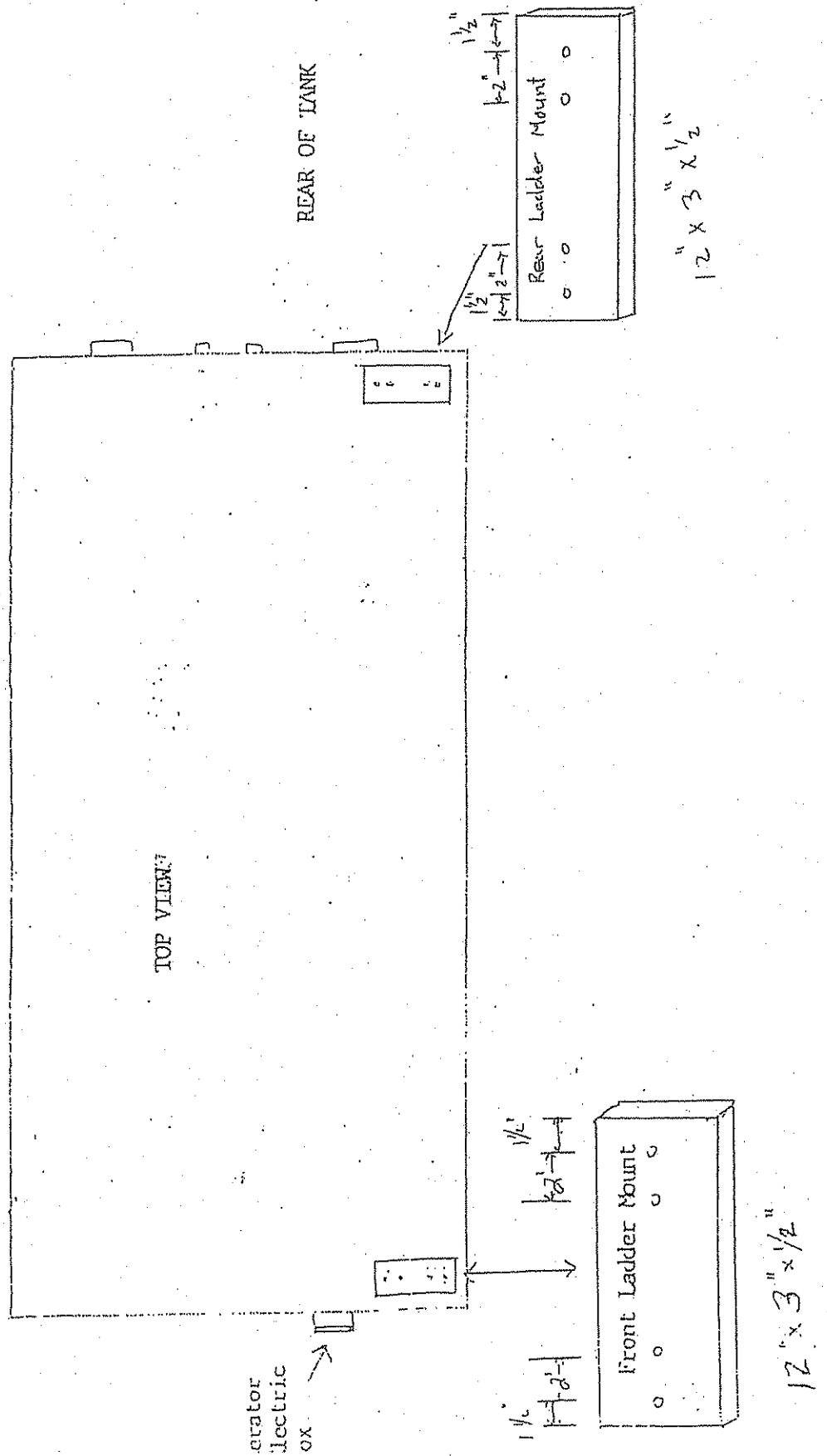
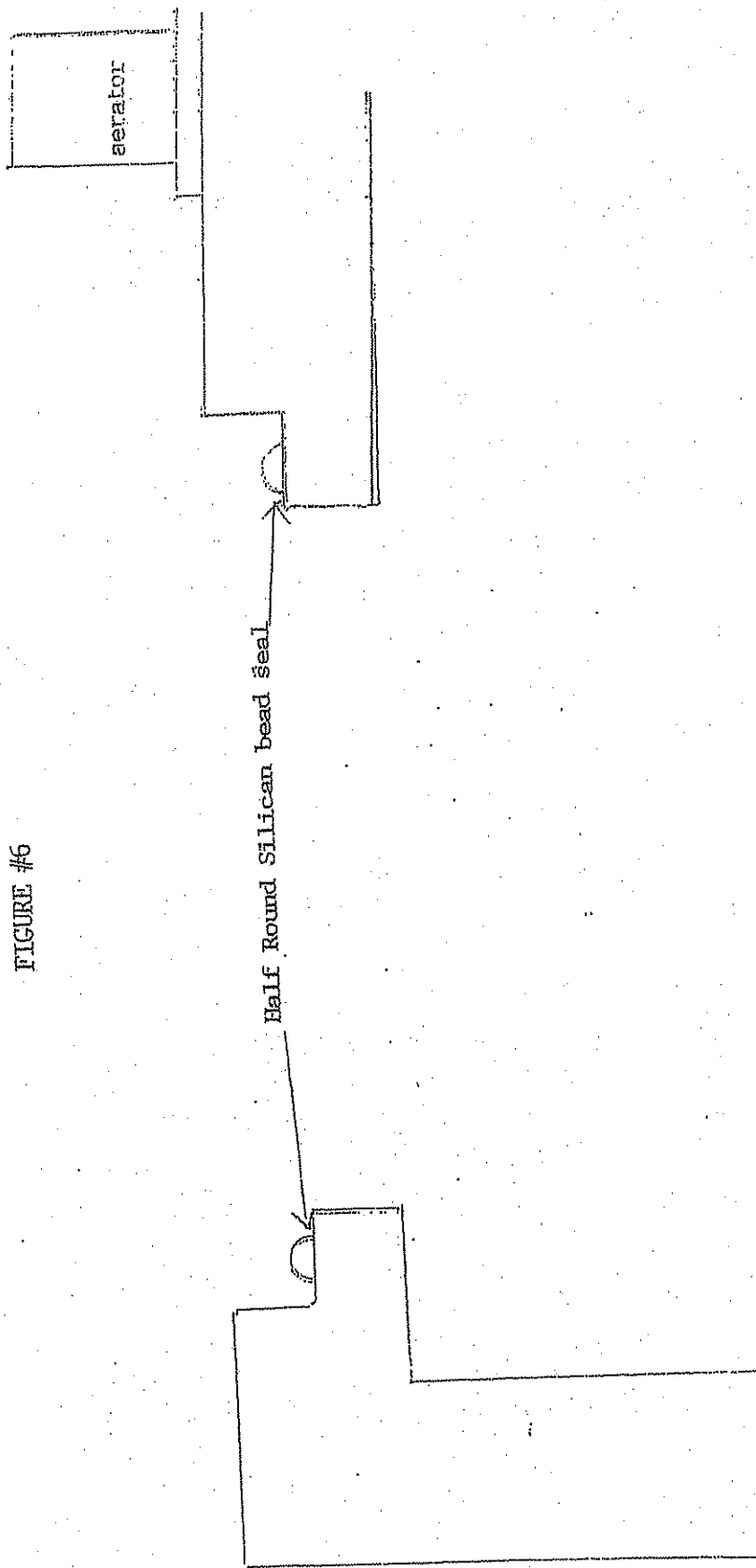


FIGURE #5



erator
lectric
OX

FIGURE #6



Aquaneering, Inc.

FIGURE #7

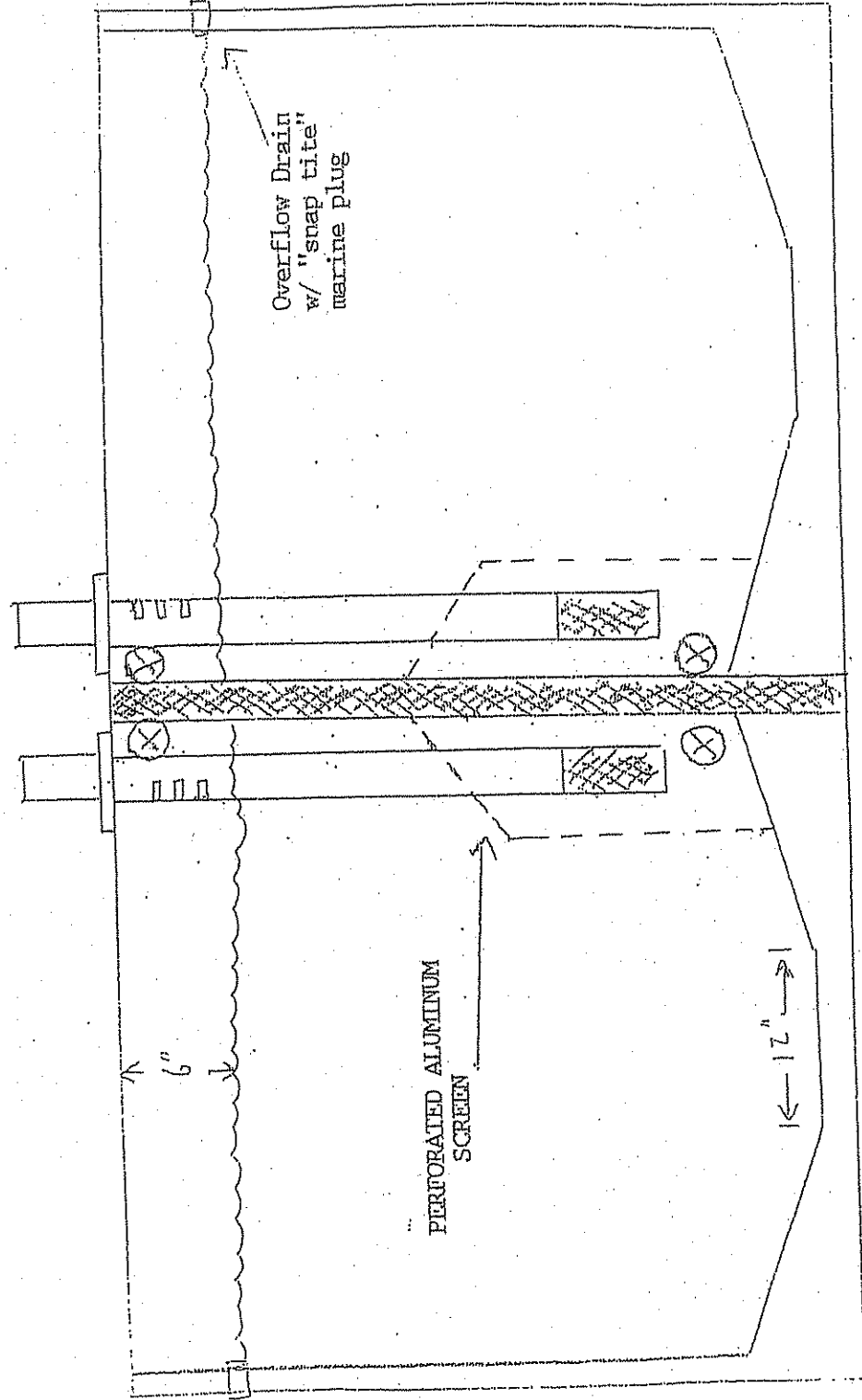
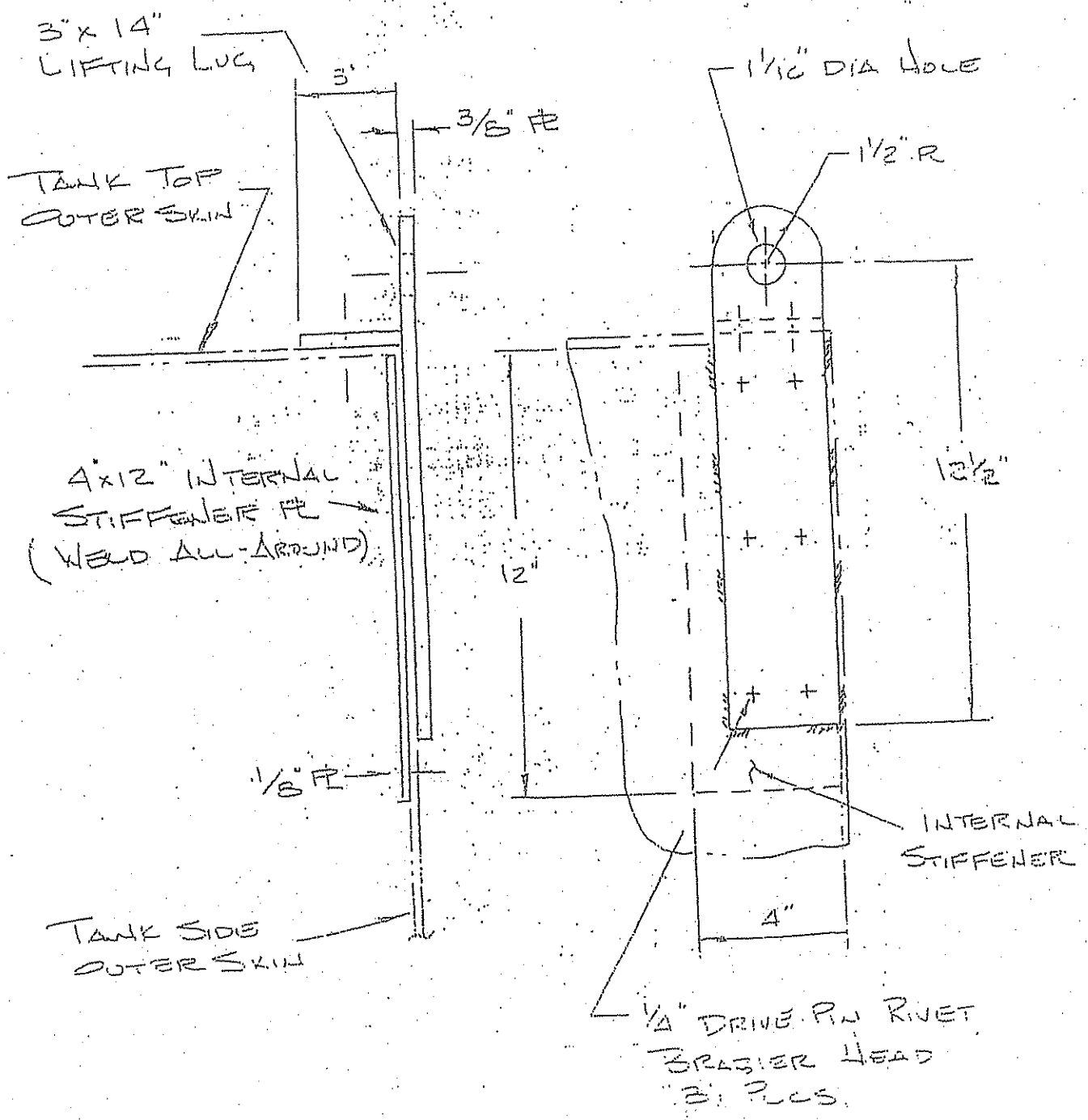


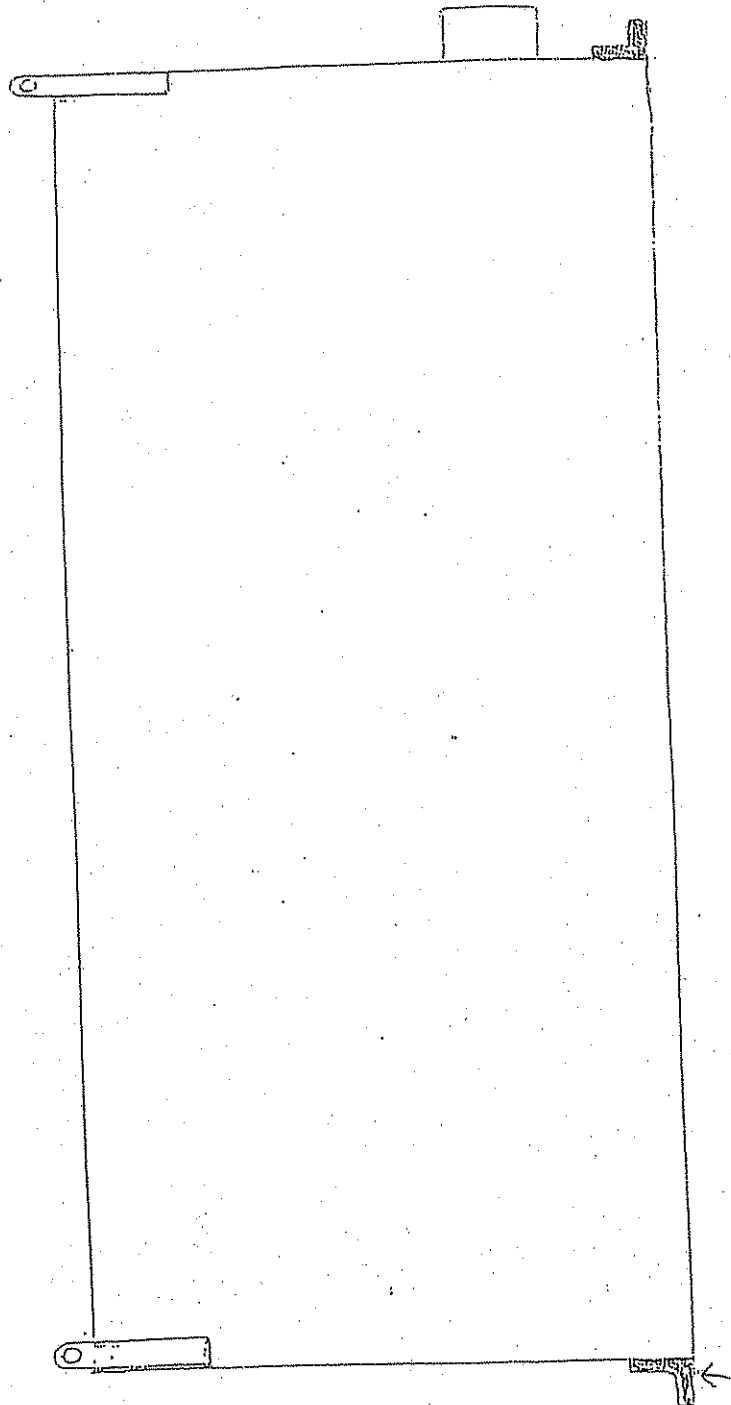
FIGURE #8

LIFTING LOG DETAIL
TYP. - (A) P.L.C.S.



Aquacore, Inc.

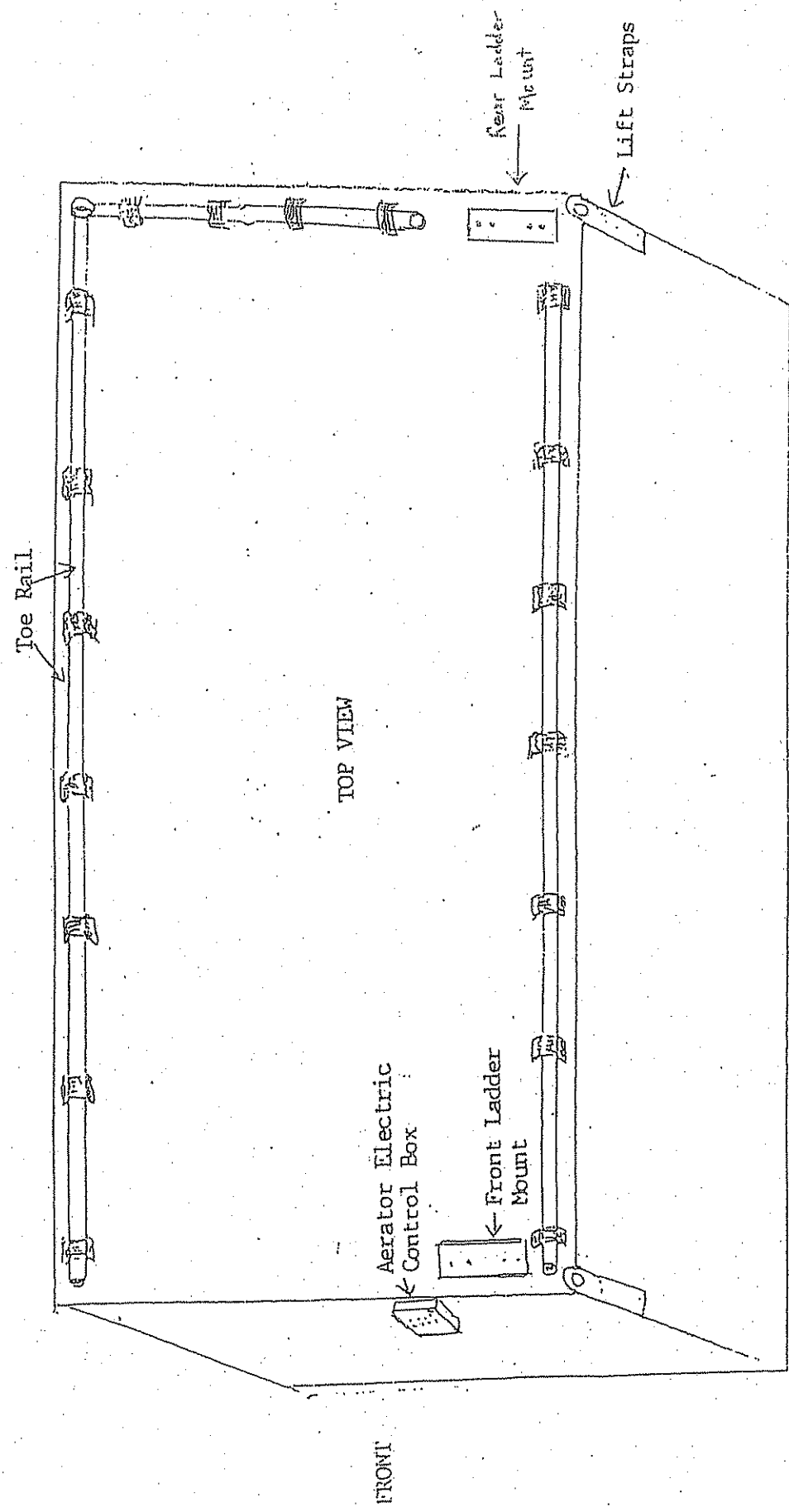
FIGURE #9



FRONT

Angle mounting brackets (front and rear)

FIGURE #10



Aquacore, Inc.

FIGURE #11

Winch plates to be centered

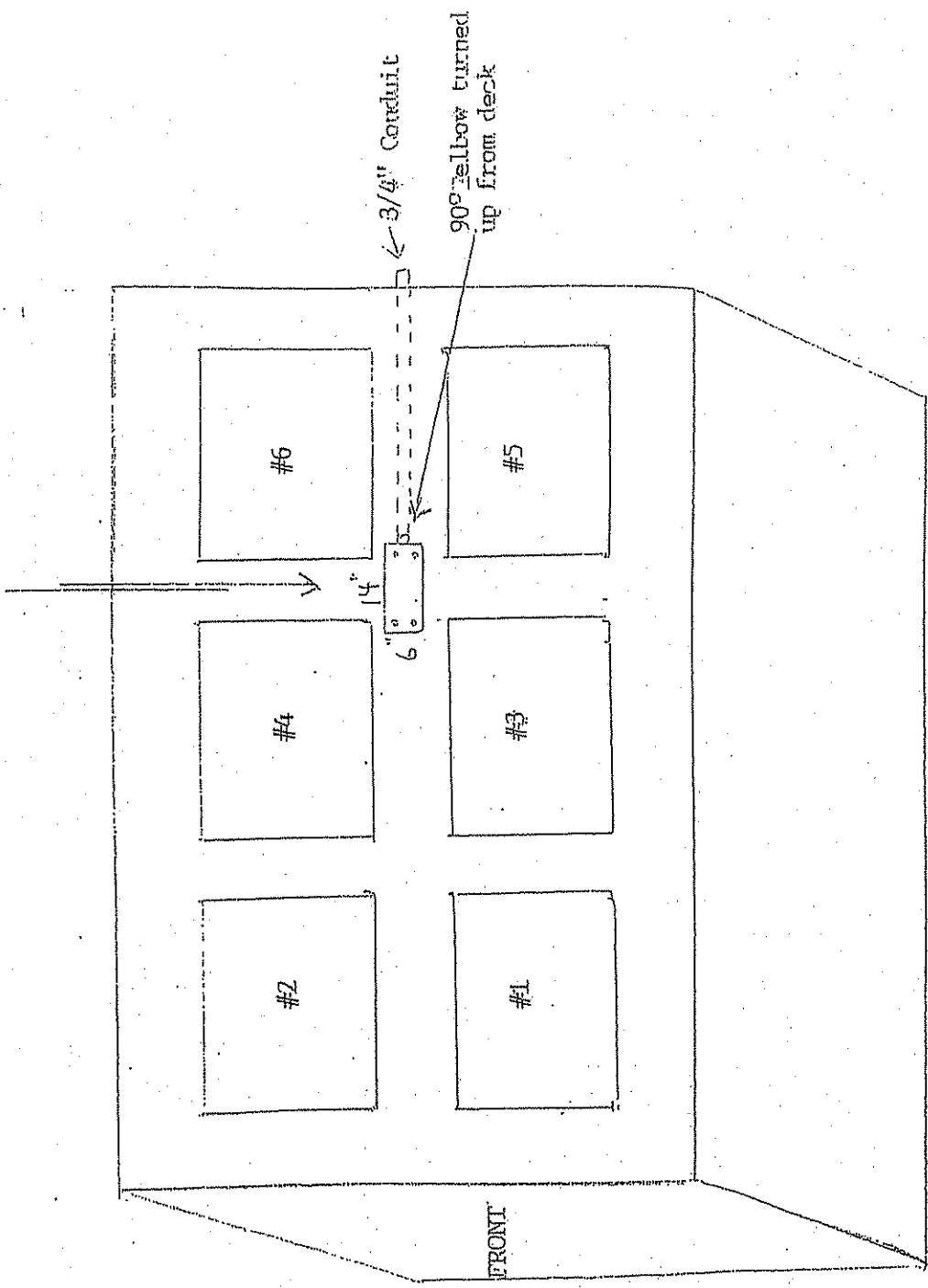
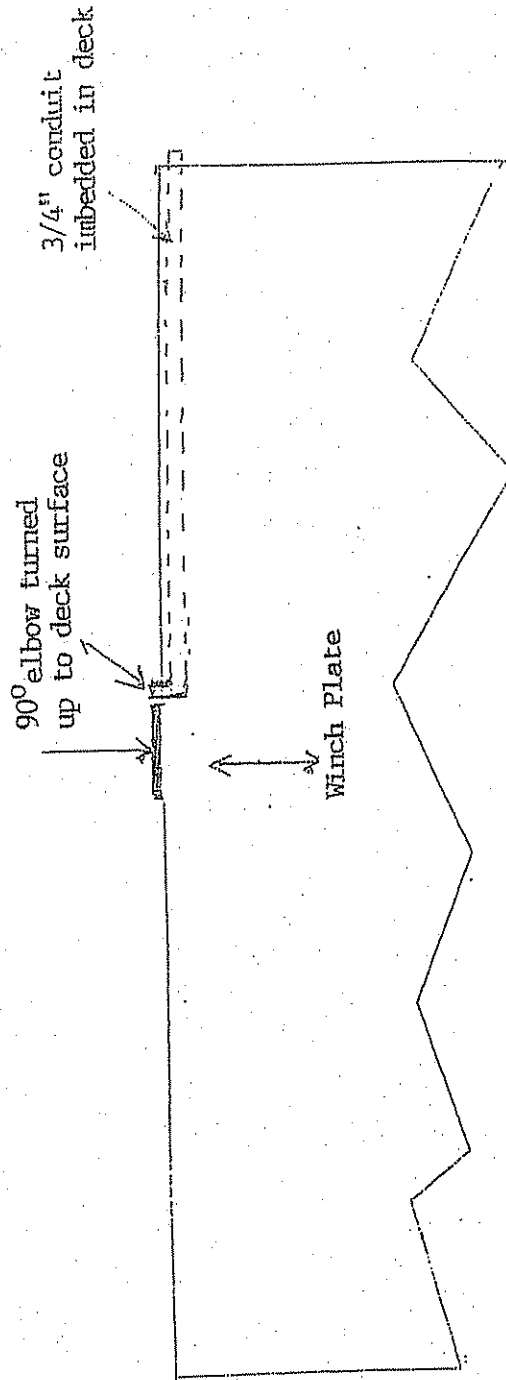


FIGURE #12



Hank Front

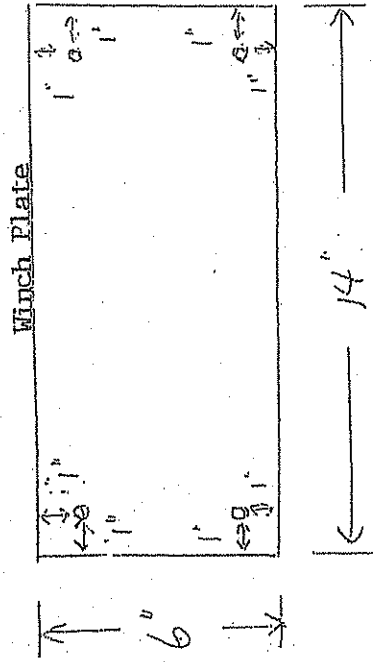
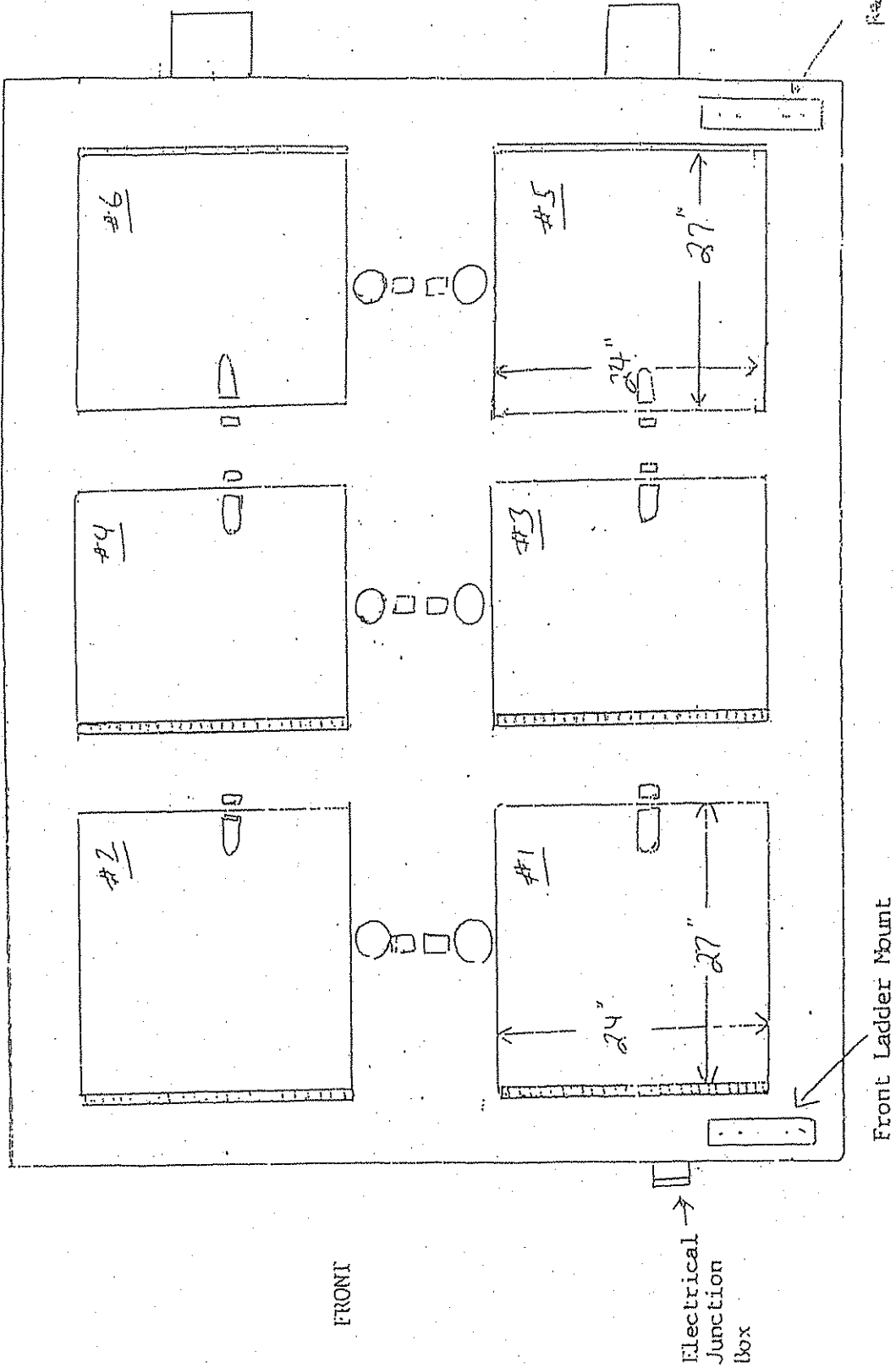


FIGURE #13

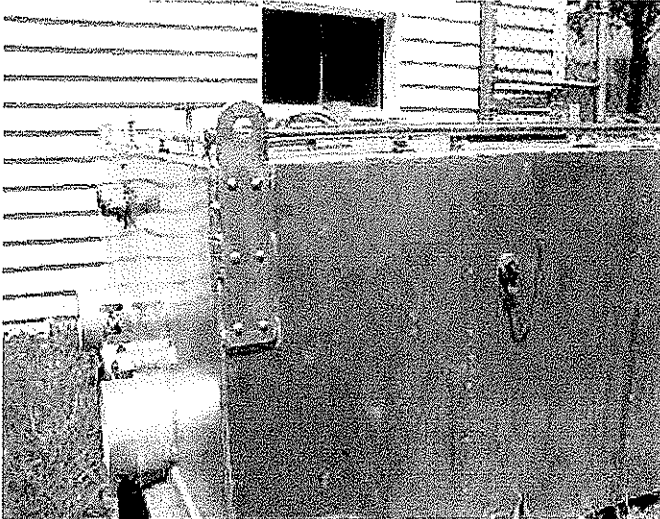


FRONT

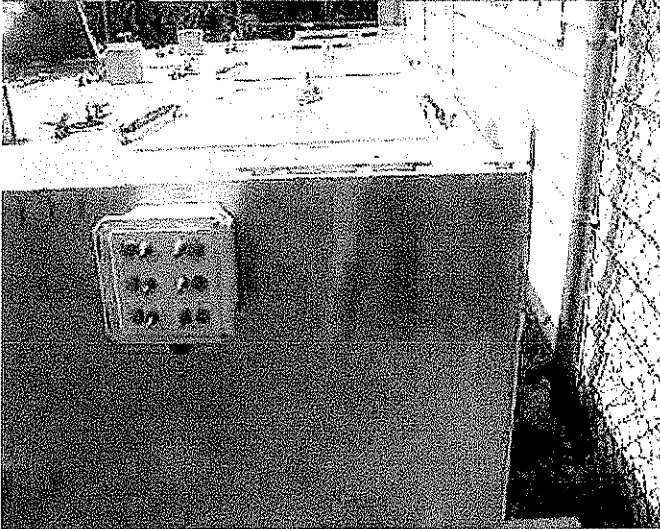
Electrical Junction box

Front Ladder Mount

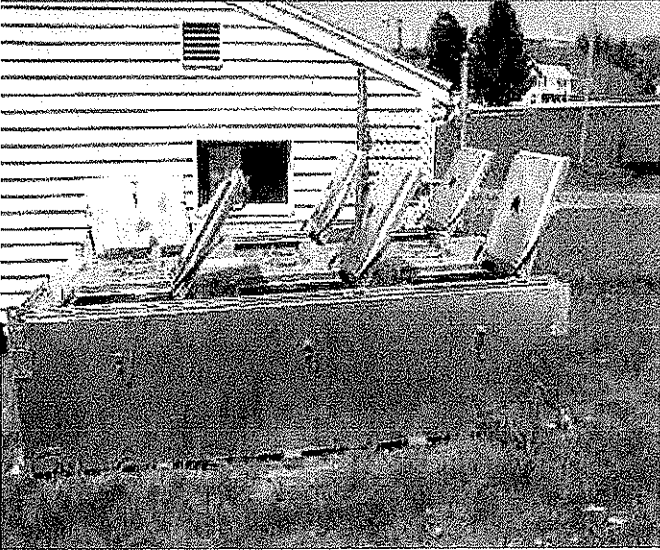
Rear Ladder Mount



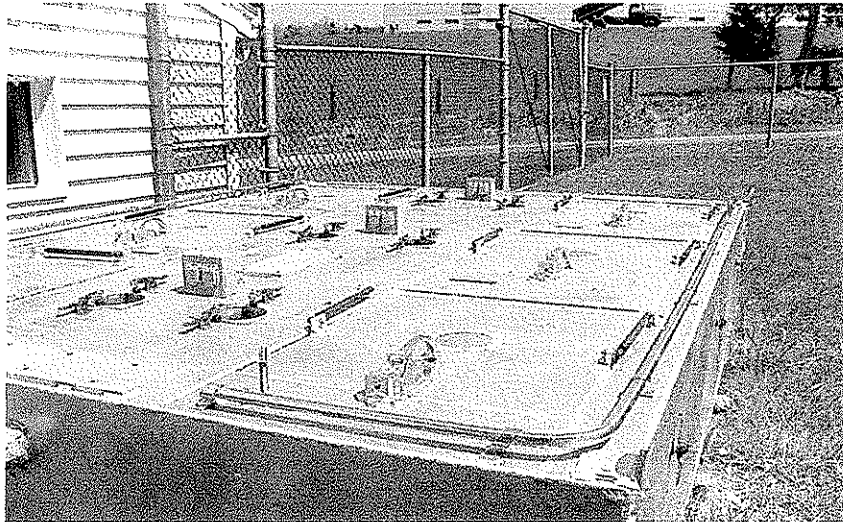
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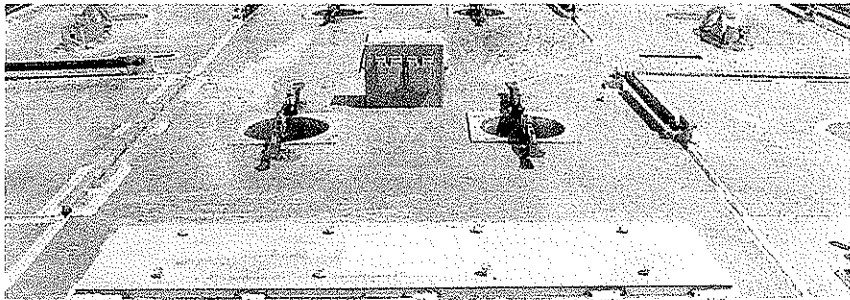
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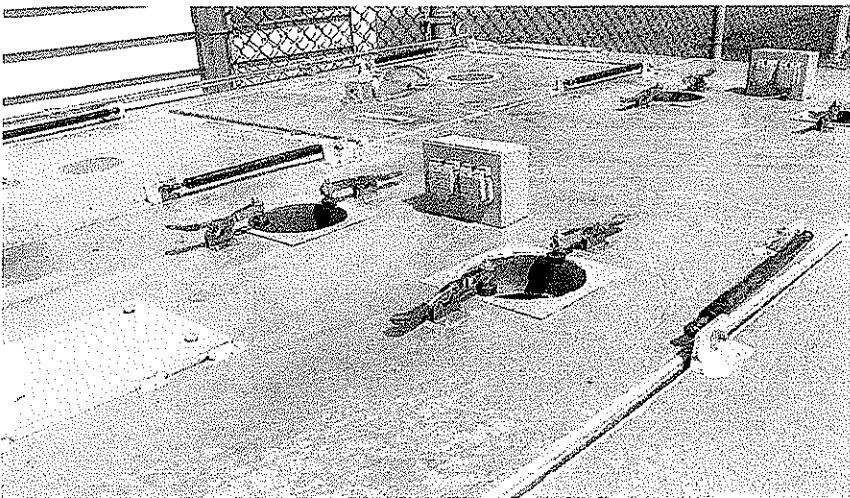
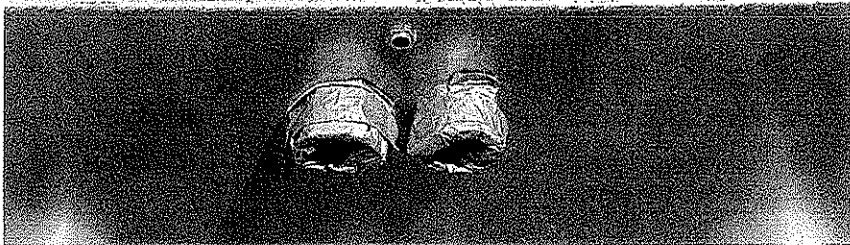
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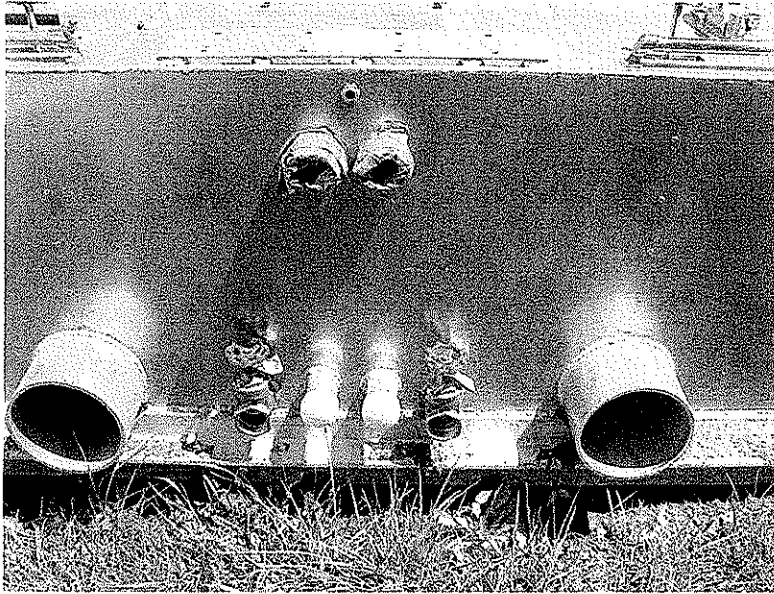
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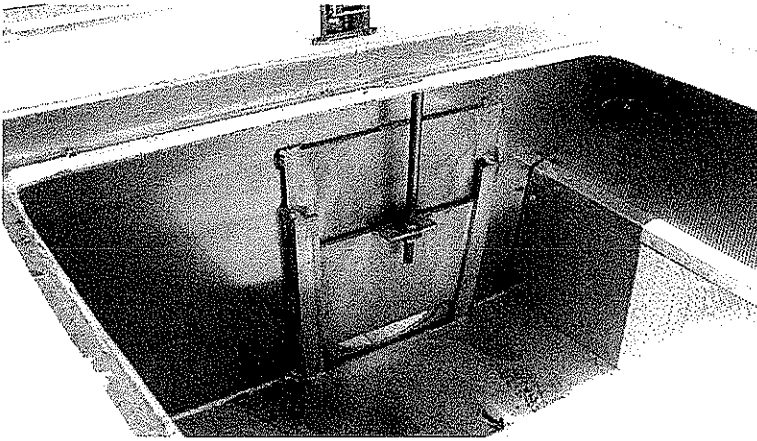
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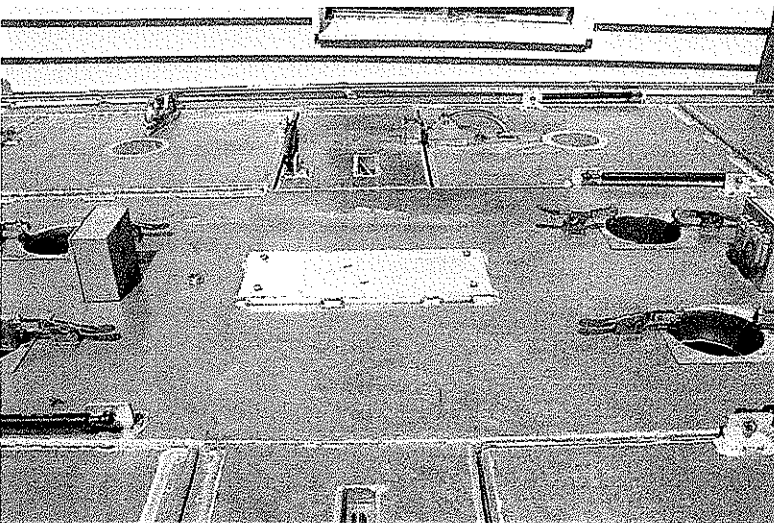
#6



#7



#8



#9

N/A

VENDOR PREFERENCE CERTIFICATE

Certification and application* is hereby made for Preference in accordance with **West Virginia Code**, §5A-3-37. (Does not apply to construction contracts). **West Virginia Code**, §5A-3-37, provides an opportunity for qualifying vendors to request (at the time of bid) preference for their residency status. Such preference is an evaluation method only and will be applied only to the cost bid in accordance with the **West Virginia Code**. This certificate for application is to be used to request such preference. The Purchasing Division will make the determination of the Resident Vendor Preference, if applicable.

1. Application is made for 2.5% resident vendor preference for the reason checked:

- _____ 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,**
- _____ Bidder is a partnership, association or corporation resident vendor and 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 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,**
- _____ Bidder is a 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; **or,**

2. Application is made for 2.5% resident vendor preference for the reason checked:

- _____ 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; **or,**

3. Application is made for 2.5% resident vendor preference for the reason checked:

- _____ 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 Bidder's 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; **or,**

4. Application is made for 5% resident vendor preference for the reason checked:

- _____ Bidder meets either the requirement of both subdivisions (1) and (2) or subdivision (1) and (3) as stated above; **or,**

5. Application is made for 3.5% resident vendor preference who is a veteran for the reason checked:

- _____ Bidder is an individual resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted; **or,**

6. Application is made for 3.5% resident vendor preference who is a veteran for the reason checked:

- _____ Bidder is a resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years.

Bidder understands if the Secretary of 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) reject the bid; 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.

By submission of this certificate, Bidder agrees to disclose any reasonably requested information to the Purchasing Division and authorizes the Department of 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.

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.

Bidder: Aquaneering, Inc Signed: _____

Date: _____ Title: _____

*Check any combination of preference consideration(s) indicated above, which you are entitled to receive.

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

VENDOR OWING A DEBT TO THE STATE:

West Virginia Code §5A-3-10a provides that: 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 owed is an amount greater than one thousand dollars in the aggregate.

PUBLIC IMPROVEMENT CONTRACTS & DRUG-FREE WORKPLACE ACT:

If this is a solicitation for a public improvement construction contract, the vendor, by its signature below, affirms that it has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the **West Virginia Code**. The vendor **must** make said affirmation with its bid submission. Further, public improvement construction contract may not be awarded to a vendor who does not have a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the **West Virginia Code** and who has not submitted that plan to the appropriate contracting authority in timely fashion. For a vendor who is a subcontractor, compliance with Section 5, Article 1D, Chapter 21 of the **West Virginia Code** may take place before their work on the public improvement is begun.

ANTITRUST:

In submitting a bid to any agency for the state of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the state of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the state of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the state of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership or person or entity submitting a bid for the same materials, supplies, equipment or services and is in all respects fair and without collusion or fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.

LICENSING:

Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, or any other state agencies or political subdivision. Furthermore, the vendor must provide all necessary releases to obtain information to enable the Director or spending unit to verify that the vendor is licensed and in good standing with the above entities.

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. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.

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

Vendor's Name: Aquaneering, Inc.
 Authorized Signature: [Handwritten Signature] Date: 4-28-09
 Purchasing Affidavit (Revised 01/01/09)