



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

WV PURCHASING AGENCY SECTION Fax 304-558-4115

Apr 15 2009 10:28am P001/004

**Request for  
 Quotation**

RFQ NUMBER	EBA208	PAGE	1
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ADDRESS CORRESPONDENCE TO ATTENTION OF:  
 SHELLY MURRAY  
 304-558-8801

PROPERTY NUMBER

\*C22104611 724 873 0800  
 AZCAR USA INC  
 121 HILLPOINTE DRIVE  
 SUITE 700  
 CANONSBURG PA 15317

SHIP TO

EDUCATIONAL BROADCASTING  
 AUTHORITY  
 600 CAPITOL STREET  
 CHARLESTON, WV  
 25301-1223 304-558-3400

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
04/14/2009				

BID OPENING DATE: 04/23/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		020-71		
<p>----- ADDENDUM NO. 1 -----</p> <p>TO ADD REVISED QUOTATION PAGE.</p> <p>BID OPENING DATE REMAINS: 04/23/2009</p> <p>EQUIPMENT, BROADCASTING</p> <p>EXHIBIT 10</p> <p>REQUISITION NO.: EBA208</p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED            ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY            PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.</p> <p>ADDENDUM NO.'S:</p> <p>NO. 1 .....</p> <p>NO. 2 .....</p> <p>NO. 3 .....</p>						

RECEIVED  
 2009 APR 20 AM 9:57  
 WV PURCHASING  
 DIVISION

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
<i>Chad Stults</i>	(724) 873-0800	4-16-09
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
Account Manager	22-2531880	

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."

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**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  
 Charleston, WV 25305-0130

# Request for Quotation

RFQ NUMBER
EBA208

PAGE
2

ADDRESS CORRESPONDENCE TO ATTENTION OF
SHELLY MURRAY 304-558-8801

PROPERTY

\*C22104611 724 873 0800  
 AZCAR USA INC  
 121 HILLPOINTE DRIVE  
 SUITE 700  
 CANONSBURG PA 15317

PROPERTY

EDUCATIONAL BROADCASTING  
 AUTHORITY  
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 CHARLESTON, WV  
 25301-1223 304-558-3400

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
04/14/2009				

BID OPENING DATE: 04/23/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UQP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
NO. 4	.....					
NO. 5	.....					
<p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</p> <p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p>.....            SIGNATURE            Azcar USA, Inc.            COMPANY            4-16-09            DATE</p>						
REV. 11/96						
----- END OF ADDENDUM NO. 1 -----						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
<i>Chad Galt</i>		4-16-09
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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

**EBA208 QUOTATION PAGE**

Quantity	Description	Unit Price	Amount
4	HDCAM Broadcast VTR w/ Sp Playback (Unit Price must include the cost of O & M Manuals, 24 hour technical support, Warranty, freight, and power cord, etc.	\$ <u>56,595</u>	\$ <u>226,380</u>

Or Equal Model Number: \_\_\_\_\_

4	19" Rackmount Systems for HDCAM VTR	\$ <u>255</u>	\$ <u>1,020</u>
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**TOTAL**

\$ 227,400.<sup>00</sup>

**Optional**

Quantity	Description	Unit Price	Amount
4	"B" stock HDCAM Broadcast VTR w/SP Playback (Unit Price must include the cost of O & M Manuals, 24 hour technical support, Warranty, freight, and power cord, etc.	\$ _____	\$ _____

Or Equal Model Number: \_\_\_\_\_

4	19" Rackmount Systems for HDCAM VTR	\$ _____	\$ _____
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**TOTAL**

\$ \_\_\_\_\_

**VENDOR:** Azcar USA, Inc.



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 Department of Administration  
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 2019 Washington Street East  
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DATE PRINTED <b>04/09/2009</b>	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: **04/23/2009**      BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		020-71		
<p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA EDUCATIONAL BROADCASTING AUTHORITY, IS SOLICITING BIDS FOR FOUR (4) HDCAM TELEVISION BROADCAST HIGH DEFINITION VIDEO TAPE RECORDERS WITH SX PLAYBACK PER THE ATTACHED SPECIFICATIONS.</p> <p>EQUIPMENT, BROADCASTING</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>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>(XX) INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF COMMERCIAL GENERAL LIABILITY INSURANCE PRIOR TO ISSUANCE OF CONTRACT. UNLESS OTHERWISE SPECIFIED IN THE BID DOCUMENTS, THE MINIMUM AMOUNT OF INSURANCE COVERAGE REQUIRED IS \$250,000.</p> <p>NOTICE</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Chad Stubble</i>	TELEPHONE 724-873-0800 x210	DATE 4-14-09
TITLE Account Manager	FEIN 22-2531880	ADDRESS CHANGES TO BE NOTED ABOVE

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



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 Department of Administration  
 Purchasing Division  
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# Request for Quotation

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PAGE
2

ADDRESS CORRESPONDENCE TO ATTENTION OF:
SHELLY MURRAY 304-558-8801

RFQ COPY  
 TYPE NAME/ADDRESS HERE

VENDOR

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EDUCATIONAL BROADCASTING  
 AUTHORITY  
 600 CAPITOL STREET  
  
 CHARLESTON, WV  
 25301-1223 304-558-3400

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
04/09/2009				

BID OPENING DATE: 04/23/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p>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: SHELLY MURRAY</p> <p>RFQ. NO.: EBA208</p> <p>BID OPENING DATE: 04/23/2009</p> <p>BID OPENING TIME: 1:30 PM</p> <p>PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:</p> <p>----- (724) 873-4770 -----</p> <p>CONTACT PERSON (PLEASE PRINT CLEARLY):            ----- Chad Stockdale -----</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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

## **EBA208 Request for Quotations**

West Virginia Educational Broadcasting is seeking to purchase four (4) HDCAM Studio Editing VTRs that can record and/or transmit over 2 hours of content for the Network Operations Center in Beckley, WV.

The Network Operations Center records studio, non-linear edited, satellite and microwave fed programming. There is an extensive library of pre-recorded Betacam and Betacam/SP taped programming. These machines shall be capable of playing back any of this prerecorded content.

The specifications are listed below. The units shall be Sony HDWM2000/20 HDCAM with Betacam, Betacam SP and Digital Betacam playback capability, or equivalent.

This equipment purchase is partially funded by the Corporation for Public Broadcasting Digital Distribution Fund, and vendors are bound by all terms in the grant agreement as they pertain to vendors.

For this RFQ, a performance bond shall be required.

### **I. Specifications**

- HDCAM shall be the native recording and playback format
- A performance bond shall be supplied equal to at least 100% of the contract price to ensure fulfillment of the vendor's obligations for this Grant Project which exceeds \$100,000. The performance bonds shall be issued by surety companies listed in the Department of Treasury Circular 570 (Approved Sureties) or have a similar State rating in the State (West Virginia) where the Grant Project is being completed.
- VTR shall have availability of long playback time of up to 124 minutes
- VTR's shall support recordings and playback at 50i, 59.94i, 23.98PsF, 24PsF, 25PsF and 29.97PsF
- VTR's shall have the capability of multi-format playback of Betacam SX, Betacam, Betacam, Digital Betacam and MPEG IMX.
- Built-in up-conversion shall be provided to enable playback of compatible tapes to 1080i and down-conversion of HDCAM tapes to 480i

- VTR's shall have a standard feature to allow Metadata handling to enable retrieval of ancillary data that was recorded in a dedicated portion of the vertical interval (VANC area)
- Dolby-E and AC-3 audio handling capability shall be a standard feature
- VTR shall have a Compact Body; four rack units tall
- VTR must be a low power consumption type
- VTR shall have DMC control capability
- VTR must have Pre-read editing capability
- VTR Shall have standard line conversion for 1035/1080
- VTR must have HD-SDI input and output
- One complete set of operating and service manuals shall be provided
- Power cord must be supplied
- Four (4) Sony 19" rackmount systems or equal. Rackmount must be 19".

**NOTE:** "B" Stock items will be considered if in "like new" condition and carry same warranty as new stock. "B" stock must be noted on bid form.

## **II. The following specifications shall be met or exceeded.**

### **General**

#### **Digital Video Performance**

Quantization: 10 bit/sample (compression: 8 bit/sample)

Sampling Frequency: Y: 74.25 MHz R-Y/B-Y: 37.125 MHz

Error Correction: Reed-Solomon code

Compression: Coefficient recording system

Channel Coding: S-I-NRZI PR-IV

#### **Digital Audio Performance**

Quantization: 20 bit/sample



Headroom: 20 dB (or 18 dB selectable)

Sampling Frequency: 48 kHz (Synchronized with video)

Wow & flutter: Below measurable level

## **ANALOG AUDIO PERFORMANCE**

Frequency Response: 20 Hz to 20 kHz +0.5 dB/-1.0 dB (0 dB at 1 kHz)

Dynamic Range: More than 95 dB (at 1 kHz emphasis ON)

Distortion: Less than 0.05% (at 1 kHz emphasis ON reference level)

Crosstalk: Less than -80 dB (at 1 kHz between any two channels)

D/A Quantization: 20 bit/sample

A/D Quantization: 20 bit/sample

Remote Control: D-sub 9-pin  
RS-232C interface

## **Input/Output**

Analog Audio Input: (CH1/2/3/4/CUE)

XLR-3-pin type (female) x 5

Low off: -60 dBu high impedance balanced

High off: +4 dBu high impedance balanced

High on: -4 dBm 600  $\Omega$  termination balanced

Analog Audio Output: (CH1/2/3/4/CUE)

XLR-3-pin type (male) x 5

+4 dBm (600  $\Omega$  load)

Low impedance (Balanced)

Analog Component Output: BNC x 3 for 1 set

1.0 Vp-p

75  $\Omega$

Sync negative

Analog Composite Output: BNC x 3 (RS-170A including one character out and one WFM out)

1.0 Vp-p

75  $\Omega$

Sync negative

HD-SDI Output: BNC x 3 (SMPTE 292M including one character out)  
Serial Digital (1.485 Gb/s)

Headphone Output: JM-60 Stereo phone jack  
( $-\infty$  to -12 dBu at 8  $\Omega$  load unbalanced)

Time Code Input: XLR-3-pin type (female) x 1  
0.5 to 18 Vp-p  
10 k $\Omega$   
(Balanced)  
XLR-3-pin type (female) x 1  
0.5 to 18 Vp-p  
10 k $\Omega$   
(Balanced)

Time Code Output: XLR-3-pin type (male) x 1  
2.2 Vp-p  
Low impedance  
Balanced

Video Control: D-sub 9-pin  
D-sub 15-pin

HD-SDI Input: BNC x 1 (SMPTE 292M)  
Serial Digital (1.485 Gb/s)

Digital Audio Input: (CH1/2 3/4)  
BNC x 2  
AES/EBU

Digital Audio Output: (CH1/2 3/4)  
BNC x 2  
AES/EBU

SDI Output: BNC x 3 (SMPTE 259M including one character out)  
Serial Digital (270 Mb/s)

Remote 1 Input: D-sub 9-pin  
Sony 9-pin remote interface

Remote 1 Input/Output: D-sub 9-pin  
Sony 9-pin remote interface

Analog Audio Monitor Output: XLR-3-pin type (male) x 2  
+4 dBm at 600  $\Omega$  load  
Low impedance  
(Balanced)

Control Panel: D-sub 15-pin

Parallel Remote: D-sub 50-pin

### **General - Search Speed Range Shuttle Mode**

HDCAM: Still to  $\pm 50$  times normal speed playback (59.94i and 29.97PsF)  
still to  $\pm 58$  times normal speed playback (50i and 25PsF)  
still to  $\pm 60$  times normal speed playback (24PsF and 23.98PsF)

Betacam/Betacam SP: Still to  $\pm 35$  times normal speed playback (525/59.94)  
still to  $\pm 42$  times normal speed playback (625/50)

### **General**

Weight: 50 lb 11. oz (23 kg)

Power Requirements: 100 to 240 V  
50/60 Hz

Dimensions (W x H x D): 16 7/8 x 6 7/8 x 21 1/2 inches  
(427 x 174 x 544 mm)

Fast Forward/Rewind Time: Approx. 3 minutes  
(with BCT-124HDL cassette)

Servo Lock Time: 0.6 s or less (59.94i and 29.97PsF from standby on)  
0.7 s or less (50i 25PsF 24PsF 23.98PsF from standby on)

124 min (w/ BCT124HDL Cass): 59.94i  
29.97PsF

149 min (w/ BCT124HDL Cass): 50i  
25PsF

48 min (w/ BCT40HD Cass): 50i  
25PsF

40 min (w/ BCT40HD Cass): 59.94i  
29.97PsF

Load/Unload Time: 6 s or less (both L and S cassettes)

### **General - Shuttle Mode**

Betacam SX: Still to  $\pm 78$  times normal speed playback

### **General - Tape Speed**

Betacam SX: 59.6 mm/s

Betacam/Betacam SP: 118.6 mm/s (525/59.94)  
101.5 mm/s (625/50)

HDCAM: 96.7 mm/s (59.94i and 29.97PsF)  
80.6 mm/s (50i and 25PsF)  
77.4 mm/s (24PsF and 23.98PsF)

Digital Betacam: 96.7

### **General - Search Speed Range Variable Mo**

HDCAM: -1 to +2 times normal speed playback

Betacam SX: -1 to +2 times normal speed playback

Betacam/Betacam SP: -1 to +3 times normal speed playback

Digital Betacam: -1 to +3 times normal speed playback

JOG Mode: Still to  $\pm 1$  times normal speed playback

### **ANALOG COMPOSITE OUT PERFORMANCE**

Bandwidth: Y: 0 to 5.75 MHz +0.5 dB/-2.0 dB  
R-Y/B-Y: 0 to 2.75 MHz +0.5 dB/-2.0 dB

S/N Ratio: 53 dB or more

Differential Phase: 2% or less

Differential Gain: 2% or less

Y/C Delay: 20 ns or less

K factor (2T pulse): 1% or less

Output SCH Phase: Based upon RS-170A/CCIR R.624-3

### **III. Service/Support**

- Successful bidder shall provide one complete set of operating and service manuals at no charge
- 24 hour toll free technical support shall be provided through vendor or manufacturer

### **IV. Warranty**

All items shall be covered by a minimum one year parts and labor warranty

### **V. Shipping**

Delivery shall be FOB destination

Deliver to:

WV Public Broadcasting  
Attention: Mike Fizer  
124 Industrial Park Drive,  
Beaver, WV, 25813

### **VI. Invoicing**

Send invoice to:

West Virginia Public Broadcasting  
Attention: Steve Chapman  
600 Capitol St.  
Charleston, WV 25301

EBA208 QUOTATION PAGE

Quantity	Description	Unit Price	Amount
4	HDCAM Broadcast VTR w/ Sp Playback (Unit Price must include the cost of O & M Manuals, 24 hour technical support, Warranty, freight, and power cord, etc.	\$ <u>56,595</u>	\$ <u>226,380</u>

Or Equal Model Number: \_\_\_\_\_

2	19" Rackmount Systems for HDCAM VTR	\$ <u>255</u>	\$ <u>510</u>
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**TOTAL** \$ 226,890.00

**Optional**

Quantity	Description	Unit Price	Amount
4	"B" stock HDCAM Broadcast VTR w/SP Playback (Unit Price must include the cost of O & M Manuals, 24 hour technical support, Warranty, freight, and power cord, etc.	\$ _____	\$ _____

Or Equal Model Number: \_\_\_\_\_

2	19" Rackmount Systems for HDCAM VTR	\$ _____	\$ _____
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**TOTAL** \$ \_\_\_\_\_

VENDOR: Azcar USA, Inc.

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: Azcar USA, Inc.

Authorized Signature: 

Date: 4-14-09

State of West Virginia

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: \_\_\_\_\_ Signed: \_\_\_\_\_

Date: \_\_\_\_\_ Title: \_\_\_\_\_

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