



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:
PSC9043

PAGE:
1

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

*B15112104

POSTAL SERVICE

**CRABTREE FRANKLIN G
 POB 1067
 CHARLESTON WV 25324**

POSTAL SERVICE

**PUBLIC SERVICE COMMISSION
 OF WEST VIRGINIA
 201 BROOKS STREET
 CHARLESTON, WV
 25301 340-0323**

**** PLEASE NOTE ADDRESS CHANGE**

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
02/19/2009				

BID OPENING DATE: 03/18/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	QTY AC	ITEM NUMBER	UNIT PRICE	AMOUNT
001	1	LS		961-20		
LEGAL AND TECHNICAL CONSULTONG SERVICES					Price per hour: \$75.00 for all contractor and subcontractor work plus applicable travel expenses. Estimated hours per year: 1,800	
THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA PUBLIC SERVICE COMMISSION, IS SOLICITING BIDS FROM RESPONSIBLE VENDORS TO PROVIDE LEGAL, TECHNICAL AND CONSULTING SERVICES RELATED TO A COMMERCIAL VEHICLE ANALYSIS REPORTING SYSTEM (CVARS) GRANT PER THE ATTACHED SPECIFICATIONS. TECHNICAL QUESTIONS MAY BE SUBMITTED IN WRITING TO FRANK WHITTAKER IN THE PURCHASING DIVISION VIA EMAIL AT FRANK.M.WHITTAKER@WV.GOV OR VIA FAX AT 304-558-4115. DEADLINE FOR TECHNICAL QUESTIONS IS 03/05/09 AT 3:00 P EXHIBIT 3 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 NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE. UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.						

RECEIVED
 2009 MAR 12 AM 10:40
 WV PURCHASING
 DIVISION

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

INITIALED BY: Franklin G. Crabtree TELEPHONE: 304-389-5103 DATE: March 12, 2009
 LE: Owner FROM: -4801 ADDRESS CHANGES TO BE NOTED ABOVE

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



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 304-558-2316**

RFQ COPY
 TYPE NAME/ADDRESS HERE

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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<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 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>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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *Franklin S. Crabtree* TELEPHONE: **304-389-5103** DATE: **March 12, 2009**
 TITLE: *Owner* FEIN: **-4801** ADDRESS CHANGES TO BE NOTED ABOVE

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 FRANK WHITTAKER
 304-558-2316

RFQ COPY
 TYPE NAME/ADDRESS HERE

PUBLIC SERVICE COMMISSION
 OF WEST VIRGINIA
 201 BROOKS STREET
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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.

REV. 04/11/2001
 EXHIBIT 6

PRICE ADJUSTMENT PROVISION:
 THE STATE OF WEST VIRGINIA WILL ONLY CONSIDER PRICE ADJUSTMENT AT THE TIME OF CONTRACT RENEWAL 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 RAW 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, 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.

PREFERRED TERMS:
 IT IS PREFERRED THAT THE PRICES ON THIS CONTRACT ARE FIRM FOR LIFE OF THE CONTRACT, AS INDICATED IN THE LIF

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *Frank Whittaker* TELEPHONE: 304-389-5103 DATE: March 12, 2009
 TITLE: Owner FAX: -4801 ADDRESS CHANGES TO BE NOTED ABOVE

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ADDRESS CORRESPONDENCE TO ATTENTION OF
**FRANK WHITTAKER
 804-558-2316**

RFQ COPY

TYPE NAME/ADDRESS HERE

RFQ COPY

**PUBLIC SERVICE COMMISSION
 OF WEST VIRGINIA
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 CHARLESTON, WV
 25301 340-0323**

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02/19/2009				

BID OPENING DATE: **03/18/2009** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	TA NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>OF CONTRACT CLAUSE CONTAINED HEREIN, NOT TO EXCEED ONE (1) YEAR.</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: 44</p> <p>RFQ. NO.: PSC9043</p> <p>BID OPENING DATE: 03/18/2009</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: 304-345-0207</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Franklin M Crabtree</i>	TELEPHONE 304-389-5103	DATE March 12, 2009
TITLE <i>Buyer</i>	FAX -4801	ADDRESS CHANGES TO BE NOTED ABOVE

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

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE

SHIP TO

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
201 BROOKS STREET
CHARLESTON, WV
25301 **340-0323**

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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
CONTACT PERSON (PLEASE PRINT CLEARLY):						
----- FRANKLIN G. CRABTREE POB 1067 CHARLESTON, WV 25324						
***** THIS IS THE END OF RFQ PSC9043 ***** TOTAL:						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Franklin G. Crabtree</i>	PHONE 304-389-5103	DATE March 12, 2009
TITLE <i>Owner</i>	ADDRESS CHANGES TO BE NOTED ABOVE	

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ATTACHMENT RESPONSES

1. Knowledge of Public Service Commission statutes and rules pertaining to transportation.

RESPONSE: As attorney and director of transportation division at the PSC for approximately 28 years, applicant obtained substantial knowledge of agency rules and state statutes pertaining to transportation.

2. Knowledge on the utilization, interpretation and analysis of FMCSA - Analysis and Information on line.

RESPONSE: In the course of applicant's former employment at the PSC, applicant became closely familiar with the FMCSA, as well as with the utilization and interpretation of its Analysis and Information on line.

3. Knowledge of the utilization, interpretation and analysis of SafetyNet Program and data.

RESPONSE: In the course of applicant's former employment at the PSC, applicant routinely used, interpreted and analyzed the SafetyNet Program and its data.

4. Knowledge of the utilization, interpretation and analysis of MCMIS program and data.

RESPONSE: In the course of applicant's former employment at the PSC, applicant gained substantial knowledge of the utilization, interpretation and analysis of the MCMIS program and data.

5. Knowledge and understanding of MCSAP program guidelines and requirements.

RESPONSE: Applicant's former experience at the PSC included the pioneering and implementation of the MCSAP program, and its requirements, in West Virginia.

6. Knowledge of State of West Virginia Law Enforcement entities and law enforcement procedures.

RESPONSE: As former director of transportation division at the PSC, applicant developed substantial knowledge of, and working relationships with, state law enforcement entities and procedures, especially as they pertain to transportation safety.

7. Working knowledge of Division of Highways and Division of Motor Vehicles requirements.

RESPONSE: Applicant's PSC experience in transportation safety and economic regulatory related matters over a 25 year period gave applicant considerable working knowledge of DOH and DMV programs and requirements.

8. Working knowledge of WVPSC Safety and Weight Enforcement structure.

RESPONSE: Applicant's WVPSC transportation experience included organization, direction and supervision of the agency's safety and weight enforcement programs. Applicant was instrumental in implementing the transfer of weight enforcement duties and personnel from WV Division of Highways to WVPSC.

9. Working knowledge of WVPSC Safety Program and Safety Regulations.

RESPONSE: The PSC transportation safety programs and regulations were developed, implemented and enforced under applicant's direction and supervision from 1981 through October 31, 2005.

10. Knowledge of Federal Motor Carrier Safety Administration program and FMCSR's.

RESPONSE: In the course of applicant's duties at the PSC it was necessary to develop substantial knowledge of the FMCSA program and the rules (FMCSR's) promulgated thereunder. Applicant's safety enforcement personnel enforced those rules on commercial motor vehicles and their drivers operating in West Virginia.

11. Ability to draft appropriate rules or statutes necessary to implement program.

RESPONSE: In applicant's experience as both director and attorney, applicant routinely drafted rules and statutes necessary to implement transportation safety and economic regulatory programs and initiatives.

12. Ability to provide legal representation of Enforcement Section of the Transportation Division of the WVPSC relative to the crash report form, rules, statutes and general legislation within the program goals and objectives.

Franklin G. Crabtree

RESPONSE: As retired director and attorney, and as current member of the West Virginia State Bar (WV Bar ID # 857), applicant is both authorized and qualified to legally represent the agency relative to crash report forms, rules, statutes and general legislation within the CVARS program goals and guidelines.

13. Have a working relationship with the commercial motor vehicle safety industry and related federal and state agencies to enhance the ability to serve as a liaison between the entities to facilitate a working dialogue.

RESPONSE: Applicant's experience at the PSC included development of long-standing working relationships with commercial motor vehicle safety industry officials, as well as related federal and state agency officials, with all of whom applicant served as agency liaison to maintain working dialogue on behalf of the agency.

14. Applicant must have had full time experience in the management of a large subordinate staff of safety enforcement, administrative, and professional personnel in a regulatory setting, including implementation of federal grant programs, including grants administered by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation. The applicant/vendor shall supply, on request by the Agency, a resume of their experience.

RESPONSE: For approximately 25 years Applicant was responsible for the full-time management of a large subordinate staff (eventually 150 personnel) of safety enforcement, administrative, and professional personnel in a regulatory setting. Through this staff applicant implemented various federal grant programs, including grants administered by the FMCSA, USDOT.

15. Awarded vendor must be a WV registered vendor.

RESPONSE: Applicant is a WV registered vendor, Vendor No. B15112004.

16. Vendor will travel as required to fulfill this grant under the terms and conditions of the travel management office of the State of West Virginia.

RESPONSE: Applicant is willing and able to travel as required to fulfill the terms of this grant, pursuant to the terms and conditions of the travel management office of the State of West Virginia.

17. Vendor shall have the ability to subcontract to eligible vendors under the same terms and conditions as stated above. Subcontracted vendor must have working knowledge and be

able to travel also. The vendor will be responsible for the payment to the subcontractors. Must be able to utilize appropriately qualified individuals, working under adequate supervision, to achieve program goals within the budget awarded with the contract/grant.

RESPONSE: Applicant has the ability to subcontract eligible, qualified vendors under the terms of the contract. Subcontracted vendors will have a working knowledge of the CVARS Program, and applicable state and federal rules and requirements, and will be able to travel as necessary. Applicant will be responsible for payment to any subcontractors. Applicant will utilize appropriately qualified individuals, working under adequate supervision, to achieve program goals within the budget awarded under the contract/grant.

18. Applicant shall provide references with particular knowledge of experience in all of the above and/or regulatory work.

RESPONSE: Michael W. Myers, Division Administrator
Federal Motor Carrier Safety Administration
West Virginia Division
700 Washington Street, Geary Plaza, Suite 205
Charleston, WV 25301
304-552-0722

Ed Logston, Former Commissioner
Kentucky Department of Motor Vehicles
308 Briarwood Lane
Winchester, KY 40391
859-263-0009

E. Dandridge McDonald, Attorney at Law
Former Chairman, WV Public Service Commission
Steptoe & Johnson PLLC
POB 2188
Charleston, WV 25301
304-353-8113

19. Vendor shall have knowledge of, and experience with, state implementation of a Commercial Vehicle Analysis Report System (CVARS) grant.

RESPONSE: From April, 2006 until present, Applicant, as contractor with the West Virginia Public Service Commission, has discharged all duties under the CVARS grant assigned to the Commission. These duties include collaborating with other state agencies to develop the Uniform Traffic Crash Report (UTCRC); participating in train-the-trainer exercises with the WV

Franklin G. Crabtree

State Police and WV Division of Highways to roll out the UTCR on a pilot basis; and implementing site visits and UTCR training for county Sheriff's Offices and municipal Police Departments throughout West Virginia.

20. Vendor shall have knowledge of, and experience with, crash data quality and timeliness requirements imposed on WV Public Service Commission by its participation in the CVARS grant program.

RESPONSE: During the course of the applicant's participation in CVARS grant program activity on behalf of the WVPSC from April, 2006 until present, applicant has become fully aware of various crash data quality and timeliness improvement measures imposed upon the WVPSC. Most recently applicant was called upon to execute an extraordinary project concerning the expeditious data entry of numerous crash reports discovered in late 2008, but not previously reported to WVPSC.

BID PRICE SHEET

Price per hour: \$75.00 for all contractor and subcontractor work plus applicable travel expenses.

Estimate hours per year: 1,800

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: FRANKLIN G. CRABTREEAuthorized Signature: Franklin G. CrabtreeDate: March 12, 2009

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.

- 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: FRANKLIN G. CRABTREE Signed: Franklin G Crabtree
Date: MARCH 12, 2009 Title: OWNER

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