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SAYREVILLE NJ

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

08872

ELITE MEDICAL PRODUCTS INC 2400 MAIN ST EXTENSION #7

732-727-0101

Request for Quotation

RFO NUMBER WIC90040

ADDRESS CORRESPONDENCE TO ATTENTION OF

ROBERTA WAGNER 304-558-0067

HEALTH AND HUMAN RESOURCES BPH - NUTRITION SERVICES (WIC) C/O DHHR MATERIALS MANAGEMENT 900 BULLITT STREET

CHARLESTON, WV

25301

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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 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 Covered 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 Alcohol 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.
- 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: 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

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SHIP VIA F.O.B. FREIGHT TERMS DATE PRINTED TERMS OF SALE 07/03/2008 BID OPENING DATE: 08/07/2008 OPENING TIME 01:30PM AMOUNT UOP ITEM NUMBER UNIT PRICE LINE QUANTITY 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. 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. 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. ELITE MEDICAL PRODUCTS INC. BIDDER: 2400 MAIN STREET EXT. SUITE 7 SAYREVILLE NEW JERSEY 08872 DATE: TEL. 782-727-0101 FAX 7\$2-553-9057 SIGNED: 84 SEE REVERSE SIDE FOR TERMS AND CONDITIONS SIGNATURE 732-727-0101 08 TITLE 13-3499856 ADDRESS CHANGES TO BE NOTED ABOVE RESIDENT



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ADDRESS CORRESPONDENCE TO ATTENTION OF

ROBERTA WAGNER 304-558-0067

HEALTH AND HUMAN RESOURCES BPH - NUTRITION SERVICES (WIC) C/O DHHR MATERIALS MANAGEMENT 900 BULLITT STREET

CHARLESTON, WV

25301

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VENDOR

*908134129

SAYREVILLE NJ

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

08872

ELITE MEDICAL PRODUCTS INC

2400 MAIN ST EXTENSION #7

732-727-0101

Request for Quotation

AFO NUMBER WIC90040 PAGE

ADDRESS CORRESPONDENCE TO ATTENTION OF

ROBERTA WAGNER 304-558-0067

HEALTH AND HUMAN RESOURCES BPH - NUTRITION SERVICES (WIC) C/O DHHR MATERIALS MANAGEMENT 900 BULLITT STREET

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STATE OF WEST VIRGINIA

PURCHASE CONTINUATION SHEET

Page of	fPages		uisition / P.O. No.: C90040
File: RW22	Acct. No.: MUL N	1UL	MUL
Spending Uni		Office	a of Nutrition Consider

Vendor:		P.O. Date:	Spending Unit: Bureau for Public Health - Office of Nutrition Services					
Item No.	Quantity	7		Unit Price	Amount			
		REQUEST FOR QUOTATION						
	***	TO PROVIDE THE FOLLOWING ITEMS:	**************************************					
1.	100 EA.	DELUXE NURTURE III DOUBLE ELECTRIC BREAST ITEM #320 OR EQUAL. A. Pump will be used for double and/or single pumping B. Pump must have fully adjustable suction and manuato imitate baby's variable nursing patterns. C. Kits must include: Nurture III or equal, pump motor, collection kit, insulated tote with ice pack, four extra bot 2-piece lids, and instructional DVD.	j. al cycling a double					
		SHIPPING & HANDLING INCLUDED IN PRICE OF PL	IMPS.					
2.	1000 EACH	BASIC DOUBLE COLLECTION KIT ITEM #420 OR EGA. Kits must include items needed for double or single with Nurture III or equal, motor, 2 bottles with 2-piece libottle stand, 2 bottles stand, 2 flanges, 2 flange bases, caps, single cap, long tube, short tube, 2 filters (1 spare 0-rings (1 spare), and instruction manual in English and	pumping ids, 2 2 double e), 3					
		WARRANTY: 5 Years against defects in materials and workmanship.						
		SHIPPING & HANDLING INCLUDED IN PRICE OF PU	IMPS.					
3.	1000 EACH	HARMONY MANUAL BREAST PUMP ITEM #67161W EQUAL.	OR					
		Must have a pumping action that mimics the baby's natinursing rhythm in two modes:	ural					
		Let down mode. Expression mode.						
		Must have an ergonomic swivel handle.						
		Must have a massaging soft breast shield.	***************************************					
		SHIPPING & HANDLING INCLUDED IN PRICE OF PU	MPS.					
		THIS WILL BE AN OPEN END CONTRACT. THE TER BE FOR A PERIOD OF ONE YEAR WITH THE OPTION TWO, (1) ONE YEAR RENEWALS.						
to the desired and the second and th		INVOICES: THE VENDOR SHALL SUBMIT INVOICES ARREARS, TO THE AGENCY AT THE ADDRESS ON FACE OF THE PURCHASE ORDER LABELED "INVOIPURSUANT TO THE TERMS OF THE CONTACT.	THE					
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RFQ Cost Sheet # WIC90040

BIDDERS SHALL PROVIDE A COST FOR THE FOLLOWING:

Item#	Estimate Annual Quantity	d Description:	UNIT COST	TOTAL COST
1	100	Deluxe Nurture III Double Electric Breastpump Item #320 or equal as specified in the RFQ.	\$ <u>179.0</u> 3	s 17.903°°
2	1,000	Basic Double Collection Kit Item #420 or equal as specified in the RFQ.	\$ 35.29	\$ 35,29000
3	1,000	Harmony Manual Breastpump Item #67161W or equal as specified in the RFQ.	s 423.33	s 23,330 °°
		Grand Total:		s 76,523°°

NOTE: Award will be made to vendor bidding the lowest price for all items. Agency will place orders as the need arises for these items.

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:

West Virginia Code §21-1D-5 provides that: Any solicitation for a public improvement construction contract shall require each vendor that submits a bid for the work to submit at the same time an affidavit that the vendor has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the West Virginia Code. A 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. Vendors should visit www.state.wv.us/admin/purchase/privacy for the Notice of Agency Confidentiality Policies.

Under penalty of law	for/talse/swearing (vvest	virginia Code §61-5-3), it is hereby certii	fied that the vendor
acknowledges the info	rm/ation/in/ this/said affidavi	t and is in compliance with the requiremen	its as stated.
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√endor's Name:	ESTER WEIS	て	
Authorized Signature:	Thellees	Date: 8/10/08	
			

Purchasing Affidavit (Revised 07/01/08)

NO. 4577

To SPACE STATE



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

Request for Quotation

WIC90040

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732-727-0101 *908134129 ELITE MEDICAL PRODUCTS INC 2400 MAIN ST EXTENSION #7

08872 SAYREVILLE NJ

NEW MADDRESS CORRESPONDENCE NO A BIENNON COMPANY ROBERTA WAGNER 304-558-0067

HEALTH AND HUMAN RESOURCES BPH - NUTRITION SERVICES (WIC) C/O DHHR MATERIALS MANAGEMENT 900 BULLITT STREET CHARLESTON, WV 304-558-3417 25301

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Quotation



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

Request for Management Street Street WIC90040

> REPRESENTADORIESS CORRESIONDENCES (O XXIII EN TICINO) COMO CO ROBERTA WAGNER 304-558-0067

732-727-0101 *908134129 ELITE MEDICAL PRODUCTS INC 2400 MAIN ST EXTENSION #7

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HEALTH AND HUMAN RESOURCES BPH - NUTRITION SERVICES (WIC) C/O DHHR MATERIALS MANAGEMENT 900 BULLITT STREET CHARLESTON, WV 304-558-3417 25301

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