



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

Request for Quotation

| |
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| RFQ NUMBER |
| BCE10039 |

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| PAGE |
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| ADDRESS CORRESPONDENCE TO ATTENTION OF: |
| ROBERTA WAGNER 304-558-0067 |

VENDOR

*423132115 304-746-4434
 POMEROY IT SOLUTIONS INC
 4013 WASHINGTON STREET WEST
 CHARLESTON WV 25313

SHIP TO

HEALTH AND HUMAN RESOURCES
 VARIOUS LOCATIONS
 AS INDICATED BELOW

| | | | | |
|--------------|---------------|-------------|-------------|---------------|
| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
| 09/11/2009 | Net 30 | Best Ground | Destination | Included |

| LINE | QUANTITY | UOP | CAT NO | ITEM NUMBER | BID OPENING TIME | UNIT PRICE | AMOUNT |
|---|----------|-----|--------|-------------|------------------|------------|----------|
| 0001 | 450 | EA | | 725-55 | 01:30PM | 64.95 | 29227.50 |
| VISTA M22 AUDIO PROCESSOR WITH CLEARFINE AUDIO | | | | | | | |
| PART NUMBER: PLANTRONICS 43596-40 OR EQUAL | | | | | | | |
| 0002 | 450 | EA | | 725-55 | | 7.95 | 3577.50 |
| COIL CABLE (OD TO MODULAR PHONE JACK) | | | | | | | |
| PART NUMBER: PLANTRONICS 40702-01 OR EQUAL | | | | | | | |
| 0003 | 450 | EA | | 725-55 | | 56.60 | 25470.00 |
| H251N-UNC SUPRAPLUS HEADSET | | | | | | | |
| PART NUMBER: PLANTRONICS 79499-01 OR EQUAL | | | | | | | |
| 0004 | 4 | EA | | 725-55 | | 0.00 | 0.00 |
| SHIPPING AND HANDLING FOR 4 DIFFERENT LOCATIONS | | | | | | | |
| 1. REGION 1/MARION CO. DHHR ATTN: RONDA COLANERO 9005 MIDDLETOWN MALL WHITE HALL, WV 26554 | | | | | | | |

| | | |
|--------------------|---|-----------------------------------|
| SIGNATURE | SEE REVERSE SIDE FOR TERMS AND CONDITIONS | DATE |
| <i>[Signature]</i> | PHONE: 304-368-4420; FAX: 304-368-4193 | 10-20-09 |
| TITLE | TELEPHONE | ADDRESS CHANGES TO BE NOTED ABOVE |
| Senior Acct. Exec | 304-746-4434 X114 | |
| FEIN | WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR' | |
| 61-135215-8 | | |

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, the State may deem this contract null and void, and terminate such contract 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 FOB 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



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SHIP TO

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| 09/11/2009 | | | | |

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| 2. | | | | REGION II/KANAWHA CO. DHHR ATTN: JAMES KIMBLER 4190 W. WASHINGTON STREET CHARLESTON, WV 25313 PHONE: 304-746-2380; FAX: 304-558-1802 130 OF EACH | | |
| 3. | | | | REGION III/TAYLOR CO. DHHR ATTN: RONALD ANDERSON PO BOX 29 (235 BARRETT STREET) GRAFTON, WV 26354 PHONE: 304-265-6103; FAX: 304-265-6484 100 OF EACH | | |
| 4. | | | | REGION IV/MERCER CO. DHHR ATT: JOE BULLINGTON 200 DAVIS STREET PRINCETON, WV 24740 PHONE: 304-425-8738; FAX: 304-425-8915 110 OF EACH | | |
| <p>NOTE: "OR EQUAL" EQUIPMENT IS EQUIPMENT THAT HAS AT A MINIMUM ALL OF THE SAME FEATURES, CONNECTORS, ACCESSORIES, FUNCTIONS AND ABILITY TO FUNCTION IN THE SAME MANNER AS THE EQUIPMENT SPECIFIED. "OR EQUAL" EQUIPMENT SHALL BE GUARANTEED TO FUNCTION WITH ALL OF THE SAME MANUFACTURES AND MODELS AS IS THE SPECIFIED EQUIPMENT. MANUFACTURE AND MODEL MUST BE SPECIFIED ON ALL "OR EQUAL" EQUIPMENT BID, OTHER THAN PLANTRONICS EQUIPMENT.</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</p> | | | | | | |

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 10/20/09 OCT 20 PM 12:11
 WV PURCHASING DIVISION

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| SIGNATURE | | TELEPHONE | DATE |
| TITLE | FEIN | ADDRESS CHANGES TO BE NOTED ABOVE | |

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|---|----------|-----|---------|-------------|------------|--------|
| <p>TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THE STATE MAY DEEM THE CONTRACT NULL AND VOID, AND TERMINATE SUCH CONTRACT WITHOUT FURTHER ORDER.</p> <p>INQUIRIES: WRITTEN QUESTIONS SHALL BE ACCEPTED THROUGH CLOSE OF BUSINESS ON 9/29/2009. QUESTIONS MAY BE SENT VIA USPS, FAX, COURIER OR E-MAIL. IN ORDER TO ASSURE NO VENDOR RECEIVES AN UNFAIR ADVANTAGE, NO SUBSTANTIVE QUESTIONS WILL BE ANSWERED ORALLY. IF POSSIBLE, E-MAIL QUESTIONS ARE PREFERRED. ADDRESS INQUIRIES TO:</p> <p>ROBERTA WAGNER DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25311</p> <p>FAX: 304-558-4115</p> <p>E-MAIL: ROBERTA.A.WAGNER@WV.GOV</p> <p>THE MODEL/BRAND/SPECIFICATIONS NAMED HEREIN ESTABLISH THE ACCEPTABLE LEVEL OF QUALITY ONLY AND ARE NOT INTENDED TO REFLECT A PREFERENCE OR FAVOR ANY PARTICULAR BRAND OR VENDOR. VENDORS WHO ARE BIDDING ALTERNATES SHOULD SO STATE AND INCLUDE PERTINENT LITERATURE AND SPECIFICATIONS. FAILURE TO PROVIDE INFORMATION FOR ANY ALTERNATES MAY BE GROUNDS FOR</p> <p style="text-align: center;">SEE REVERSE SIDE FOR TERMS AND CONDITIONS</p> | | | | | | |

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| <p>REJECTION OF THE BID. THE STATE RESERVES THE RIGHT TO WAIVE MINOR IRREGULARITIES IN BIDS OR SPECIFICATIONS IN ACCORDANCE WITH SECTION 148-1-4 (F) OF THE WEST VIRGINIA LEGISLATIVE RULES AND REGULATIONS.</p> <p>NOTICE</p> <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>PLEASE NOTE: A CONVENIENCE COPY WOULD BE APPRECIATED.</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:-----RW/FILE 22-----</p> <p>RFQ. NO.:-----BCF10039-----</p> <p>BID OPENING DATE:-----10/20/2009-----</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> | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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|---|----------|-----|--------|--------------|------------|-------------------------|
| | | | | 888-273-6980 | | |
| CONTACT PERSON (PLEASE PRINT CLEARLY): | | | | | | |
| | | | | Mike Ferrar. | | |
| ***** THIS IS THE END OF RFQ BCF10039 ***** | | | | | | TOTAL: <u>58,275.00</u> |

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“Or Equal” – “Or Equal” equipment is equipment that has at a minimum all of the same features, connectors, accessories, functions and ability to function in the same manner as the equipment specified. “Or equal” equipment shall be guaranteed to function with all of the same manufactures and models as is the specified equipment. Manufacture and model must be specified on all “Or Equal” equipment bid.

Delivery Locations and Quantities

REGION I/Marion Co. DHHR
Attn: Ronda Colanero
9005 Middletown Mall
White Hall, WV 26554
Phone: 368-4420 Fax: 368-4193
110 of each

REGION II/Kanawha Co. DHHR
Attn: James Kimbler
4190 W. Washington Street
Charleston, WV 25313
Phone: 746-2380 Fax: 558-1802
130 of each

REGION III/Taylor Co. DHHR
Attn: Ronald Anderson
PO Box 29
(235 Barrett Street)
Grafton, WV 26354
Phone: 265-6103 Fax: 265-6484
100 of each

REGION IV/Mercer Co. DHHR
Attn: Joe Bullington
200 Davis Street
Princeton, WV 24740
Phone: 425-8738 Fax: 425-8915
110 of each

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: Pomeroy IT solutions

Authorized Signature: [Signature]

Date: 10-20-09

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: Pomeroy IT Solutions Signed: [Signature]
 Date: 10-20-2009 Title: Senior Account Executive

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



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RFQ COPY
 TYPE NAME/ADDRESS HERE

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| CONTACT PERSON (PLEASE PRINT CLEARLY): | | | | | | |
| Mike Ferrari | | | | | | |
| ***** THIS IS THE END OF RFQ BCF10039 ***** | | | | | | TOTAL: <u>\$56,275⁰⁰</u> |

| | | |
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| SIGNATURE: <i>Mike Ferrari</i> | TELEPHONE: 304-746-4434 X114 | DATE: 10-20-09 |
| TITLE: Senior Account Executive | FEIN: 61-1352158 | ADDRESS CHANGES TO BE NOTED ABOVE |

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