



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
DEP14471A

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
CHUCK BOWMAN
304-558-2157

JUL 27 2009

VENDOR

*021134548 304-755-9275
AC&S INCORPORATED
PO BOX 335

NITRO WV 25143

SHIP TO

ENVIRONMENTAL PROTECTION
DEPT. OF
OFFICE OF MINING & RECLAMATION
601 57TH STREET SE
CHARLESTON, WV
25304 **304-926-0499**

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
07/23/2009				

BID OPENING DATE: **08/13/2009** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001		LS		961-48		
	1					
WATER SAMPLING 250 LOCATIONS THROUGHOUT COAL REGIONS						
<p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FROM QUALIFIED VENDORS TO PROVIDE WATER TESTING SERVICES AS DESCRIBED BELOW PER THE FOLLOWING SPECIFICATIONS, BID REQUIREMENTS, TERMS & CONDITIONS, AND THE ATTACHED BID SCHEDULE.</p> <p>VENDOR TO COLLECT AND CONDUCT LABORATORY ANALYSIS ON WATER SAMPLES AT APPROXIMATELY 250 SITE LOCATIONS THROUGHOUT THE STATE OF WEST VIRGINIA.</p> <p>SAMPLING TO BE CONDUCTED ON A MONTHLY BASIS FOR ITEMS 1 THROUGH 16 ON THE BID SCHEDULE WITH AN EXPANSION QUARTERLY OF ITEMS 17 THROUGH 39 ON BID SCHEDULE.</p> <p>FURTHER EXPANSION OF COLLECTIONS TO BE CONDUCTED ON BIENNIAL BASIS OF BENTHIC SAMPLING, ITEM 40.</p> <p>ITEM 41 INCLUDES ALL COSTS TO COLLECT SAMPLE FROM SITE</p> <p>ALL TEST RESULTS ARE TO BE SUBMITTED ELECTRONICALLY TO DEP 601 57TH STREET, CHARLESTON, WV 25304.</p> <p>THE LOCATION OF THE SAMPLING SITES MAY BE VIEWED ON THE DEP WEB SITE AT HTTP://GIS.WVDEP.ORG/KML/TREND STATIONS.KMZ</p> <p>THE VENDOR MUST BE A WEST VIRGINIA CERTIFIED</p>						

RECEIVED
2009 AUG 20 AM 10:14
WV PURCHASING DIVISION

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *Rescilla Larson* TELEPHONE: **304-755-0536** DATE: **8/12/09**

TITLE: **lab manager** FEIN: ADDRESS CHANGES TO BE NOTED ABOVE

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

GENERAL TERMS & CONDITIONS REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. All quotations are governed by the *West Virginia Code* and the *Legislative Rules* of the Purchasing Division.
4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
5. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
6. Payment may only be made after the delivery and acceptance of goods or services.
7. Interest may be paid for late payment in accordance with the *West Virginia Code*.
8. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
9. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
11. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
12. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
13. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, 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 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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CHUCK BOWMAN
304-558-2157

VENDOR

*021134548 304-755-9275
 AC&S INCORPORATED
 PO BOX 335

 NITRO WV 25143

SHIP TO

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 OFFICE OF MINING & RECLAMATION
 601 57TH STREET SE
 CHARLESTON, WV
 25304 304-926-0499

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
07/23/2009				

BID OPENING DATE: **08/13/2009** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UQP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>LABORATORY. ALL REQUIRED METHODS FOR THE PARAMETER ANALYSIS IN THE MONTHLY AND QUARTERLY BASIS GROUPS MUST BE APPROVED BY EPA. COMPANY MUST BE ABLE TO DETECT LOW-EST WATER QUALITY STANDARDS AS CONTAINED IN 46CSR1. PERMITS FOR THE BENTHIC SAMPLING ARE TO BE OBTAINED FROM THE WVDNR FISH & WILDLIFE OFFICE. THE COMPANY MUST INDICATE WHO WILL BE DOING THE BENTHIC SAMPLING. THE EPA-RAPID BIOASSESSMENT PROTOCOLS III E41-B-99-002 FOR USE IN STREAMS WILL BE FOLLOWED.</p> <p>PER THE ATTACHED BID SCHEDULE: VENDORS ARE TO INDICATE THEIR UNIT PRICE FOR EACH ITEM NOTED 1-41 AND TO EXTEND THOSE UNIT PRICES BY MULTIPLYING THE UNIT PRICE BY THE QUANTITY LISTED AND INSERTING THAT EXTENDED PRICE IN THE COLUMN TITLED TOTAL. THE TOTAL AT THE BOTTOM OF THE SCHEDULE SHOULD BE THE TOTAL EXTENDED SUM OF THE LINES 1-41.</p> <p>VENDORS ARE TO MAKE NO OTHER CALCULATIONS ON THIS BID SCHEDULE (IE., MONTHLY, QUARTERLY, OR YEARLY COSTS)</p> <p>EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE UPON AWARD 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.</p> <p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Chuck Bowman</i>	TELEPHONE 304-755-0536	DATE 8/12/09
TITLE Lab Manager	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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



State of West Virginia
 Department of Administration
 Purchasing Division
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ADDRESS CORRESPONDENCE TO ATTENTION OF:
 CHUCK BOWMAN
 304-558-2157

RODNEY

*021134548 304-755-9275
 AC&S INCORPORATED
 PO BOX 335
 NITRO WV 25143

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07/23/2009				

BID OPENING DATE: 08/13/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>CONTRACT.</p> <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, THE STATE MAY DEEM THIS CONTRACT NULL AND VOID, AND TERMINATE SUCH CONTRACT WITHOUT FURTHER ORDER.</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Michael A. Nasser</i>	TELEPHONE 304-755-0536	DATE 8/12/09
TITLE Lab Manager	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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VENDOR

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BID OPENING DATE: 08/13/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:						

CONTACT PERSON (PLEASE PRINT CLEARLY):						

***** THIS IS THE END OF RFQ DEP14471A ***** TOTAL:						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Chuck Bowman</i>	TELEPHONE 304-755-0536	DATE 8/12/09
TITLE Lab Manager	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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



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AUG 18 2009

ADDRESS CORRESPONDENCE TO ATTENTION OF:
**CHUCK BOWMAN
304-558-2157**

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*021134548 304-755-9275
AC&S INCORPORATED
PD BOX 335

NITRO WV 25143

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**ENVIRONMENTAL PROTECTION
DEPT. OF
OFFICE OF MINING & RECLAMATION
601 57TH STREET SE
CHARLESTON, WV
25304 304-926-0499**

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
08/11/2009				
BID OPENING DATE: 08/20/2009		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
***** ADDENDUM NO. 01 *****						
ADDENDUM ISSUED FOR THE WATER SAMPLING RFQ TO DISTRIBUTE THE VENDOR PREFERENCE CERTIFICATE.						
BID OPENING DATE HAS BEEN EXTENDED FROM 08/13/09 TO 08/20/09 AT 1:30 PM.						
***** NO OTHER CHANGES *****						
0001	1	LS	961-48	WATER SAMPLING 250 LOCATIONS THROUGHOUT COAL REGIONS		

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *Chuck Bowman* TELEPHONE: **304-755-0536** DATE: **8/20/09**
 TITLE: **Labatory Manager** FEIN: _____ ADDRESS CHANGES TO BE NOTED ABOVE

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

August 12, 2009

Mr. Chuck Bowman
West Virginia Department of Administration
Purchasing Division
Building 15
2019 Washington Street, East
Charleston, West Virginia 25305-0130

Re: WV DEP14471A – Bid Submittal
AC&S, Incorporated

Dear Mr. Bowman:

AC&S, Incorporated is pleased to submit this Bid for stream sampling and analytical services for 250 locations throughout the State of West Virginia. Enclosed is our completed Bid Form and signed Request for Quotation. We are teaming with Triad Engineering, Inc., of St. Albans, West Virginia for this project. Triad will collect the samples from the 250 locations and submit them to us for the various analyses. In addition, Triad will conduct the Benthic sampling.

AC&S, Incorporated is a West Virginia certified laboratory. Please feel free to contact us should you have any questions or need additional information.

Sincerely,



Priscilla Vassar
Laboratory Manager

**BID SCHEDULE
DEP14471A**

To collect and conduct laboratory analysis on water samples at approximately 250 site locations throughout the State of West Virginia. Quantities listed are for bidding purposes only.

Item	Quantity	Description	Unit Price	Amount
1	3,000 each	pH	\$ -	Field
2	3,000 each	Temperature	\$ -	Field
3	3,000 each	Flow	\$ -	Field
4	3,000 each	Total Hot Acidity	\$ 5.00	\$ 15,000.00
5	3,000 each	Mineral Acidity	\$ 5.00	\$ 15,000.00
6	3,000 each	Total Alkalinity	\$ 5.00	\$ 15,000.00
7	3,000 each	Total Fe	\$ 5.00	\$ 15,000.00
8	3,000 each	Dissolved Fe	\$ 5.00	\$ 15,000.00
9	3,000 each	Total Mn	\$ 5.00	\$ 15,000.00
10	3,000 each	Dissolved Mn	\$ 5.00	\$ 15,000.00
11	3,000 each	TSS	\$ 6.00	\$ 18,000.00
12	3,000 each	TDS	\$ 6.00	\$ 18,000.00
13	3,000 each	Specific Conductance	\$ -	Field
14	3,000 each	Sulfates	\$ 7.00	\$ 21,000.00
15	3,000 each	Total Al	\$ 5.00	\$ 15,000.00
16	3,000 each	Dissolved Al	\$ 5.00	\$ 15,000.00
17	1,000 each	Total Antimony	\$ 5.00	\$ 5,000.00
18	1,000 each	Total Arsenic	\$ 5.00	\$ 5,000.00
19	1,000 each	Total Beryllium	\$ 5.00	\$ 5,000.00
20	1,000 each	Total Cadmium	\$ 5.00	\$ 5,000.00
21	1,000 each	Total Chromium	\$ 5.00	\$ 5,000.00
22	1,000 each	Total Copper	\$ 5.00	\$ 5,000.00
23	1,000 each	Total Lead	\$ 5.00	\$ 5,000.00
24	1,000 each	Total Mercury	\$ 5.00	\$ 5,000.00
25	1,000 each	Total Nickel	\$ 5.00	\$ 5,000.00
26	1,000 each	Total Selenium	\$ 5.00	\$ 5,000.00
27	1,000 each	Total Silver	\$ 5.00	\$ 5,000.00
28	1,000 each	Total Zinc	\$ 5.00	\$ 5,000.00
29	1,000 each	Total Thallium	\$ 5.00	\$ 5,000.00
30	1,000 each	Total Cyanide	\$ 12.00	\$ 12,000.00
31	1,000 each	Total Phenols	\$ 12.00	\$ 12,000.00
32	1,000 each	Total Nitrates/Nitrites	\$ 12.00	\$ 12,000.00
33	1,000 each	Dissolved Sodium	\$ 5.00	\$ 5,000.00
34	1,000 each	Dissolved Calcium	\$ 5.00	\$ 5,000.00
35	1,000 each	Dissolved Magnesium	\$ 5.00	\$ 5,000.00
36	1,000 each	Dissolved Potassium	\$ 5.00	\$ 5,000.00
37	1,000 each	Dissolved Bicarbonate	\$ 5.00	\$ 5,000.00
38	1,000 each	Dissolved Carbonate	\$ 5.00	\$ 5,000.00
39	1,000 each	Dissolved Phosphate	\$ 5.00	\$ 5,000.00
40	500 each	Benthic Sampling	\$ 425.00	\$ 212,500.00
41	500 hours	Labor Per Site Visit	\$ 48.50	\$ 24,250.00
Total				\$ 564,750.00

Company Name AC&S, Incorporated

Date: 08/13/09

Signature: *Priscilla Nassar* /R/K

Current Site Locations

STATION_ID	STATION_DE	SURF_ELEV	LATITUDE	LONGITUDE
TS1	DRY FK CR-9 off Rt 16 400 ft above Andy's Wrecker @ gas well.	1287	37.275380	-81.666530
TS2	JACOB FORK 400' upstream of Big Creek Branch	1356	37.289570	-81.650030
TS3	BIG CK Rt. 16 below CR-9 first long hollow on left	1977	37.290780	-81.651560
TS4	TUG FK/SOUTH FK/ 1.2 miles off 103 on 161 South 200 ft upstream of golf course	1552	37.331190	-81.478580
TS5	BIG SANDY RIVER/TUG FK 0.4 miles up 161 N from 103 right hand turn to metal bridge	1523	37.336020	-81.477410
TS6	MIDDLE FK CK 0.2 miles south of Bradshaw Rt 83 Metal Bridge	1338	37.343861	-81.806833
TS7	BLUESTONE RIVER R7 in above 1st one lane bridge 3rd house on right	2298	37.355390	-81.245390
TS8	WIDE MOUTH CK off Rt 71 on Browning School Rd 200 ft above green bridge	2276	37.377833	-81.231389
TS9	DRY FK Rt 80 150 below Garwood Metal Bridge	1345	37.402080	-81.784460
TS10	ELKHORN CK off US52W @ Northfork City Limit @ RR Track	1583	37.420380	-81.440330
TS11		1276	37.419450	-81.590130
TS12	BEAVER CK 41 north CR-8	2264	38.328040	-80.665150
TS13	RICH CK RD in Spanishburg to Lusk Hollow Rd	2138	37.441370	-81.134950
TS14	CLEAR FK off US 52 @ crossing	1287	37.450333	-81.736880
TS15	PANTHER CK Downstream of Panther State Forest entrance on CR-3-3	1345	37.463850	-81.891000
TS16	PENNICALE CK 16 South up Pennicale CK Rd	1462	37.552240	-81.506250
TS18	9EN CK just above Tug River @ last blue steel bridge	874	37.544580	-81.962820
TS19	BARKERS CK Rt 10 between Tralee Computer EImp bridge	1487	37.552520	-81.403770
TS20	INDIAN CK Intersection left @ Nite Branch Rd	1322	37.553810	-81.622950
TS21	GUYANDOTTE RIVER Rt 97 east 2.0 miles past Glover 750' below Kepler Proces.	1231	37.579370	-81.571920
TS22	HUFF CK US Rt 52 2 miles before Mingo Co. 400' below drag strip	1082	37.583300	-81.814880
TS23	SLAB FK Rt 54 Left Hand turn before 1st bridge into Mullens	1525	37.600300	-81.380810
TS24	ROCK CASTLE CK behind Dairy Queen in Pineville	1274	37.588360	-81.533410
TS25	DEVILS CK Rt 16 Amigo 2nd Alley on Devils CK Town	1635	37.596650	-81.319440
TS26	WINDING GULF left hand turn off after Byrd Prvillamen School 0.3 miles US	1607	37.607250	-81.320030
TS27	TOMMY CK Under bridge on CR-33 off Rt 16	1629	37.607770	-81.303680
TS28	LAUREL CK 0.5 miles below 3rd bridge from Sun Hill	1293	37.612360	-81.723730
TS29	HORSEPEN CK just above Dentist Office & Used Car Lot cross bridge @ grey/red DW	891	37.612510	-81.862420
TS30	BIG CUB CK 350' below Surgeon Bridge 1.2 miles below Coal Mt	1190	37.649480	-81.770170
TS31	BELOW GEORGE ALLEN RR behind Estep house in N.Matewan	623	37.651010	-82.121690
TS32	LAUREL FK Cr-1 Glenn FK below Baptist Temple	1170	37.694160	-81.535640
TS33	CLEAR FK Oceana Hatcher across from Storage Buildings	37.695490	-81.618870	
TS34	PIGEON CK above Rockhouse fk in Delbarton beside funeral home	769	37.705167	-82.185139

TS35	ABOVE PIGEON CK in Delbarton by blue bridge	783	37,711,470	-82,175,490
TS36	HUFF CREEK 50yds below Gilman Bottom bridge	933	37,729,280	-81,795,280
TS37	PINEY CK CR-18 Cedar above water crossing (100')	1635	37,738,380	-81,211,990
TS38	OMAR Logan Co.	891	37,753,917	-82,000,222
TS39	BEAVER CK Intersection of Sullivan Rd & US 19 @ Glen Morgan US of RR Tressel	2145	37,756,640	-81,155,330
TS40	GLADE CK Pluto Rd @ bridge @ Beckley Water Co.	2700	37,704,194	-81,052,667
TS41	LAUREL CK CR-7 near Sandstone Murphy Farm	1521	37,765,259	-80,870,310
TS42	ACCOVILLE above right fk of Buffalo Ck.	840	37,771,650	-81,831,420
TS43	COAL RIVER/MARSH FK off Rt 99 on Posey-Saxon Rd @ propane tank	187	37,779,310	-81,371,990
TS44	ABOVE PIGEON CK on Day Star Rd @ 2nd ck crossing across rd from brown & tan trailer	660	37,775,140	-82,218,550
TS45	LICK CK I-64 exit 143 @ Green Sulphur Springs	1560	37,804,410	-80,816,950
TS46	LAUREL FK below right fk above Lenore across rd from blue mobile home	627	37,806,770	-82,272,980
TS47	LOGAN near mouth of Rum Creek	736	37,812,790	-81,934,330
TS48	MEADOW CK CR-7 Exit 139 I-64	1510	37,813,460	-80,922,890
TS49	SANDLICK RD off Rt 3 to CR-9, Pine Branch Rd 1st bridge	1672	37,824,310	-81,414,530
TS50	DINGESS RUN 500yds above Tops	740	37,836,670	-81,963,850
TS51	PINEY CK Foot of Bat off Mt on 41N Sharp Curve Right turn 500' Upstream	778	37,846,190	-81,093,540
TS52	COPPERAS MINE FK above Mud FK behind Rich gas station	756	37,844,240	-82,019,340
TS53	LAUREL CK in Fayette CO @ Quiniment Railroad Yard	1272	37,851,840	-81,045,150
TS54	COPPERAS MINE FK near conf w/Guyandotte river behind Logan Auto Parts	721	37,847,820	-82,004,750
TS55	MARROWBONE CK downstream in curve across from sawmill	640	37,859,370	-82,382,470
TS56	COAL RIVER/MARSH FK abandon house beside football field @ Marsh Fk	888	37,878,340	-81,528,430
TS57	POND FK Rt 85 Barrett across from Metal bridge above school	899	37,888,300	-81,671,550
TS58	SPRUCE CK downstream above Mondo of Beech Fk	800	37,920,440	-81,829,630
TS59	PAINT CK CR-1c 23 North of Pax @ Concrete Bridge	778	37,916,320	-81,267,930
TS60	METHODIST BR Hunter Rd 60/2 Near Crawley	2463	37,925,570	-80,662,220
TS61	MEADOW RIVER @ Crawley inside Meadow River Wildlife Management area	779	37,929,160	-80,668,620
TS62	DUNLOUP CK in Harvey @ Franks Batt Shop	813	37,931,380	-81,129,020
TS63	LITTLE CLEAR CK Bridge on Rt 60 Shawfers Crossing	785	37,950,760	-80,653,960
TS64	SPRUCE CREEK downstream.		37,944,530	-81,803,910
TS65	BIG COAL RIVER/CLEAR FK 9 miles up Clear Fk Rd @ Pentacostal Church		37,952,010	-81,426,370
TS66	TWELVE POLE CK west fork behind turkey creek church		37,957,850	-82,341,380
TS67	BOGGS CK in Rainelle @ 13th Street Bridge		37,969,280	-80,763,770
TS68	SEWELL CK in city limits of Rainelle @ Rite Aid		37,968,100	-80,768,920

TS69	CRAWLEY CK below conf. Of Mill Fk. Justice	570	37.966820	-82.038760
TS70	HEWITT CK downstream above Jeffrey Post Office	821	37.970640	-81.825780
TS71	WEST FK Gordan 0.2 miles above Whites Bridge @ "the grill"	899	37.975980	-81.697490
TS72	SMOKY BR Glade Ck in Babcock State Park		37.990680	-80.961370
TS73	BIG CREEK Downstream	574	38.006806	-82.029056
TS74	BIG CLEAR CK @ Rupert on Arjean Rd CR-1 Private bridge across RR tracks		38.012040	-80.559360
TS75	TWELVE POLE CK east fork below McComas Branch	584	38.012730	-82.304950
TS76	BIG HARTS CK behind Harts High Sch. Lower parking lot	672	38.020750	-82.128420
TS77	MEADOW RIVER Corliss Rd. CR-10 Near Hilton Village		38.056310	-80.859170
TS78	SPRUCE CK downstream @ Madison on Haddad Street	740	38.055333	-81.827611
TS79	POND FK 0.5 miles off Rt 85 across from Madison Pool	747	38.054833	-81.817056
TS80	SPRING CK 219 South CR-3 to CR 5-1 on left	1844	38.055790	-80.355960
TS81	WOLF CK @ Fayette Station below New River Gorge Bridge		38.064370	-81.081500
TS82	WHITE OAK CK Rt. 3 orgas 500' up White Oak Ck Rd	801	38.063310	-81.570330
TS83	KIAH CK Threshold site just above East Lynn Lake	584	38.066380	-82.295280
TS84	COAL FK Laurel Rd from Prenter Rd 1st one lane bridge	779	38.069340	-81.644480
TS85	BRACKENS CK @ Russellville Rt 42N	2193	38.073400	-80.894770
TS86	BIG COAL RIVER Prenter Rd 3.2 miles Double Wide Trailer	781	38.076810	-81.682030
TS87	BIG UGLY near mouth of creek @ gas pump station	657	38.081920	-82.125760
TS88	LOOP CK off Rt 61 above Robson		38.098790	-81.245010
TS89	LAUREL CK off Rt 16 Near Cotton Hill		38.107630	-81.149830
TS90	CABIN CK RD. Kanawha downstream Cabin Ck. above Coal Fk	781	38.105550	-81.446820
TS91	MILL CK @ Ansted	876	38.120820	-81.108100
TS92	MILL CK downstream off US 52 bridge near Fort Gay	567	38.116070	-82.582410
TS93	ANGLINS CK Rt. 41 N above Nollen @ Wilderness PSD	2193	38.137780	-80.885780
TS94	ARMSTRONG CK off Rt 61 on CR 61-24	620	38.140950	-81.294910
TS95	HOMINY CK 20 South CR-13 @ CR 13-6 Make right @ Bridge	2373	38.145140	-80.718250
TS96	PAINT CK downstream below Livingston	712	38.157380	-81.406770
TS97	MUD RIVER cross upper bridge cross lake head waters @ turn left down gravel rd to ck	791	38.132210	-82.041310
TS98	BIG HORSE CK turn US @ rd just before low water bridge @ pumpstation	645	38.165500	-81.868090
TS99	BRUSHY MEADOW CK 20 South	1844	38.169950	-80.707190
TS100	LEFT FK MUD RIVER below Whittens Church @ wooden walk bridge above lake	813	38.155660	-82.023310
TS101	EAST LYNN lower water bridge	583	38.162340	-82.390080
TS102	SMITHERS CK downstream on Camelton Rd	652	38.186240	-81.298750

TS103	CHERRY RIVER Johnson Rd to dirt Rd straight ahead on left	1844	38.187960	-80.467690
TS104	LAUREL CK 55 east west 39-14 straight ahead		38.221270	-80.590520
TS105	HURRICANE CK Downstream US Rt.52	580	38.192500	-82.579390
TS106	LITTLE LAUREL CK 39 east CR 39-18 on left		38.217090	-80.555510
TS107	BIG BRANCH crossing below town of Wayne	530	38.202690	-82.457530
TS108	KELLYS CREEK downstream	617	38.221820	-81.425950
TS109	WITCHER CK downstream	609	38.226110	-81.514000
TS110	CHERRY RIVER 39 east right outside of Richwood on Johnson Rd	2235	38.228000	-80.522710
TS111	DEER CK 39 east CR 39-22 on off Rd		38.253310	-80.748280
TS112	LENS CREEK downstream	645	38.232610	-81.571300
TS113	GAULEY RIVER Twenty mile Ck above Gauley Bridge		38.237640	-81.185550
TS114	BRIER CK 119 south CR-15	678	38.239560	-81.771270
TS115			38.259020	-80.379930
TS116	PETERS CK @ Dremen below junction of Rt 39 & Rt 129		38.274800	-80.982850
TS117	GAULEY RIVER /Panther Ck 39 west up Rd on Right	1844	38.268300	-80.672970
TS118	TWENTY MILE CK upstream site		38.272100	-81.144620
TS119	CRANBERRY RIVER 55 east 94-5 stay left to river	1329	38.299390	-80.613070
TS120	ELKHORN CK upstream from Big Lots off US 52 @ RR Switch		37.432430	-81.567820
TS121	CAMPBELLS CK downstream	630	38.312680	-81.539140
TS122	WHITES CK CR-19 Wayne Co. just above little White Church Carey farm	611	38.282980	-82.531820
TS123	WILLIAMS RIVER/Sugar Ck CR-46 off US 150 first one lane bridge	3125	38.332580	-80.224740
TS124	BLUE CK above Elkview on CR-57	767	38.441090	-81.455500
TS125	BLUE CK above Sanderson Kawawha Co. on CR-57	876	38.361530	-81.361970
TS126	GAULEY RIVER 55 west to lod 19 on left on old RR		38.364550	-80.828100
TS127	WILLIAMS RIVER 20 north CR-46 take Rt to National Forest	2247	38.383080	-80.499980
TS128	GAULEY RIVER CR-46 Forest Rd 234	2231	38.388290	-80.509580
TS129	ELK RIVER US 219 Slaty Pk @ Beckwith Lumer Co. Left Side	2563	38.414930	-80.126690
TS130	ELK RIVER/BIG SPRING FK US 219 Slaty Pk @ Beckwith Lumer Co.	2513	38.416460	-80.126200
TS131	GAULEY RIVER 20 South get on CR-42 just above Turkey Ck	2878	38.424220	-80.352750
TS132	SYCAMORE CK trib of Elk River near Big Sycamore	877	38.426950	-81.176770
TS133	LEATHERWOOD CK near Hartland CR 16-3	578	38.433040	-81.098690
TS134	LITTLE FK off CR-46 to Little Camping Area	2397	38.337330	-80.376640
TS135	BUFFALO CK @ Clay trib of Elk River of CR-11	770	38.460230	-81.068970
TS136	BUFFALO CK office CR 15-4 dirt road beside bridge .10 mile		38.447740	-80.925690

TS137	LULY FK BUFFALO @ Clay on old Surface Mine Rd	38.447910	-81.054800
TS138	FALLING ROCK CK CR-63 Reamer Rd cross bridge in Clendamin turn right	38.467310	-81.399230
TS139	LEATHERWOOD CK 0.5 miles up CR 26-4 @ Bergamo	38.482000	-80.299750
TS140	BIRCH RIVER CR-82, pass CR 1-9 on right	38.496920	-80.725680
TS141	ELK RIVER CR-26 from Rt 15 3.0 miles past Bergamo	38.501280	-80.279150
TS142	LAUREL CK 20 south CR-9 to Erbacon Rt Rd just before RR tracks	38.528030	-80.577880
TS143	BLACK FK of Elk River CR-26 from Webster Springs foot bridge	38.479960	-80.398590
TS144	STRANGE CK CR-40 by 3rd bridge	38.559010	-80.393670
TS145	GRASSY CK Rt 20 @ concrete bridge below Rt 20 & 15 intersection	38.559630	-80.451250
TS146	LITTLE BIRCH RD CR-38 to first bridge beside bridge	38.561980	-80.774870
TS147	HOLLY RIVER Rt Fk beside store @ Rt 20 & 15 intersection	38.563430	-80.444720
TS148	SUGAR CK CR-18 from Rt 20 CR 18-3 @ Skelt Near Powerlines	38.570250	-80.309490
TS149	BIRCH RIVER on CR 40-8 near low water crossing	38.588200	-80.872500
TS150	LEFT FK HOLLY RIVER Rt 20 above Hacker Valley CR-3 @ State Road Garage	38.652530	-80.383420
TS151	HOLLY RIVER 15 east to Holly on Gerald R Freeman Campground	38.672550	-80.541310
TS152	RIGHT FK OF LITTLE KANAWHA CR 50-6 from Rt 20 3.1 miles upstream from last house in wildcat	38.738020	-80.455810
TS153	BUCHANNON RIVER RT FK CR 11-17 to CR-44 metal bridge to church	38.743810	-80.236170
TS154	LF FK RT FK BUCHANNON CR-11-17 to CR 11-20 0.9 miles on right	38.745420	-80.204710
TS155	LITTLE KANAWHA River off 20 north on County Rt 46	38.769700	-80.379520
TS156	LF FK BUCHANNON CR-11 from French Ck to Alexander old RR yard	38.780840	-80.217040
TS157	MIDDLE FK RIVER CR-46 from Mill Ck to CR-34 1.5 miles from turn off	38.791950	-80.030600
TS158	SALTUCK CK CR-5 below Burns Run Rd	38.812350	-80.669110
TS159	KNAWLES CK @ Burnsville Lake in WMA	38.817270	-80.516540
TS160	MIDDLE FK RIVER CR-46 from Mill Ck to CR-34 to Cassidy after bridge	38.825570	-80.034860
TS161	LITTLE KANAWHA River below Burnsville Dam	38.772900	-80.552720
TS162	OIL CK @ Burnsville on CR-1	38.863520	-80.648970
TS163	UPSHUR CO. CR 30-5 @ first bridge	38.901930	-80.258430
TS164	MIDDLE FK RT FK Co. line on 151 CR-28 to White House about 2 miles	38.896180	-80.113520
TS165	INDIAN CK CR-13 in Gilmer Co.	38.868720	-80.458000
TS166	ROARING CK US 33 to Norton on Rt 151 CR 5-5 across new bridge 450' US	38.924990	-80.682890
TS167	SANDY FK CR-11 towards Dolan beside bridge @ pull off	38.933330	-79.951950
TS168	UPSHUR CO. Rt 20 to Tennerton turn to CR-9 @ school-metal bridge	38.949010	-80.672720
TS169	LENDING CK Old US 219 below Whyte @ Mountain State Memorial Gardens	38.968430	-80.229190
TS170		38.984310	-79.836960

TS171	SKIN CREEK CR-30 Stonewall	1109	38.918110	-80.384390
TS172	GLADYS FK RD Below Gaston Rt. 33/119	1071	39.015100	-80.411940
TS173	SAND RUN US 33 from Buchannon to CR-3 CR-8 left hand turn @ concrete bridge	1435	39.018780	-80.131830
TS174	SITE HAS BEEN OMITTED		39.088350	-80.468080
TS175	FREEMANS CK CR-12 across from Jackson Mill 4th Camp	998	39.093390	-80.471780
TS176	ELK CK Beside I-79 Near Jan Lew	2797	39.103250	-80.393400
TS177	NORTH FK BLACK WATER RIVER @ Douglas on CR-27	3220	39.117400	-79.520700
TS178	BLACKWATER RIVER Davis on Delta Road 1	3208	39.133150	-79.400280
TS179	BEAVER CK off Rt-93	1011	39.151160	-79.437170
TS180	HOLLOCK RUN RD Near Jane Lew	1409	39.139650	-80.457380
TS181	LAUREL CK/SUGAR CK CR 92-12 CR 5-8 @ concrete bridge	1068	39.145030	-79.960040
TS182	GNATTY CK Romines Mills CR-20 from Lost Ck	1068	39.165880	-80.262430
TS183	ELK CK @ bridge on Rt 20 & Rt 57 intersection	1070	39.176240	-80.264550
TS184	LOST CK between West Milford & Lost Ck Rt 270	989	39.190080	-80.397270
TS185	HORSESHOE RUN below Lead Mine on CR-9	1749	39.184180	-79.596060
TS186	TETER CK Rt 92 1.1 mile north of Nestorville	1394	39.191260	-79.914750
TS187	BRUSHY FK above Stonewood right hand road above town	1032	39.238430	-80.299710
TS188	STONEY RIVER above Mt. Storm Rt 50 West	1068	39.270400	-79.251750
TS189	BEARDS RUN Rt 77/4 cross rr tracks turn left field above trailers	1509	39.273670	-80.204290
TS190	LITTLE WOLF CK St. George Rd CR-110 off Rt 50 E		39.284250	-79.623910
TS191	TEN MILE RD CR 5-9 Salem Fk Rd		39.300880	-80.485270
TS192	SANDY CK off St Rt 92 on old 92-13 CR gravel Rd 3/4 mile to site		39.295600	-79.881330
TS193	LITTLE SANDY CK off old 92-16 on gravel Rd to pasture		39.310420	-79.879670
TS194	BUFFALO CK Macomber @ intersection of Rt 72 & Rt 50	1448	39.318810	-79.688140
TS195	THREE FK CK Beside CSX yard USGS stream station on curve in bridge		39.337030	-79.993700
TS196	SALT LICK CK Rowlesburg on CR-51 Salt Lick Rd	1524	39.352310	-79.662840
TS197	LITTLE TEN MILE CK CR-9 @ intersection bridge to Rt 20		39.359860	-80.385050
TS198	ABRAM CK Hartmanville Rd CR-2		39.351470	-79.177440
TS199	TEN MILE CK CR-8 to water street behind ball field.		39.375500	-80.343320
TS200	RACCOON CK CR-7 to dirt rd in curve to train bridge		39.389310	-79.894200
TS201	BOOTHS CK @ Eldona from Nog Lick Run	1053	39.416760	-80.205840
TS202	SNOWY CK Cornith off Russ Deberry Rd CR-98		39.419120	-79.494890
TS203	LONG RUN CR-8 uphill past Feather Hill Rd 1st wide spot on left	973	39.428720	-80.294000
TS204	THREE FORK CK CR-35 from 33 on dirt road over hill		39.441870	-79.838970

TS205	BUFFALO CK CR off 250-31 @ bridge			
TS206	PRICKETT Ck 1.4 miles to 1st bridge towards Prickett State Park		1429	-80.166040
TS207	MUDDY CK Beech Run Rd Tetters Campground			-80.099070
TS208	BUFFALO CK off CR-1 Near Train Crossing			-79.645130
TS209	PYLES Fk US 25D N @ Mannington on Pyles Rd			-80.362640
TS210	PAW PAW CK CR-17 across from Baxter Ball Park			-80.342970
TS211	WHITEDAY CK @ Opekiska		920	-80.144480
TS212	LITTLE INDIAN CK CR-5 left pass 2nd bridge			-80.046460
TS213	BOOTHS CK Boat launch ramp @ Offington locked gate left side of CR73		906	-80.079170
TS214	DECKERS CK Rock forge beside RT7 on rt @ gasoline town of Dellslow		1360	-79.975820
TS215	BIG SANDY CK CR-73 to CR 73/11 Goss Run		973	-79.865980
TS216	LITTLE SANDY CK Brandonville Pike Rd CR-3		963	-79.672630
TS217	LAUREL RUN CR-14 from Laurel Run Community take rural 4X4 path		973	-79.609160
TS218	HAZEL RUN		1200	-79.708410
TS219	FISH CK 2nd bridge up hollow on right across from old house		981	-79.683300
TS220	FISH CK above town Hundred in curve @ falgrounnds below conf. Of Browns run		941	-80.507930
TS221	WV FORK front of 906 Shamrock rd Parrish Park on Dunkard Ck		1002	-80.500190
TS222				-80.274310
TS223				0.000000
TS224				0.000000
TS225	LYNN CAMP RUN above low water bridge @ 1st white house in front of red barn		851	0.000000
TS226	FISH CK Cameron Ridge CNR plant behind it		778	39.762710
TS227	GRAVE CK Moundsville Gun Range across low water bridge @ old landfill		834	-80.703820
TS229	MIDDLE GRAVE CK left hand @ end of Wades Trailer park @ Moundsville		801	-80.640510
TS230	BIG WHEELING beside CR-7 uphill gate on right follow to creek		803	-80.716850
TS231	MIDDLE WHEELING above Wagner Add. Rd across from 2 story brick home		867	-80.731720
TS232	LITTLE WHEELING Beside Rt 40 east near Tridelphia		625	-80.608960
TS233	SHORT CK Near Windsor Heights off Rt 2 Brooke County		689	-80.631470
TS234	BUFFALO CK below the conf. Of Pierce Run Brooke County		757	-80.632900
TS235	HARMON CK below Weirton WV Brook CO.		784	-80.663970
TS236	DUNKARD CK below Randolph run near Pentress		973	-80.592550
TS237	DEWITS RUN in Granville site across from Dunlany oil Building		796	-80.574620
TS238	SCOTTS RUN Osage across river from Starr City Morgantown under bridge		963	-80.166250
TS239	CLEAR Fk 0.9 miles up clear Fk Rd end guard rail		868	-79.989540
	SLAUGHTERS CK downstream under I-64 bridge		643	-80.003550
				-81.523870
				-81.500750

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: ACS, Inc Signed: Rosella Basson
Date: 8/26/09 Title: Laboratory Manager

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

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

VENDOR OWING A DEBT TO THE STATE:

West Virginia Code §5A-3-10a provides that: No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owed is an amount greater than one thousand dollars in the aggregate.

PUBLIC IMPROVEMENT CONTRACTS & DRUG-FREE WORKPLACE ACT:

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

ANTITRUST:

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

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

LICENSING:

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

CONFIDENTIALITY:

The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures and rules. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.

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

Vendor's Name: ACTS, Inc.

Authorized Signature: Theresa O'Connell

Date: 8/12/09