



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 60130
 Charleston, WV 25305-0130

**Request for
 Quotation**

DEP14676

CHUCK BOWMAN
 304-558-2157

RFQ COPY
 TYPE NAME/ADDRESS HERE

Lowe's Home Centers, Inc
 1605 Curtis Bridge Road
 Wilkesboro, NC 28697

ENVIRONMENTAL PROTECTION
 DEPT. OF
 OFFICE OF MINING & RECLAMATION
 601 57TH STREET SE
 CHARLESTON, WV
 25304 304-926-8499

12/08/2009		01/06/2010		01:58PM	
0001	100	EA	220-09	403.57	403.57
HANNA MODEL 991300 PH/CONDUCTIVITY METER OR EQUAL THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S DIVISION OF MINING & RECLAMATION IS SOLICITING BIDS FOR THE SUPPLY AND DELIVERY OF (100) HANNA MULTI-PARAMETER MODEL HI991300 PH/CONDUCTIVITY METER (OR EQUAL) WITH THE FOLLOWING PERFORMANCE CRITERIA AND ACCESSORIES. ALL FREIGHT AND DELIVERY CHARGES ARE TO BE INCLUDED IN THE VENDOR'S BID PRICE. LOW RANGE MULTI-PARAMETER METER, PH, EC, TDS, AND TEMPERATURE COMPLETE WITH PH/CONDUCTIVITY PROBE WITH BUILT-IN TEMPERATURE SENSOR, DIN CONNECTOR AND 1 M CABLE; BATTERIES; RUGGED CARRYING CASE, AND INSTRUCTIONS. 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. 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					
VP Commercial SIC		54-0748 358		ADDRESS CHANGES TO BE NOTED ABOVE	

RECEIVED
 2010 JAN -6 PM 1:18
 WV PURCHASING
 DIVISION

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

WV



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

**Request for
 Quotation**

DEP14878

3

CHUCK BONMAN
 304-558-2157

RFQ COPY
 TYPE NAME/ADDRESS HERE
 Lowes Home Centers, Inc
 1605 Curtis Bridge Road
 Wilkesboro, NC 28697

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

12/08/2009
 BID OPENING DATE: 01/06/2010 BID OPENING TIME 01:30PM

CONTACT PERSON (PLEASE PRINT CLEARLY):

Neil Smith / Jean Crawford
 304-926-6706
 304-926-6678 fax
 neil.a.smith-1@store.lowes.com

***** THIS IS THE END OF RFQ DEP14878 ***** TOTAL: 40357

REPORT LOWE
 TITLE VPC Commercial Inc
 PHONE 56-0748358
 FAX 704-757-4141
 DATE 12/08/09
 ADDRESS CHANGED TO BE NOTED ABOVE

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

(Handwritten initials)

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: Lowe's Home Centers, Inc Signed: [Signature]

Date: 12/30/08 Title: VP Commercial Sales

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

Approved by Legal Dept [Signature]
VP Approval [Signature]

RFQ No _____

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 of 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: Lowe's Home Centers Inc

Authorized Signature: [Signature]

Date: 12/30/09

Purchasing Affidavit (Revised 01/01/09)

Approved by Legal Dept [Signature]
VP Approval [Signature]

Addendum A

**Lowe's Home Centers, Inc.
Charleston, WV – Store # 0675**

**Environmental Protection Department of Office of Mining and Reclamation
RFQ #: DEP14878**

Further Information

A Vendor Preference Certificate is not included as part of this bid as none of the subdivisions of this certificate apply to Lowe's Home Centers, Inc. ("Lowe's"). However, Lowe's requests a vendor preference for operating eighteen (18) stores within the State of West Virginia. Lowe's certifies that, during the life of the contract, the company will employ a minimum of one hundred West Virginia State residents.

DEP14878
PH/CONDUCTIVITY METER

Company Name: Lowe's Home Centers, Inc
 Address: 1605 Curtis Bridge Road
Wilkesboro, NC 28697

The DEP reserves the right to request additional information and supporting documentation regarding unit prices when the unit price appears to be unreasonable.

ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
1.0	100	Hanna Model 991300 PH/Conductivity Meter or Equal Model No: Hanna # 991300	403.57	\$ 40,357
TOTAL forty thousand, three hundred and fifty seven ^{00/100}				\$ 40,357

Vendors bidding an 'OR EQUAL' for the advertised commodity, must indicate the manufacturer and model number in the space provided on the bid schedule above. Vendors should also attach specification information for agency evaluation purposes.

Signature: 

Date: 12/30/09

Approved by Legal Dept
 VP Approval

Xine. M. [Signature]