



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
DNR210151

PAGE
1

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

ROBERT

\*709050755 01 304-765-5295  
 FLATWOODS LAWN & GARDEN  
 PO BOX 38  
 FLATWOODS WV 26621

SHIP TO

DIVISION OF NATURAL RESOURCES  
 WILDLIFE RESOURCES  
 219/250 WARD ROAD  
 ELKINS, WV  
 26241 304-637-0245

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
02/18/2010				
BID OPENING DATE:	03/17/2010	BID OPENING TIME	01:30PM	

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		020-89		
<p>TRACTORS AND ACCESSORIES FOR VARIOUS WMA</p> <p style="text-align: center;">REQUEST FOR QUOTATION (RFQ)</p> <p>THE WEST VIRGINIA STATE PURCHASING DIVISION FOR THE AGENCY, THE WEST VIRGINIA DIVISION OF NATURAL RESOURCES, IS SOLICITING BIDS TO PROVIDE THE AGENCY WITH (5) TRACTORS AND (8) ACCESSORIES FOR VARIOUS WILDLIFE MANAGEMENT AREAS PER THE ATTACHED SPECIFICATIONS.</p> <p>TECHNICAL QUESTIONS CONCERNING THIS SOLICITATION MUST BE SUBMITTED IN WRITING TO FRANK WHITTAKER IN THE WEST VIRGINIA STATE PURCHASING DIVISION VIA MAIL AT THE ADDRESS SHOWN IN THE BODY OF THIS RFQ, VIA FAX AT 304-558-4115, OR VIA EMAIL AT FRANK.M.WHITTAKER@WV.GOV. DEADLINE FOR ALL TECHNICAL QUESTIONS IS 03/03/2010 AT THE CLOSE OF BUSINESS. ALL TECHNICAL QUESTIONS SUBMITTED, IF ANY, WILL BE ANSWERED BY ADDENDUM AFTER THE DEADLINE HAS LAPSED.</p> <p>QUESTIONS CONCERNING THE ACTUAL PROCESS BY WHICH A VENDOR MAY SUBMIT A BID TO THE STATE OF WEST VIRGINIA ARE NOT CONSIDERED TO BE TECHNICAL QUESTIONS AND MAY BE SUBMITTED AT ANY TIME PRIOR TO THE BID OPENING AND IN ANY FORMAT.</p> <p>EXHIBIT 10</p>						

RECEIVED  
 MAR 17 A 11:31  
 PURCHASING DIVISION  
 STATE OF WV

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
<i>My Leg</i>	304-765-5295	03/13/10
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
PRESIDENT	55-0607625	

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



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

RODNEY

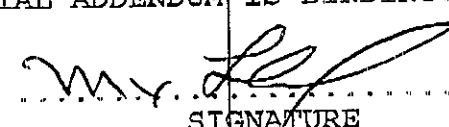
\*709050755 01 304-765-5295  
 FLATWOODS LAWN & GARDEN  
 PO BOX 38  
 FLATWOODS WV 26621


SHIP TO

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 WILDLIFE RESOURCES  
 219/250 WARD ROAD  
 ELKINS, WV  
 26241 304-637-0245

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
02/18/2010				

BID OPENING DATE: 03/17/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UQP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
REQUISITION NO.: .....						
ADDENDUM ACKNOWLEDGEMENT						
I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO M PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.						
ADDENDUM NO.'S:						
NO. 1 ... <del>XXX</del> ...						
NO. 2 .....						
NO. 3 .....						
NO. 4 .....						
NO. 5 .....						
I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.						
VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.						
 SIGNATURE LOCKARD'S INC., DBA FLATWOODS LAWN & GARDEN COMPANY						

SIGNATURE 		TELEPHONE 304-765-5295	DATE 03/13/10
TITLE PRESIDENT	FEIN FF-0607625	ADDRESS CHANGES TO BE NOTED ABOVE	

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FRANK WHITTAKER 304-558-2316

\*709050755 01 304-765-5295  
 FLATWOODS LAWN & GARDEN  
 PO BOX 38  
 FLATWOODS WV 26621

DIVISION OF NATURAL RESOURCES  
 WILDLIFE RESOURCES  
 219/250 WARD ROAD  
 ELKINS, WV  
 26241 304-637-0245

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
03/09/2010				

BID OPENING DATE: 03/17/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UQP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
***** ADDENDUM NO. 01 *****						
THIS ADDENDUM IS ISSUED TO PROVIDE THE ATTACHED TECHNICAL QUESTIONS & ANSWERS.						
THE BID OPENING DATE AND TIME HAVE NOT CHANGED.						
0001	1	LS		020-89		
TRACTORS AND ACCESSORIES FOR VARIOUS WMA						
***** THIS IS THE END OF RFQ DNR210151 ***** TOTAL:						92,829.00

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
<i>Mr. [Signature]</i>	304-765-5295	3/13/10
TITLE	FAX	ADDRESS CHANGES TO BE NOTED ABOVE
PRESIDENT	55-0607625	

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



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

ADDRESS

\*709050755 01 304-765-5295  
 FLATWOODS LAWN & GARDEN  
 PO BOX 38  
 FLATWOODS WV 26621

SHIP TO

DIVISION OF NATURAL RESOURCES  
 WILDLIFE RESOURCES  
 219/250 WARD ROAD  
 ELKINS, WV 26241 304-637-0245

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
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02/18/2010

BID OPENING DATE:

03/17/2010

BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
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3/13/10

DATE

NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.

REV. 09/21/2009

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 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.

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.

**NOTICE**

A SIGNED BID MUST BE SUBMITTED TO:

DEPARTMENT OF ADMINISTRATION  
 PURCHASING DIVISION  
 BUILDING 15  
 2019 WASHINGTON STREET, EAST

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
<i>[Signature]</i>	304-765-5295	03/13/10

TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
PRESIDENT	55-0607625	

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



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# Request for Quotation

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

SUPPORT

\*709050755 01 304-765-5295  
 FLATWOODS LAWN & GARDEN  
 PO BOX 38  
 FLATWOODS WV 26621

SUPPORT

DIVISION OF NATURAL RESOURCES  
 WILDLIFE RESOURCES  
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 ELKINS, WV  
 26241 304-637-0245

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
02/18/2010				

BID OPENING DATE: 03/17/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UQP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
CHARLESTON, WV 25305-0130						
THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:						
SEALED BID						
BUYER: FRANK WHITTAKER-FILE 44						
RFQ. NO.: DNR210151						
BID OPENING DATE: 03/17/2010						
BID OPENING TIME: 1:30 PM						
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:						
-----304-765-7304-----						
CONTACT PERSON (PLEASE PRINT CLEARLY):						
-----MAX JAY LOCKARD-----						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Max Jay Lockard</i>	TELEPHONE 304-765-5295	DATE 03/13/10
TITLE PRESIDENT	FEIN 55-0607625	ADDRESS CHANGES TO BE NOTED ABOVE

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

**DNR210151**  
**Wildlife Management Areas**  
**Tractor and Accessories**  
**Manufacturer's List**

Please complete the below information concerning the brand(s) of equipment being bid in relation to this project. If bidding "or equal" brands, please attach manufacturer's literature documenting that it meets the mandatory requirements stated in the specifications. Vendors should note the areas of the provided manufacturer's literature that adheres to the mandatory requirements outlined in the Request for Quotation.

ITEM NO.	EQUIPMENT	MANUFACTURER	MODEL
1	NEW HOLLAND MODEL T4030 FARM TRACTOR WITH LOADER OR EQUAL	JOHN DEERE	5085M
2	BUSH HOG MODEL TOUGH 406 SERIES ROTARY CUTTER OR EQUAL		
3	55 GALLON, 3 POINT HITCH, HERBICIDE SPRAYER		
4	BUSH HOG MODEL RTH88 ROTARY TILLER OR EQUAL		
5	GREAT PLAINS MODEL 706NT NO-TILL SEED DRILL OR EQUAL		
6	BUSH HOG MODEL 2710L SINGLE WING FLEX ROTARY CUTTER OR EQUAL		
7	WOODS MODEL RB850 OR EQUAL	WOODS	RB850
8	AGRICULTURAL GRADE 3-POINT HITCH BUSH HOG MODEL 2102 POST HOLE DIGGER OR EQUAL		
9	NEW FRONTIER MODEL DH1508 8 FOOT TANDEM DISK OR EQUAL		
10	JOHN DEERE MODEL X530 MULTI-TERRAIN TRACTOR OR EQUAL	JOHN DEERE	X530
11	BUSH HOG MODEL MLR SERIES 7 FT. LANDSCAPE RAKE OR EQUAL		
12	TAYLOR PITTSBURGH 270 SERIES HEAVY DUTY ROTARY MOWER OR EQUAL		
13	ATV MOUNTED 12 VOLT HERBICIDE SPRAYER		
14	ATV MOUNTED 12 VOLT SEEDER	MARSHALL	50-0045

**DNR210151**  
**Wildlife Management Area**  
**Tractors and Accessories**  
**PRICING SHEET**

ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	2	NEW HOLLAND MODEL T4030 FARM TRACTOR WITH LOADER OR EQUAL	34,603.00	69,206.00
2	2	BUSH HOG MODEL TOUGH 406 SERIES ROTARY CUTTER OR EQUAL		
3	3	55 GALLON, 3 POINT HITCH, HERBICIDE SPRAYER		
4	1	BUSH HOG MODEL RTH88 ROTARY TILLER OR EQUAL		
5	2	GREAT PLAINS MODEL 706NT NO-TILL SEED DRILL OR EQUAL		
6	1	BUSH HOG MODEL 2710L SINGLE WING FLEX ROTARY CUTTER OR EQUAL		
7	2	REAR MOUNTED 8 FOOT HEAVY DUTY BLADE WOODS MODEL RB850 OR EQUAL	3,419.00	6,838.00
8	1	BUSH HOG 3-POINT HITCH POST HOLE DIGGER MODEL 2102 OR EQUAL		
9	1	NEW FRONTIER 8 FT. TANDEM DISK MODEL D1508 OR EQUAL		
10	3	JOHN DEERE MODEL X530 MULTI-TERRAIN TRACTOR OR EQUAL	5,465.00	16,395.00
11	1	BUSH HOG MODEL MLR SERIES 7 FT. LANDSCAPE RAKE OR EQUAL		
12	1	TAYLOR PITTSBURGH 270 SERIES HEAVY DUTY ROTARY MOWER OR EQUAL		
13	1	ATV MOUNTED 12 VOLT HERBICIDE SPRAYER	390.00	390.00
14	1	ATV MOUNTED 12 VOLT SEEDER		
			<b>TOTAL COST</b>	<b>92,829.00</b>

Rev 09/08

State of West Virginia

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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: LOCKARD'S INC. DBA FLATWOODS LAWN & GARDEN Signed: [Signature]

Date: 03/13/10 Title: PRESIDENT

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



RFQ No \_\_\_\_\_

STATE OF WEST VIRGINIA  
Purchasing Division

**PURCHASING AFFIDAVIT**

**West Virginia Code §5A-3-10a states:** 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.

**DEFINITIONS:**

"Debt" means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.


"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions. "Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities. "Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceeds five percent of the total contract amount.

**EXCEPTION:** The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

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.

**WITNESS THE FOLLOWING SIGNATURE**

Vendor's Name: LOCKARD'S INC. DBA FLATWOODS LAWN & GARDEN

Authorized Signature:  Date: 03/13/10

State of West Virginia

County of Braxton, to-wit:

Taken, subscribed, and sworn to before me this 17 day of March, 2010

My Commission expires FEB 28, 2010.

AFFIX SEAL HERE

NOTARY PUBLIC 