



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
HOP10085

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
ROBERTA WAGNER 304-558-0067

VENDOR

*709022137 800-283-2479
 BROUGHTON FOODS LLC
 1701 GREENE STREET PO BOX 656
 MARIETTA OH 45750

SHIP TO

HEALTH AND HUMAN RESOURCES
 HOPEMONT HOSPITAL
 CENTRAL RECEIVING
 150 HOPEMONT DRIVE
 TERRA ALTA, WV
 26764-7728 304-789-2411

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
02/17/2010				

BID OPENING DATE: 03/18/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
OPEN-END BLANKET CONTRACT						
0001	14,000	EA		380-75		
	1/2 PINT MILK, GRADE A HOMOGENIZED, 3.25% BUTTERFAT					
	NET WEIGHT: HALF PINT, 236 ML					
0002	30,000	EA		380-75		
	1/2 PINT MILK, GRADE SKIM (0.5%)					
	NET WEIGHT: HALF PINT, 236 ML					
0003	5,000	EA		380-75		
	1/2 PINT BUTTERMILK					
	NET WEIGHT: HALF PINT, 236 ML					

RECEIVED
 2010 MAR 18 A 10:02
 PURCHASING DIVISION
 STATE OF WV

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE 	TITLE General Manager	TELEPHONE 800-283-2479	DATE 3/16/10
FEIN 04-3742039	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. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
 4. 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.
 5. Payment may only be made after the delivery and acceptance of goods or services.
 6. Interest may be paid for late payment in accordance with the *West Virginia Code*.
 7. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
 8. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
 9. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
 10. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern the purchasing process.
 11. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
 12. **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.
 13. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, is available online at www.state.wv.us/admin/purchase/vrc/hipaa.htm and 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.
 14. **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/noticeConfidentially.pdf>.
 15. **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, and the West Virginia Insurance Commission. 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.
 16. **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 material, 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.

INSTRUCTIONS TO BIDDERS

1. Use the quotation forms provided by the Purchasing Division. Complete all sections of the quotation form.
2. 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. Unit prices shall prevail in case of discrepancy. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
4. 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 disqualification: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130
5. Communication during the solicitation, bid, evaluation or award periods, except through the Purchasing Division, is strictly prohibited (W Va. C.S.R. §148-1-6.6)



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LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT	
0004	5,000	EA		380-75			
	1/2 PINT CHOCOLATE MILK						
	NET WEIGHT: HALF PINT, 236 ML						
0005	3,500	EA		380-75			
	1/2 PINT LACTAID						
	NET WEIGHT: HALF PINT, 236 ML						
0006	150	GL		380-75			
	GALLONS, MILK, 2%						
	NET WEIGHT: 1 GALLON, 3.78 L						
0007	1,800	GL		380-75			
	GALLONS, MILK SKIM 0.5%						
	NET WEIGHT: 1 GALLON, 3.78 L						

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SIGNATURE 	TELEPHONE 800-283-2479	DATE 3/16/10
TITLE General Manager	FEIN 04-3742039	ADDRESS CHANGES TO BE NOTED ABOVE

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LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0008	900	GL		380-75		
	GALLONS, WHOLE MILK					
	NET WEIGHT: 1 GALLON, 3.78 L					
0009	3,000	EA		380-75		
	COTTAGE CHEESE 5# CONTAINERS					
	NET WEIGHT: 5 LB., 2.27 KG					
0010	150	LB		380-75		
	SOUR CREAM 1 LB. CONTAINERS					
	NET WEIGHT: ONE LB., 454 G					
0011	700	EA		380-75		
	ASSORTED YOGURT, 8 OZ.					
	NET WEIGHT: 8 OZ. CUPS					

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SIGNATURE <i>David J. Broughton</i>	David J. Broughton	TELEPHONE 800-283-2479	DATE 3/16/10
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02/17/2010				

BID OPENING DATE: **03/18/2010** BID OPENING TIME: **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0012	1,400	EA		380-75		
	ICE CREAM 4 OZ. CUPS, - ASSORTED FLAVORS					
	NET WEIGHT: 4 OZ. CUPS					
	WHEN ORDERING					
	CHOCOLATE:..X.. VANILLA:..X.. STRAWBERRY..X..					
0013	100	EA		380-75		
	SHERBERT 4 OZ. CUPS ASSORTED FLAVORS					
	NET WEIGHT: 4 OZ. CUPS					
	WHEN ORDERING					
	LIME:..X... ORANGE:..X... RASPBERRY:..X..					
0014	100	EA		380-75		
	4 QUART ICE CREAM PAILS, ASSORTED FLAVORS					
	NET WEIGHT: 4 QUART					
	WHEN ORDERING					
	CHOCOLATE:..X.. VANILLA:..X.. STRAWBERRY:..X..					
	NEAPOLITAN:..X.. OTHER...BLACK RASPBERRY, CARAMEL					
	SWIRL, CHOCOLATE MARSHMALLOW, COOKIES & CREME, AND					

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LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0015	75	EA		380-75		
FUDGE RIPPLE 4 QUART SHERBERT PAILS, ASSORTED FLAVORS NET WEIGHT: 4 QUART WHEN ORDERING LIME..X.. ORANGE:..X.. RASPBERRY:..X.. OTHER - RAINBOW CONTRACT TERM: UPON AWARD THIS CONTRACT WILL CONTINUE FOR A ONE YEAR PERIOD WITH THE OPTION OF RENEWING FOR TWO (2), ONE (1) YEAR PERIODS. PURCHASING CARD MAY BE ACCEPTED AS METHOD OF PAYMENT. INVOICING TO BE DONE WEEKLY. QUANTITIES ARE ESTIMATES ONLY AND ARE NOT BE CONSTRUED AS ANY GUARANTEE OF QUANTITY TO BE ORDER. INQUIRIES: WRITTEN QUESTIONS SHALL BE ACCEPTED THROUGH CLOSE OF BUSINESS ON 3/2/2010. QUESTION 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: ROBERTA WAGNER						

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DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25311 FAX: 304-558-4115 E-MAIL: ROBERTA.A.WAGNER@WV.GOV EXHIBIT 3 LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON 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. UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT. 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						

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<p>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>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN STATE CONTRACT ORDER (FORM NUMBER WV-39) TO THE VENDOR FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL COPY OF THE WV-39 SHALL BE MAILED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT, A SECOND COPY MAILED TO THE PURCHASING DIVISION, AND A THIRD COPY RETAINED BY THE SPENDING UNIT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THE STATE MAY DEEM THE</p>						

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<p>CONTRACT NULL AND VOID, AND TERMINATE SUCH CONTRACT WITHOUT FURTHER ORDER.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM.</p> <p>REV. 05/26/2009 EXHIBIT 4</p> <p>LOCAL GOVERNMENT BODIES: UNLESS THE VENDOR INDICATES IN THE BID HIS REFUSAL TO EXTEND THE PRICES, TERMS, AND CONDITIONS OF THE BID TO COUNTY, SCHOOL, MUNICIPAL AND OTHER LOCAL GOVERNMENT BODIES, THE BID SHALL EXTEND TO POLITICAL SUBDIVISIONS OF THE STATE OF WEST VIRGINIA. IF THE VENDOR DOES NOT WISH TO EXTEND THE PRICES, TERMS, AND CONDITIONS OF THE BID TO ALL POLITICAL SUBDIVISIONS OF THE STATE, THE VENDOR MUST CLEARLY INDICATE SUCH REFUSAL IN HIS BID. SUCH REFUSAL SHALL NOT PREJUDICE THE AWARD OF THIS CONTRACT IN ANY MANNER.</p> <p>REV. 3/88 PURCHASING CARD ACCEPTANCE: THE STATE OF WEST VIRGINIA CURRENTLY UTILIZES A VISA PURCHASING CARD PROGRAM WHICH IS ISSUED THROUGH A BANK. THE SUCCESSFUL VENDOR MUST ACCEPT THE STATE OF WEST VIRGINIA VISA PURCHASING CARD FOR PAYMENT OF ALL ORDERS PLACED BY ANY STATE AGENCY AS A CONDITION OF AWARD.</p> <p style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p>						

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DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130 PLEASE NOTE: A CONVENIENCE COPY WOULD BE APPRECIATED. THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED: SEALED BID BUYER:-----RW/FILE 22----- RFQ. NO.:-----HOP10085----- BID OPENING DATE:-----3/18/2010----- BID OPENING TIME:-----1:30 PM----- PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: -----740-376-1763----- CONTACT PERSON (PLEASE PRINT CLEARLY): -----David J. Broughton-----						

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SIGNATURE <i>David J. Broughton</i>	TELEPHONE	DATE
David J. Broughton	800-283-2479	3/16/10
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
General Manager	04-3742039	

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***** THIS IS THE END OF RFQ HOP10085 ***** TOTAL:						\$37,047.34

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WV-36 (Rev. 01/01/07)

**STATE OF WEST VIRGINIA
PURCHASE CONTINUATION SHEET**

Page 2 of 3 Pages

Requisition/P.O. No.:
HOP10085

Vendor: Broughton Foods, LLC P.O. Date: _____

File: RW22 Acct. No: _____

Spending Unit: Hopeport Hospital

Item No.	Quantity	Description	Unit Price	Amount
1.	14000	1/2 pint milk, grade A homogenized, 3.25% butterfat	\$.2231	\$ 3,123.40
2.	30000	1/2 pint milk, grade skim (0.5%)	\$.1910	\$ 5,730.00
3.	5000	1/2 pint buttermilk	\$.2667	\$ 1,333.50
4.	5000	1/2 pint chocolate 1%	\$.2484	\$ 1,242.00
5.	3500	1/2 pint lactaid Quart Available	\$ N/A	\$ -----
6.	150	Gallons, milk 2%	\$ 2.7298	\$ 409.47
7.	1800	Gallons, milk skim 0.5%	\$ 2.4170	\$ 4,350.60
8.	900	Gallons, whole milk	\$ 2.9289	\$ 2,636.01
9.	3000	Cottage Cheese 5# 4%	\$ 5.6324	\$ 16,897.20
10.	150	Sour Cream 1#	\$ 1.0214	\$ 153.21
11.	700	Assorted Yogurt, 8 oz. ^{6 oz}	\$.4136	\$ 289.52
12.	1400	Ice Cream 4 oz. cups--assorted flavors Chocolate, Vanilla, Strawberry	\$.2209	\$ 309.26
13.	100	Sherbert 4 oz. assorted flavors Lime, Orange, Raspberry Orange only	\$.1913	\$ 19.13
14.	100	4 quart ice cream pails assorted flavors ^{5 qt}	\$ 5.5404	\$ 554.04
15.	75	4 quart sherbert pails assorted flavors ^{qts and 3 Gallon cans available}	\$ N/A	\$ -----

Upon award this contract will continue for a one year period with the option of renewing for two (2), one (1) year periods.

Purchasing Card may be accepted as method of payment, invoicing to be done weekly.

WV-34A (Rev. 01/01/07)

**STATE OF WEST VIRGINIA
PURCHASE CONTINUATION SHEET**

Buyer:	Page:	Requisition or P.O. No.:
RW	3	HOP10086
Spending Unit:		
Hopemont Hospital		

Vendor: _____

Quantities are estimates only and are not to be construed as any guarantee of quantity.

Orders/Deliveries shall be done twice per week on a schedule that meets the needs of the Hospital. Delivery schedule will be mutually agreed upon between Vendor and Hospital.

A regular scheduled delivery time shall be maintained by the vendor on specified days of each week. Such days are to be agreed upon between Vendor and Hospital.

All dairy products shall be produced, packaged, and distributed in accordance with Federal, State and Local regulations for the health and safety of the products provided for consumption. All products must be fresh.

Any product delivered that the Hospital determines does not meet the specifications, must be replaced.

Acknowledgements of deliveries will only be made at the location designated by the Hospital, and by the authorized receiver. Vendor shall assume responsibility to deliver dairy products at a fixed and designated dry and sanitary place at the Hospital, As designated by the Hospital's authorized receiver.

Invoicing shall be done on the basis of the unit price per package. All pricing shall be F.O.B institution.

Bidder will show "Labeled Net Weight" for each item.

The prices on this contract will remain firm for 365 days after the effective date of the contract.

The contract will be evaluated and awarded based on "Grand Total".

RFQ No. HOP10085

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 exceed 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: Broughton Foods, LLC

Authorized Signature: [Signature] Date: 3/16/10

State of Ohio

County of Washington, to-wit:

Taken, subscribed, and sworn to before me this 16 day of March, 2010

My Commission expires October 30, 2010

NOTARY PUBLIC [Signature]



NOELLE DETTORRE, Notary Public
in and for The State of Ohio
My Commission Expires October 30, 2010