



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
VNF1003

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
**JOHN ABBOTT
 304-558-2544**

RFQ COPY
 TYPE NAME/ADDRESS HERE

Comade

VENDOR

SHIP TO

DIVISION OF VETERANS AFFAIRS
 VETERANS NURSING FACILITY

ONE FREEDOMS WAY
 CLARKSBURG, WV
 26301 304-627-2415

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
10/07/2009				

BID OPENING DATE: **10/20/2009** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		850-40		
<p>INCONTINENT PRODUCTS</p> <p>OPEN-END CONTRACT TO PROVIDE INCONTINENT PRODUCTS FOR THE WEST VIRGINIA VETERANS NURSING FACILITY, CLARKSBURG, WV, PER THE ATTACHED SPECIFICATIONS.</p> <p>EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON 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 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>						

RECEIVED
 OCT 20 A 10:13
 PURCHASING DIVISION
 STATE OF WV

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE *Tom Noonan* TELEPHONE *949-474-0160x409* DATE *10/19/09*

TITLE *Project manager* FEIN *33-1013311* 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)

6

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



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 Department of Administration
 Purchasing Division
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ADDRESS CORRESPONDENCE TO ATTENTION OF:
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SHIP TO

**DIVISION OF VETERANS AFFAIRS
 VETERANS NURSING FACILITY
 ONE FREEDOMS WAY
 CLARKSBURG, WV
 26301 304-627-2415**

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<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 CONTRACT NULL AND VOID, AND TERMINATE SUCH CONTRACT WITHOUT FURTHER ORDER.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *Don Roover* TELEPHONE: 249-474-0160 x409 DATE: 10/19/2009

TITLE: Project Manager FERN 33-1013311 ADDRESS CHANGES TO BE NOTED ABOVE

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<p>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</p> <p>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</p> <p>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>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE *John Rooney* TELEPHONE **949-474-0160 x 409** DATE **10/19/2009**

TITLE *Project Manager* FEIN **33-1013311** ADDRESS CHANGES TO BE NOTED ABOVE

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LINE	QUANTITY	UCP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST 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:				JOHN ABBOTT-----		
RFQ. NO.:				VNF1003-----		
BID OPENING DATE:				10/20/2009-----		
BID OPENING TIME:				1:30 PM-----		
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- 949-474-0161 -----						
CONTACT PERSON (PLEASE PRINT CLEARLY): ----- Tom Noonan ----- phone 949-474-0160 x 709						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	<i>Tom Noonan</i>	TELEPHONE	949-474-0160 x 709	DATE	10/19/2009
TITLE	Project Manager	FBN	33-1013311	ADDRESS CHANGES TO BE NOTED ABOVE	

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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
***** THIS IS THE END OF RFQ VNF1003 ***** TOTAL:						\$ <u>103,008.00</u>

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>John Kooser</i>	TELEPHONE 949-474-0160 x709	DATE 10/19/2009
TITLE <i>Project Manager</i>	FBN 33-1013311	ADDRESS CHANGES TO BE NOTED ABOVE

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

WV Veterans Nursing Facility Incontinent Products Specifications

General Information

1. The spending unit location – One Freedoms Way, Clarksburg, WV 26301
2. Bidders must complete all spaces on the enclosed pricing page. Bidders must bid on the items or “equal to”, listed on the enclosed pricing page. All item details must be filled in for vendor’s bid to be accepted as complete.
3. If bidding equal to products, bidder should provide printed brochure with bid Samples shall be provided within three (3) working days of request.
4. Orders shall be delivered within three (3) working days to the spending unit after orders are received. Spending unit must be advised in writing if orders will be delayed for any reason. Vendor shall carry an adequate stock to insure such delivery service for the duration of the contract.
5. All deliveries must be made during the hours of 8:00 A.M. – 3:00 P.M.
6. A material safety data sheet (MSDS) must be included with the first shipment of each product and thereafter as revisions are made current.
7. Bidders must include delivery in their bid.
8. All items must have a current manufacturer’s date. Items received by the spending unit with an expiration date within 180 days of receipt, will not be accepted and returned to the vendor for replacement or credit.
9. The successful bidder shall not substitute any other brand of products from those awarded, not sell any additional items under their contract not specifically covered herein
10. Nonconforming products and materials shall be picked up by the vendor or their designee at the expense of the vendor.
11. Bidder should be able to provide internet ordering access. If vendor has such capabilities, this should be so noted in their quotation and describe briefly, set-up for the spending unit.

VNF1003

The following preferred brands and model numbers are the minimum acceptable level of quality for each product. Vendor should bid equal to or better than the requested specifications listed below.

Item #1. Underwear with Leakage Barriers Super Plus Absorbency, Tear Away Sides – Leakage barriers – Colored stitching – additional inner acquisition layer – Level 7 Absorbency

Requested Brand: ATTENDS Mfn. # APP0710

Item # 2 Underwear with Leakage Barriers Super Plus Absorbency, Tear Away Sides -- Leakage barriers – Colored stitching – additional inner acquisition layer -- Level 7 Absorbency, Fits Hips 34"-43",

Requested Brand: ATTENDS Mfn. # APP0720

Item #3 Underwear with Leakage Barriers Super Plus Absorbency Tear Away Sides – Leakage barriers – Colored stitching – additional inner acquisition layer – Level 7 Absorbency, Fits Hips 44"-58"

Requested Brand: ATTENDS, Mfn. # APP0730

Item #4 Underwear with Leakage Barriers Super Plus Absorbency, Tear Away Sides – Leakage barriers – Colored stitching – additional inner acquisition layer – Level 7 Absorbency

Requested Brand: ATTENDS Mfn. # APP0740

Item # 5 Classic Plus Brief Insta Dri Skin Caring system Soft, Non woven Backsheet Moisture-proof, Polyethylene lining Blue, curved Elastics, Superfite re Fastenable tape zone Pant-like leg cut and wing design Production code – wetness indicator Fits Hips 22"-36

Requested Brand: TENA Mfn #66100

Item # 6 Classic Plus Brief Insta Dri Skin Caring system Soft, Non woven Backsheet Moisture-proof, Polyethylene lining, Blue, curved Elastics, Superfite re Fastenable tape zone Pant-like leg cut and wing design, Production code – wetness ,

Requested Brand: TENA Mfn #67713

- Item # 7 Classic Plus Brief, Insta Dri Skin Caring system, Soft, Non woven Backsheet Moisture-proof, Polyethylene lining Blue, curved Elastics Superfite re Fastenable tape zone Pant-like leg cut and wing design Production code – wetness indicator Fits Hips 48”x 59”,
Requested Brand: TENA Mfn #67813
- Item # 8 Classic Plus Brief Insta Dri Skin Caring system Soft, Non woven Backsheet Moisture-proof, Polyethylene lining Blue, curved Elastics Superfite re Fastenable tape zone , Pant-like leg cut, and wing design Production code – wetness indicator Fits Hips 60”x 64”
Requested Brand: TENA Mfn # 61375
- Item #9 XL+ Bariatric Brief Maximum Protection Capacity exceeds one qt liquid. Stretchy, breathable side panels Refastenable tape tabs Kufguards for leakage/bowel containment Lycra leg gathers provide a comfortable fit. Wetness indicator -- yellow lines turn blue when moisture is present Fits hips 64”x90
Requested Brand: TRANQUILITY Products Mfn#PBE\2190
- Item #10 Soothe & Cool Fresh Moisturizing Body Lotion with Aloe, 8 oz.,
Requested Brand: Medline Mfn# MSC095362
- Item # 11 Soothe & Cool Skin Paste Enhanced with Allantion, 2.5 oz.,
Requested Brand: Medline Mfn# NDC53329-00
- Item # 12 Soothe & Cool Moisture Barrier Ointment with Aloe & Vitamins A,D & E, 7 oz,
Requested Brand: Medline Mfn# MSC095382
- Item # 13 Soothe & Cool Moisture Barrier Ointment with Aloe & Vitamins A,D & E, 2 oz
Requested Brand: Medline Mfn# MSC095380
- Item # 14 Wash Cream 3 in 1 No rinse pH 5.5, 8.5 oz,
Requested Brand: TENA Mfn #a33`
- Item #15 Personal Cleansing Washcloths, 64 count,
Requested Brand: TYCO/HEALTHCARE Mfn# 6599N
- Item # 16 Disposable Underpads 23”x 24”, 50 count
Requested Brand: TYCO/HEALTHCARE Mfn# 1038

Item #17	Calazime Protectant Paste 4oz.	
	Requested Brand: Medline	MFN#MSC094544
Item# 18	Remedy Nutrashield 4oz.	
	Requested Brand: Medline	MFN# MSC094534
Item# 19	Remedy Antifungal Powder 3oz.	
	Requested Brand: Medline	MFN#MSC094603

VNF1003 Incontinent Bid Form

Item Number	Description	Item Size	Unit Price	** Estimated Annual Order Quantities	* Extended Price	Case Quantity
1	Underwear with leakage barriers	Small	0.64	6000 ea	\$3,840.	88
2	Underwear with leakage barriers	Medium	0.46	6000 ea	2,760.	80
3	Underwear with leakage barriers	Large	0.51	5400 ea	2,754.	72
4	Underwear with leakage barriers	X-Large	0.66	4200 ea	2,772.	56
5	Classis Plus Brief	Small	0.37	3600 ea	1,332.	120
6	Classis Plus Brief	Medium	0.42	6000 ea	2,520.	120
7	Classis Plus Brief	Large	0.51	14,400 ea	7,344	120
8	Classis Plus Brief	X-Large	0.54	14,400 ea	7,776.	60
9	XL Bariatric Brief	XL + Bariatric	2.80	4800 ea	13,440.	32
10	Soothe & Cool Body Lotion	8 oz	0.98	3000 ea	2,940	12
11	Soothe & Cool Skin Paste	2.5 oz	3.74	1200 ea	4,488	12
12	Soothe & Cool Moisture Barrier	7 oz	1.18	2400 ea	2,832	12
13	Soothe & Cool Moisture Barrier	2 oz	2.66	1200 ea	3,192	12
14	Wash Cream 3 in 1 No Rinse	8.5 oz	4.52	3600 ea	16,272	12
15	Personal Cleansing Washcloths	64 count	2.07	9600 ea	19,872	12
16	Disposable Underpads	50 count	0.12	10,000 ea	1,200	200
17	Calazime Protectant Paste	4 oz	4.62	600 ea	2,772	12
18	Remedy Nutrashield	4 oz	5.02	600 ea	3,012	12
19	Remedy Antifungal Powder	3 oz	3.15	600 ea	1,890	12

Grand Total \$ 103,008.00

Note: All items will be ordered by the case

* Extended Price = Each Price multiplied (X) Estimated Annual Order Quantities

** Estimated order quantities are for bidding purposes only - more or less may be purchased

RFQ: VNF 1003

Line #	Medline Product No.	Product Description	Price Each
1	MSC33255	@UNDERWEAR,PROTECTIVE,PULLUP,S,4/22S	\$0.64
2	MSC33005	@UNDERWEAR,PROTECTIVE,PULLUP,M,4/20S	\$0.46
3	MSC33505	@UNDERWEAR,PROTECTIVE,PULLUP,L,4/18S	\$0.51
4	MSC33600	@UNDERWEAR,PROTECTIVE,PULLUP,XL,4/14S	\$0.66
5	MSC96250	@BRIEF,MOLICARE,CLASSIC,SM,20-34 IN	\$0.37
6	MSC96000	@BRIEF,MOLICARE,CLASSIC,MD/LG,27-56 IN	\$0.42
7	MSC96500	@BRIEF,MOLICARE,CLASSIC,LG/XL,43-64 IN	\$0.51
8	MSCMW97605	@BRIEF,PROTECTION PLUS,ULTRA,XL,59-66IN	\$0.54
9	BARIBRIEF	@BRIEF,BARIATRIC,65-90 IN,32/CS,4/8S	\$2.80
10	MSC095362	@LOTION,SOOTHE & COOL,8 OZ	\$0.98
11	MSC095450	@SKIN PASTE,SOOTHE & COOL,2.5OZ 12/CS	\$3.74
12	MSC095380	@OINTMENT,BARRIER,SOOTHE & COOL,2 OZ	\$1.18
13	MSC095382	@OINTMENT,BARRIER,SOOTHE & COOL,7 OZ	\$2.66
14	MSC094308	@LOTION,CLEANSING,REMEDY,8 OZ,TRIGGER	\$4.52
15	MSC263701	@WIPE,ALOETOUCH, SCENTED, 9X13, 48/TUB	\$2.07
16	MSC281241	@UNDERPAD,FLUFF,STD,PROT PLUS,23X24 IN	\$0.12
17	MSC094544	@PASTE,PROTECTANT,CALAZIME,REMEDY,4 OZ	\$4.62
18	MSC094534	@PROTECTANT,SKIN,NUTRASHIELD,REMEDY,4 OZ	\$5.02
19	MSC094603	@POWDER, ANTIFUNGAL, REMEDY, 3 OZ.	\$3.15

Comade, Inc.
Phone:949-474-0160

RFQ No VNF1003

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: Comade, Inc.
Authorized Signature: Don Roover Date: 10-19-2009

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: Comade, Inc. Signed: Jan Roemer
 Date: 10.19.2009 Title: Project Manager

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

Comade

June 20, 2006

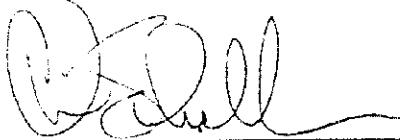
CORPORATE RESOLUTION

At the June 13, 2006 meeting of Directors of Comade, Incorporated, a quorum being there present, on motion duly made and seconded it was resolved:

Chris Schaller, President of Comade, Inc., acting on behalf of the company appoint the positions identified below as having the authority to bind Comade, Inc. in the execution of documents of bids, contracts, and solicitations, and to receive and receipt therefore all purchase orders and notices issues pursuant to the provisions of any such bid or contract. This corporation hereby ratifying approving, confirming, and accepting each and every such act performed by said agent acting on behalf of the company.

Corporate Officer
National Sales Manager
Industry Manager
Project Manager
Contract Administrator

I hereby certify the foregoing to be a true and correct copy of an excerpt of the minutes of the above dated meeting of the Board of Directors of Comade Inc., and the same has not been revoked or rescinded.



Chris Schaller
Secretary-Treasurer

Comade, Inc
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