



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
GSD116445

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
KRISTA FERRELL 304-558-2596

S H I P T O

*709045307 304-342-2255
 VALLEY GARDENS INC
 PO BOX 5569
 CHARLESTON WV 25361

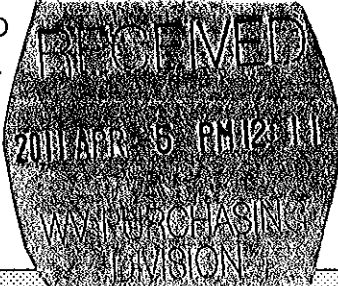
S H I P T O

DEPARTMENT OF ADMINISTRATION
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
03/10/2011				

BID OPENING DATE: 04/05/2011 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	MN		988-36		
<p>OPEN END GROUNDS COMMODITIES CONTRACT</p> <p>REQUEST FOR QUOTATION (RFQ) OPEN END CONTRACT</p> <p>THE WEST VIRGINIA STATE PURCHASING DIVISION FOR THE AGENCY, THE WEST VIRGINIA DIVISION OF GENERAL SERVICES, IS SOLICITING BIDS FOR AN OPEN END CONTRACT TO PROVIDE THE AGENCY WITH LAWN/GARDEN COMMODITIES FOR THE GROUNDS SECTION OF THE WEST VIRGINIA DIVISION OF GENERAL SERVICES PER THE ATTACHED SPECIFICATIONS.</p> <p>TECHNICAL QUESTIONS CONCERNING THIS SOLICITATION MUST BE SUBMITTED IN WRITING TO KRISTA FERRELL 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 KRISTA.S.FERRELL@WV.GOV. VENDORS ARE ASKED TO INCLUDE THE RFQ NUMBER ON ALL INQUIRIES. IF EMAIL, PLEASE INCLUDE RFQ NUMBER ON THE SUBJECT LINE. DEADLINE FOR ALL TECHNICAL QUESTIONS IS 03/22/2011 AT THE CLOSE OF BUSINESS. ANY TECHNICAL QUESTIONS RECEIVED WILL BE ANSWERED BY FORMAL ADDENDUM TO BE ISSUED BY THE PURCHASING DIVISION AFTER THE DEADLINE HAS LAPSED.</p> <p>NO CONTACT BETWEEN THE VENDOR AND THE AGENCY IS PERMITTED WITHOUT THE EXPRESS WRITTEN CONSENT OF THE STATE BUYER. VIOLATION MAY RESULT IN REJECTION OF THE BID. THE STATE BUYER NAMED ABOVE IS THE SOLE</p>						



SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Coy Lunn</i>	TELEPHONE (304) 342-2255	DATE 4/4/11
TITLE President	FEIN 55-058-1368	ADDRESS CHANGES TO BE NOTED ABOVE

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



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CONTACT FOR ANY AND ALL INQUIRIES AFTER THIS RFQ HAS BEEN RELEASED.						
EXHIBIT 10						
REQUISITION NO.:						
ADDENDUM ACKNOWLEDGEMENT						
I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.						
ADDENDUM NO.'S:						
NO. 1 ✓						
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.						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Carol Ferrell</i>	TELEPHONE (304) 342-2255	DATE 4/4/11
TITLE President	FEIN 55-058-1368	ADDRESS CHANGES TO BE NOTED ABOVE

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RFO # 709045307

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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>..... <i>Carter</i> SIGNATURE VALLEY GARDENS COMPANY 4/4/11 DATE </p>						
<p>NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.</p> <p>REV. 09/21/2009</p> <p>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.</p> <p>EXHIBIT 3</p> <p>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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE <i>Cay Green</i>	TELEPHONE (304) 342-2255	DATE 4/4/11	
TITLE <i>President</i>	FEIN 55-058-1368	ADDRESS CHANGES TO BE NOTED ABOVE	

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<p>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> <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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Chris L...</i>	TITLE President	FEIN 55-058-1368	TELEPHONE (304) 342-2255	DATE 4/4/11
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ADDRESS CHANGES TO BE NOTED ABOVE

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<p>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 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 REFUSA</p>						

SIGNATURE <i>C. J. ...</i>		TELEPHONE (304) 342-2255		DATE 4/4/11
TITLE <i>President</i>	FEIN 55-058-1368	ADDRESS CHANGES TO BE NOTED ABOVE		

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VENDOR	*709045307	304-342-2255
	VALLEY GARDENS INC	
	PO BOX 5569	
	CHARLESTON WV 25361	

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<p>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> <p style="text-align: center;">DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER: KRISTA FERRELL-FILE 21</p> <p>RFQ. NO.: GSD116445</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE	TELEPHONE	DATE	
<i>Car Lee</i>	(304) 342-2255	4/4/11	
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE	
President	55-058-1368		

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PROPERTY
*709045307 304-342-2255 VALLEY GARDENS INC PO BOX 5569 CHARLESTON WV 25361

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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
BID OPENING DATE: 04/05/2011 BID OPENING TIME: 1:30 PM PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- (304) 345-5154 ----- CONTACT PERSON (PLEASE PRINT CLEARLY): ----- CARY LEVENSON ----- ***** THIS IS THE END OF RFQ GSD116445 ***** TOTAL: _____						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE <i>Cary Levenson</i>	TELEPHONE (304) 342-2255	DATE 4/4/11	
TITLE President	FEIN 55-058-1368	ADDRESS CHANGES TO BE NOTED ABOVE	

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COMMODITY (Lot Size)	Estimated Qty	Unit of Measure	Cost per Unit	Cost Per Lot	Extended Price	Alternate Lot Size (if applicable)
HARDWOOD SHREDDED MULCH						
2 Cu Ft Bag	1000	Cubic Foot	1.65	3.29	3,290.00	
Cubic Yard	500	Cubic Yard	27.00	27.00	13,500.00	
ORGANIC MUSHROOM COMPOST						
40lb Bag	1000	Pound	.10	4.00	4,000.00	
Cubic Yard	500	Cubic Yard	33.00	33.00	16,500.00	
TOP SOIL						
Cubic Yard	500	Cubic Yard	30.00	30.00	15,000.00	
POTTING SOIL						
2 Cu Ft Bag	500	Cubic Foot	.18	8.89	4,445.00	50# bag
PREMIERE PRO-MIX HP GROWING MEDIUM, or equal						
3.8 cubic ft bale	500	Cubic Foot	11.35	43.12	21,560.00	
GEOTEXTILE FABRIC						
4' Wide Rolls	12	Foot (length)	24.75	99.00	1,188.00	4' x 300'
6' Wide Rolls	12	Foot (length)	26.65	169.00	2,028.00	6.25' x 300'
DOW AGROSCIENCES SNAPSHOT 2.5 TG MULCH WEED KILLER, or equal						
50lb Bags	300	Pound	.86	129.00	38,700.00	
GRANULE ABSORBENT, SOIL MOIST, or equal						
3lb Granular Containers	300	Pound	11.67	35.00	10,500.00	
LIME, PELLETIZED						
50lb. Bags	500	Pound	.15	5.99	3,743.75	40# bags (84 bags)
STRAW						
Per Bale	300	Bale	6.99	6.99	2,097.00	
GRASS SEED, PERENNIAL RYE THREE WAY BLEND						
50lb Bag	200	Pound	1.49	74.50	14,900.00	
GRASS SEED, TALL FESCUE MIXTURE TURF GRASS-Wetzel Class Act 2, or equal						
50lb Bag	200	Pound	1.19	59.50	11,900.00	

COMMODITY	Estimated Qty	Unit of Measure	Cost per Unit	Cost Per Lot	Extended Price	Alternate Size (If applicable)
FERTILIZERS						
20-20-20 General Purpose						
25lb Bags	100	Pound	2. ⁰⁰	55. ⁰⁰	5,500. ⁰⁰	
10-10-10 General Purpose						
25lbs Bags	100	Pound	.34	17. ⁰⁰	850. ⁰⁰	50# bags (⁸⁺⁴ / ₃₀)
Espoma Garden-Tone, or equal						
20lb Bags	100	Pound	.82	16. ⁴⁵	1,645. ⁰⁰	
Espoma Bulb-Tone, or equal						
20lb Bags	100	Pound	.82	16. ⁴⁵	1,645. ⁰⁰	
Espoma Rose-Tone, or equal						
20lb Bags	100	Pound	.82	16. ⁴⁵	1,645. ⁰⁰	
Espoma Flower-Tone, or equal						
20lb Bags	100	Pound	.82	16. ⁴⁵	1,645. ⁰⁰	
Espoma Holly-Tone, or equal						
20lb Bags	100	Pound	.82	16. ⁴⁵	1,645. ⁰⁰	
Espoma Plant-Tone, or equal						
20lb Bags	100	Pound	.82	16. ⁴⁵	1,645. ⁰⁰	
Espoma Organic Lawn Food, or equal						
50lbs Bags	100	Pound	1. ⁰⁰	29. ⁹⁹	5,088. ³³	30# bags (⁸⁺⁴ / ₁₆₇)
Osmocote, or equal						
50lb Bags	100	Pound	2.78	139. ⁰⁰	13,900. ⁰⁰	
HERBICIDES						
Two-way Premium Herbicide						
Gallon Jug	50	Gallon	75. ⁰⁰	75. ⁰⁰	3,750. ⁰⁰	
Round-Up Weed & Grass Killer Super Concentrate, or equal						
Gallon Jug	50	Gallon	110. ⁰⁰	110. ⁰⁰	3,300. ⁰⁰	1.67 gal (⁸⁺⁴ / ₃₀)
Bayer Advanced Power Force Multi-Insect Killer Granules, or equal						
10lb Bag	20	Pound	1. ²⁰	12. ⁰⁰	240. ⁰⁰	
ICEMELT						
Turf-Friendly Ice Melt						
50lb Bag	100	Pound	.52	26. ⁰⁰	2,600. ⁰⁰	
Delivery Fee: Orders under \$500.00	10	Per Order	25. ⁰⁰	25. ⁰⁰	250. ⁰⁰	
Total Bid						

This quote reflects all items priced for delivery to General Services Division in Charleston locations only. Some items may take at least one week lead time for delivery.

Vendor Information

Company Name: Valley Garden Center

Mailing:

Company Address: PO Box 5569 Charleston WV 25310

Physical

1109 Piedmont Rd. Charleston WV 25301Contractor Contact Name: Carol Levenson 304-539-6400Contractor Phone Number: Susan Bryant 304-342-4636Contractor Fax Number: 304-345-5154Contractor Email Address: Valleygardens@gmail.com

Please provide the following numbers below:

24 Hour Phone Number for Callback Services: 304-539-6400Fax/email for Release Order Receipt: 304-345-5154Valleygardens@gmail.com

COMMODITY	Manufacturer	Product Number	Literature Attached
HARDWOOD SHREDDED MULCH			
2 Cu Ft Bag	Gardenscape		
Cubic Yard	In house		
ORGANIC MUSHROOM COMPOST			
40lb Bag	Gardenscape		
Cubic Yard	In house		
TOP SOIL			
Cubic Yard	In house		
POTTING SOIL			
2 Cu Ft Bag	Wetzel Seed Co. (50# bag)	213027	
PREMIERE PRO-MIX HP GROWING MEDIUM, or equal			
3.8 cubic ft bale	Wetzel Seed Co.	2116033	
GEOTEXTILE FABRIC			
4' Wide Rolls	Wetzel Seed Co. (4' x 300')	1627955	
6' Wide Rolls	Wetzel Seed Co. (6.25' x 300')	1627960	
DOW AGROSCIENCES SNAPSHOT 2.5 TG MULCH WEED KILLER, or equal			
50lb Bags	Wetzel Seed Co. (50# bags)	342147	
GRANULE ABSORBENT, SOIL MOIST, or equal			
3lb Granular Containers	Wetzel Seed Co.	5216330	
LIME, PELLETIZED			
50# Bags	Wetzel Seed Co. (40# bags)	229227	
STRAW			
Per Bale	In house		
GRASS SEED, PERENNIAL RYE THREE WAY BLEND			
50lb Bag	Wetzel Seed Co.	190907	
GRASS SEED, TALL FESCUE MIXTURE TURF GRASS-Wetzel Class Act 2, or equal			
50lb Bag	Wetzel Seed Co.	190807	
COMMODITY FERTILIZERS			

20-20-20 General Purpose			
25lb Bags	Wetzel Seed Co.	210760	
10-10-10 General Purpose			
25lbs Bags	Wetzel Seed Co. (50# bags)	205049	
Espoma Garden-Tone, or equal			
20lb Bags	Wetzel Seed Co.	203036	
Espoma Bulb-Tone, or equal			
20lb Bags	Wetzel Seed Co.	203066	
Espoma Rose-Tone, or equal			
20lb Bags	Wetzel Seed Co.	203046	
Espoma Flower-Tone, or equal			
20lb Bags	Wetzel Seed Co.	203266	
Espoma Holly-Tone, or equal			
20lb Bags	Wetzel Seed Co.	203016	
Espoma Plant-Tone, or equal			
20lb Bags	Wetzel Seed Co.	203026	
Espoma Organic Lawn Food, or equal			
50lbs Bags	Wetzel Seed Co (30# bag)	203085	
Osmocote, or equal			
50lb Bags	Wetzel Seed Co	221017	
HERBICIDES			
Two-way Premium Herbicide			
Gallon Jug	Wetzel Seed Co.	360104	
Round-Up Weed & Grass Killer Super Concentrate, or equal			
Gallon Jug	Wetzel Seed Co (1.67 gal.)	339060	
Bayer Advanced Power Force Multi-Insect Killer Granules, or equal			
10lb Bag	Wetzel Seed Co.	316160	
ICEMELT			
Turf-Friendly Ice Melt			
50lb Bag	Wetzel Seed Co.	327026	

Literature can be supplied upon delivery.

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: VALLEY GARDENS Signed: [Signature] Date: 4/4/11 Title: President

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

RFQ No. GSD116445

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: VALLEY GARDENS

Authorized Signature: *Carly Lunn* Date: 4/4/11

State of West Virginia

County of Kanawha, to-wit:

Taken, subscribed, and sworn to before me this 4 day of April, 2011.

My Commission expires December 11, 2015.

AFFIX SEAL HERE

NOTARY PUBLIC *Erin C. White*

