

Request for Quotation

KRISTA FERRELL 304-558-2596

Advizex Technologies Todd May 6480 Rockside Woods Blvd., South Suite 190 Independence, OH 44131

DEPARTMENT OF ADMINISTRATION IS&C - DATA CENTER MANAGER BUILDING 6, ROOM B110 1900 KANAWHA BOULEVARD, EAST CHARLESTON, WV 25305-0135 304-558-5914

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FREIGHTTERMS DATE PRINTED TERMS OF SALE SHIP VIA 05/26/2011 BID OPENING DATE 06/29/2011 BID OPENING TIME 01:30PM LINE QUANTITY UOP ITEM NUMBER UNIT PRICE AMOUNT 0001 EΑ 205-43 7 ENTRIPRISE STORAGE ARRAYS SOLUTIONS REQUEST FOR QUOTATION (RFO) THE WEST VIRGINIA STATE PURCHASING DIVISION FOR THE AGENCY, THE WEST VIRGINIA OFFICE OF TECHNOLOGY, IS soliciting bids to provide the agency with a new enterprise storage array to be located at the STATE OF WEST VIRGINIA DATA CENTER LOCATED IN SUTTON. WEST VIRGINIA PER THE ATTACHED SPECIFICATIONS. SOLICITATION INCLUDES ALL HARDWARE, SOFTWARE, MAINTENANCE, INSTALLATION, AND TRAINING. A MANDATORY PRE-BID MEETING WILL BE HELD ON 06/09/2011 AT 10:00 AM EN BULLDING #5, 10TH FLOOR LOCATED ON THE WV STATE CAPITOL COMPLEX IN CHARLESTON, WV. ALL INTERESTED PARTIES ARE REQUIRED TO ATTEND THIS MEETING FAILURE TO AFTEND THE MANDATORY PRE-BID SHALL RESULT IN DISQUALIFICATION OF THE BID. NO ONE PERSON MAY REPRESENT MORE THAN ONE BIDDER. AN ATTENDANCE SHEET WILL BE MADE AVAILABLE FOR ALL VED POTENTIAL BIDDERS TO COMPLETE. THIS WILL SERVE AS THE DFFICIAL DOCUMENT VERIFYING ATTENDANCE AT THE MANDATORY 三川 川田 29 A 10: 22 FAILURE TO PROVIDE YOUR COMPANY AND REPRESENTATIVE NAME ON THE ATTENDANCE SHEET WILL RESULT IN DISQUALIFICATION OF THE BID. THE STATE WILL NOT HAS DAY LIVESION ACCEPT ANY OTHER DOCUMENTATION TO VERIFY ATTENDANCE. JELLE OF WV THE BIDDER IS RESPONSIBLE FOR ENSURING THEY HAVE SEE REVERSE SIDE FOR TERMS AND CONDITIONS SIGNATURE TELEPHONE Lem ond 37-150493 ADDRESS CHANGES TO BE NOTED ABOVE WHEN RESPONDING TO REQ, 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/noticeConfidentiality.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 disqualifications: 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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AFQ:NUMBER
ISCL0083

PAGE

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KRISTA FERRELL

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Advizex Technologies Todd May 6480 Rockside Woods Blvd., South Suite 190 Independence, OH 44131

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25305-0135 304-558-5914

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KRISTA FERRELL

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## West Virginia office of Technology (WVOT) Request for Quotation (RFQ) ISCL0083

#### **OBJECTIVE**

The WV State Purchasing Division for the agency WV Office of Technology (WVOT) is soliciting bids to acquire a new Enterprise Storage Array at the State of West Virginia Flatwoods Data Center located at 89 Richard D. Minnich Dr., Sutton, WV. This procurement is to include all hardware, software, maintenance, installation and training. The system must be manufactured by a company who is listed in the Gartner Leaders Quadrant for Midrange Disk Arrays.

#### PRE-BID CONFERENCE

A mandatory pre-bid conference will be held at the Capitol Complex, 1900 Kanawha Blvd E, Building 5, 10th Floor, Charleston, WV 25305 at 00:00 am/pm on 00/00/00. ATTENOTO The Enterprise Storage Array is needed to support Network Attached Storage (NAS) functionality, a VMware ESX Cluster and stand-alone servers' storage needs running on Microsoft Windows Server 2000-2008, VMware vSphere 4.1, Red Hat/SUSE Linux and HP-UX 11i. It must have initial useable capacity of 15 TB for File Protocols (CIFS, NFS) and 10 TB for Block Protocols (ISCSI, FC, FCOE). / MELTS OR EXCLEDS REQUIREMENTS The system must support NDMP via IP. The WVOT currently hosts a backup solution called Avamar in production which is manufactured by EMC. The bid must be compatible with the current system. Vendor's bidding "or equal" systems should include manufacturer's literature documenting compliance with the existing system. WVOT I MEETS OR EXCESS REQUIREMENTS reserves the right to determine compatibility. The system must support native, array-based replication to a mainframe-compatible, FICON-attached storage array within the product line. Array itself will not need FICON-based mainframe connectivity. NO LOWGER APPLIES The system must support Windows, UNIX & Linux Operating Systems. / 4ES IT CON PUR ADDENDUM / The system must be VAAI Compliant for ALL Block Protocols. / YES IT IS COMPLIANT The system must support FC or SAS, SATA and SSD Drive types. J YES SUPPORTS ALL DRIVE TIPES, The system must have a minimum 200 Drive Capacity (across all drive types). / YES VNX 5500 SUPPORTS 250, VNK 5300 The system must have redundant Storage Processors and Filers. 145 SUPPORT 17.5 AND The system must support the following Protocols IS FIELD UPGRADEABLE iSCSI (10 Gbps) minimum 4 ports per Storage Processor TO 250, 500 AND CIFS(1 Gbps) minimum 4 connections per filer 1000 The system must be capable of the following Protocols for future expansion FC (8Gbps) minimum 4 ports per Storage Processor / 4ES IT CAN SUPPORT 8CBS FC. The system must be Unified or have Gateway for CIFS by the same manufacturer that supports filer-based

replication. / IT IS UNITIES AS CONFIGURED. REPLICATION OPTIONS ARE The system must be capable of Virtual/Thin Provisioning. / 48 LT CAN, NUMBROVS The system must be capable of native IP-based replication of both Block and File Protocols.

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#### BID RESPONSE REQUIREMENTS

All costs for the Enterprise Storage Array **must** be included on the attached itemized Cost sheet and include quantities, part numbers, product descriptions and cost information for all items necessary to install. The intent and purpose of the cost sheet is for agency billing purposes only.

The Cost sheet **must** include all common system components (redundant storage processors (Active/Active), redundant filers (Active/Passive minimum) and drive enclosures to support initial capacity, redundant power supplies, and array/cache battery backup components). /

The Cost sheet must include the initial feature cost and any incremental costs (per TB, etc) for separately licensed features. /

The Cost sheet must include Manufacturer Support/Maintenance costs, Dial Home/Remote Support for 60 months on all hardware and 60 months on all software (broken down by individually licensed features). The maintenance and support for each phase will be added via change order upon successful installation and acceptance of the system by WVOT.

The Cost sheet must include "rack and stack" installation by the manufacturer.

The Cost sheet must include factory training for 2 individuals.

The Cost sheet must include multipath licensing costs for UNIX, Microsoft Windows and Linux hosts (tiered costs if appropriate for hosts with 1-4 processors).

## **DELIVERY REQUIREMENTS AND INSTALLATION ADDRESSES**

Delivery of the equipment shall be made during normal working hours. The normal working hours of the Office of Technology are 7:30 AM to 5:00 PM, Monday through Friday. However, designated State holidays, weekends, and after hours schedules will be accommodated if given advance notice and permission by the Office of Technology.

The equipment must be delivered and installed at the Flatwoods Data Center located at 89 Richard D. Minnich Drive, Sutton WV, 26601. All deliveries MUST include INSIDE delivery and will need to be made via a truck with a lift gate (NO LOADING DOCK). All deliveries MUST be scheduled 24 HOURS IN ADVANCE of delivery. Delivery and installation must be completed within 45 days from issuance of purchase order.

#### **EQUAL EMPLOYMENT OPPORTUNITY**

The successful vendor must be an Equal Opportunity Employer, and shall take all employment actions without regard to an individual's race, color, national origin, ancestry, sex, religion, age, physical handicap, disability, or political affiliation.

#### CONDUCT AND MANAGEMENT

While employed on this contract, all personnel will remain employees of the vendor. The vendor **shall** make this condition clearly known to his or her employees and **shall** be responsible for their conduct and management. The State of West Virginia **shall** not be considered a re-employer. If a vendor employee displays improper work conduct, unsatisfactory performance, or is deemed to be unqualified to perform the assignment, the Office of Technology may request a replacement employee from the vendor. The Vendor **shall** be solely responsible for conformity with all applicable health, safety and sanitation standards, laws and regulations at the State's facilities.

### SMOKE FREE / DRUG FREE / ALCOHOL FREE

In keeping with the policies of the State of West Virginia, the Vendor must maintain a drug free / alcohol free work environment.

## IMMIGRATION REFORM AND CONTROL ACT OF 1986

By submitting this response, the vendor certifies that it does not and will not, during the performance of the contract, employ illegal alien workers or otherwise violate the provisions of the Federal Immigration Reform and Control Act of 1986.

#### SUPPORT

The Office of Technology will have an employee available during all installation. Additionally, the Office of Technology will provide a list of contact and support personnel that will be available to the successful vendor.

#### **GLOSSARY**

CIFS – Common Internet File System
FC – Fibre Channel
FCoE – Fibre Channel over Ethernet
IP – Internet Protocol
iSCSI – Internet Small Computer Systems Interface
NDMP – Network Data Management Protocol
NFS – Network File System
SAS – Serial Attached SCSI
SATA – Serial Advanced Technology Attachment
SSD – Solid State Drive
TB – Terabyte
VAAI – vStorage APIs for Array Integration

## **Itemized Cost Proposal**

# ISCL008, Storage Array (attach additional pages if necessary) (To be used by the agency for internal billing purposes only)

List item in the following order: Hardware, Software, Delivery Costs, Installation, training and maintenance. Include cost totals for each category, each phase each array and final total cost.

Qty	Part Number	Product Description	Ur	it Price	Tot	tal Price
		Hardware				
1	VNX5500DP15	VNX5500 DPE; 15X3.5 DRIVE SLOTS-EMC RACK	\$	15,938	\$	15,938
1	VNXRACK-40U	VNX 40U RACK WITH CONSOLE	\$	2,922	\$	2,922
5	VNX6GSDAE15	VNX 15X3.5 IN 6GB SAS EXP DAE -EMC RACK	\$	4,104	\$	20,520
22	VX-VS07-010	VNX 1TB NL SAS DRV-15X3.5IN DRV DPE/DAE	\$	760	\$	16,720
1	VNXCS	VNX CONTROL STATION-EMC RACK	\$	-	\$	-
1	VNXCS2	VNX 2ND CONTROL STATION-EMC RACK	\$	2,276	\$	2,276
2	VDMM1GCUA	VNX 1GBASE-T DM MODULE 4 PORT	\$	1,739	\$	3,478
1	VNX5500DM	VNX5500 ADD ON DATA MOVER+FC SLIC-EMC RACK	\$	5,598	\$	5,598
1	VNX5500DME	VNX5500 DME: 1 DATA MOVER+FC SLIC-EMC RACK	\$	-	\$	-
45	VX-VS15-300	300GB 15K 520BPS 6GB SAS 3.5 CARRIER	\$	985	\$	44,325
1	V-VX-VS1530	3.5 IN 300GB 15K VAULT PACK FOR 6GSDAE-15/15 drive DPE	\$	3,935	\$	3,935
1	PW40U-60-USV	CAB QUAD POWER CORD US TWISTLOCK	\$	800	4	800
1	VNX55-KIT	DOCUMENTATION KIT FOR VNX5500	\$	-	\$	-
1	VNXFCSFP	ADDITIONAL 8 G SFP FOR VNX5500	\$	696	•	696
2	VSPMXGI2A	VNX 2 PT OP 10G ISCSI IO MOD PR-SFP	\$	10,435	\$	20,870
					\$	138,078
		Less Discount			\$	69,039
		Net Hardware			\$	69,039
		Software Licenses				
1	UNIU-V55	UNISPHERE FOR UNIFIED FOR A VNX-5500		19,304	•	19,304
1	BASEP-V55	BASE FILE LICENSE (CIFS AND FTP) FOR VNX5500	\$	-	\$	-
1	ADVP-V55	ADV FILE LICENSE (NFS; MPFS AND PNFS) FOR VNX5500	\$	-	\$	-
1	VNXOE-55	VNX OE LICENSE MODEL FOR VNX5500	\$	-	\$	-
22	VNXOECAPTB	VNX OE PER TB HIGH CAPACITY FOR VNX5500;5700;7500	\$	471	· ·	10,362
15	VNXOEPERFTB	VNX OE PER TB PERFORMANCE FOR VNX5500;5700;7500	\$	1,091	\$	16,365
					\$	46,031
		Less Discount			\$	23,015
		Net Software			\$	23,016
		Shipping Cost			\$	290
		landallarian Carta				
	DC DVC 145115	Installation Costs			۱,	
1	PS-PKG-MRUD	RACK; STACK AND IMPLEMENT FOR VNX	\$	6,060	\$	6,060
		Less Discount				
		Net Installation				
		Training for Two Students				

60	CE-DIRREG01	Direct Registration EMC Customer Education 2 Students Less Discount	\$	100	\$	6,000
		Hardware and Software Support 60 Months				
1	M-PREHW-001	PREMIUM HARDWARE SUPPORT - WARR UPG 60 Months	\$	15,444	\$	15,444
1 1	M-PRESW-001	PREMIUM SOFTWARE SUPPORT 60 Months		21,115		21,115
1		PREMIUM HARDWARE SUPPORT - WARR UPG		12,632	· ·	12,632
-			,	,	\$	49,191
		Less Discount			\$	24,595
		Net Support			\$	24,596
		, ver support			Ĭ	24,550
		300GB 15K drives counts are based upon the following RAID	cai	culation	s.	
		RAID5 $(4 + 1)$ and RAID5 $(8 + 1)$ instead of RAID5 $(6 + 1)$ to tak				standard
		256 block stripe sizes. 5 x 300GB Vault Drives do not impact		_		
		Includes two hot spares			·	·
		RAID6 is recommended for all SATA Drives 1TB or larger in si	ze.	Calcula	ition	is
		based upon two 8 + 2 RAID groups plus to hot spares.				
		VNX5500 supports 250 drives in the field and is upgradeable	to	1000 dri	ves	
		and application and applications of applicatio			1	
		Total			\$	129,001
						, -

By signing below, vendor certifies that all specifications will be follow, that vendor meets all criteria, and will adhere to the schedule (submitted with additional services provided by the vendor) if awarded the purchase order

Print Name	TODO MAY
Signature/Title	Jodd May CRM
Vendor's Name	ADVIZEX TECHNOLOGIES

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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 preced-
	ing the date of this certification; or, Bidder is a partnership, association or corporation resident vendor and has registratined 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 this in ss 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, or average at least 75% of the employees working on the project being bid are residents of West Viliginia 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 yendor preference for the reason checked: Bidder is a nonresident vendor employing a minimum of one hundred state esidents or is a nonresident vendor with an affiliate or subsidiary which maintains its headquarters or principal place of business within West Africinia 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 a subsidiary's employees are residents of West Virginia who have esided in the state continuously for the two years immediately preceding subtrission of this bid; or,
4.	Application is made for 1% resident vendor preference for the reason checked:  Bidder meets either the requirement of both subdivisions (1) and (2) or subdivision (1) and (3) as clated above; or,
5.	Application is made for 3.5% resident vehicle preference who is a veteran fold life reason checked: Bidder is an intividual resident vehicle value of the United States as need forces, the reserves or the National Guard and has resident in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted; or,
6.	Application is made for 7.5% resident vendor preference who is a veteran for the reason checked: Bidder is a resident vendor who is a veteran of the United States a metrorces, 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 form of the project, on average a 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.
requirer against	understands if the Secretary of Revenue determities that a Fidder receiving preference has failed to continue to meet the ments for such preference, the Secretary may be eithe Director of Purchasing to: (a) reject the bid; or (b) assess a penalty such Bidder in an amount not to exceed 5% of the bid amount and that such penalty will be paid to the contracting agency cted from any unpaid balance on the contract or purchase order.
authorize the requ	nission of this certificate, Bidder agrees to disclose any reasonably requested information to the Purchasing Division and es the Department of Revenue to disclose to the Director of Purchasing appropriate information verifying that Bidder has paid irred business taxes, provided that such information does not contain the amounts of taxes paid nor any other information by the Tax Commissioner to be confidential.
and acc	penalty of law for false swearing (West Virginia Code, §61-5-3), Bidder hereby certifies that this certificate is true curate in all respects; and that if a contract is issued to Bidder and if anything contained within this certificate is during the term of the contract, Bidder will notify the Purchasing Division in writing immediately.
Bidder:	ADVIZEX, TECHNOLOGIES Signed: Vold / Play
Date:	6/28/2011 Title: CRM
	www.newbiantian.of.compace consideration(c) indicated above, which you are aptitled 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:**

WITNESS THE FOLLOWING SIGNATURE

"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.

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PATRICIA A. TOREMER Nouncy Public, State of Obio Recoded in Cogniting Cty by Comm. Expires 02/06/12