



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

DNR212146

PAGE

1

ADDRESS CORRESPONDENCE TO ATTENTION OF:

FRANK WHITTAKER  
304-558-2316

\*709050755 01 304-765-5295

FLATWOODS LAWN &amp; GARDEN

RT 19 BOX 38

PO BOX 38

FLATWOODS WV 26621

DIVISION OF NATURAL RESOURCES  
VARIOUS LOCALES AS INDICATED  
BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
05/16/2012				

BID OPENING DATE:

05/31/2012

BID OPENING TIME

01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	4	LS		020-61	79973.10	79973.10
(4) TRACTORS FOR VARIOUS DNR LOCATIONS						
THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE SEST VIRGINIA DIVISION OF NATURAL RESOURCES IS SOLICITING BIDS FOR FOUR (4) TRACTORS FOR VARIOUS DIVISION OF NATURAL RESOURCES LOCATIONS PER THE ATTACHED SPECIFICATIONS.						
ALL TECHNICAL QUESTIONS MUST BE SUBMITTED IN WRITING TO FRANK WHITTAKER IN THE WV PURCHASING DIVISION VIA EMAIL AT FRANK.M.WHITTAKER@WV.GOV OR VIA FAX AT 304-558-4115. DEADLINE FOR ALL TECHNICAL QUESTIONS IS 05/25/2012 AT 4:00 PM. ALL TECHNICAL QUESTIONS WILL BE ADDRESSED BY ADDENDUM AFTER THE DEADLINE.						
ANY INDIVIDUAL SIGNING THIS BID IS CERTIFYING THAT: (1) HE OR SHE IS AUTHORIZED BY THE BIDDER TO EXECUTE THE BID OR ANY DOCUMENTS RELATED THERETO ON BEHALF OF THE BIDDER, (2) THAT HE OR SHE IS AUTHORIZED TO BIND THE BIDDER IN A CONTRACTUAL RELATIONSHIP, AND (3) THAT THE BIDDER HAS PROPERLY REGISTERED WITH ANY STATE AGENCIES THAT MAY REQUIRE REGISTRATION.						
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.						
THE MODEL/BRAND/SPECIFICATIONS NAMED HEREIN ESTABLISH THE ACCEPTABLE LEVEL OF QUALITY ONLY AND ARE NOT INTENDED TO REFLECT A PREFERENCE OR FAVOR ANY						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
<i>My [Signature]</i>	304-765-5295	5/24/12
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
OWNER	55-0607625	

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

RECEIVED

2012 MAY 29 AM 10:05

WV PURCHASING  
DIVISION

## 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.html](http://www.state.wv.us/admin/purchase/vrc/hipaa.html) 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).



State of West Virginia  
Department of Administration  
Purchasing Division  
2019 Washington Street East  
Post Office Box 50130  
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304-558-2316

\*709050755 01 304-765-5295

FLATWOODS LAWN & GARDEN  
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PO BOX 38  
FLATWOODS WV 26621

DIVISION OF NATURAL RESOURCES  
VARIOUS LOCALES AS INDICATED  
BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS		
05/16/2012						
BID OPENING DATE: 05/31/2012		BID OPENING TIME 01:30PM				
LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>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 SPECIFICATION IN ACCORDANCE WITH SECTION 148-1-4(F) OF THE WEST VIRGINIA LEGISLATIVE RULES AND REGULATIONS.</p> <p>NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p>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: 44</p> <p>RFQ. NO.: DNR212146</p> <p>BID OPENING DATE: 05/31/2012</p> <p>BID OPENING TIME: 1:30 PM</p>						
SEE REVERSE SIDE FOR TERMS AND CONDITIONS						
SIGNATURE <i>My [Signature]</i>			TELEPHONE 304-765-5295		DATE 5-24-12	
TITLE OWNER		FEIN 5500607625		ADDRESS CHANGES TO BE NOTED ABOVE		

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



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Department of Administration  
Purchasing Division  
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05/16/2012				

BID OPENING DATE:

05/31/2012

BID OPENING TIME

01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:						
-----				304-765-7304	-----	
CONTACT PERSON (PLEASE PRINT CLEARLY):						
-----				DAVE WILLIAMS	-----	
***** THIS IS THE END OF RFQ DNR212146 ***** TOTAL:						
						79973.10

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
<i>My [Signature]</i>	304-765-5295	5/24/12
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
<i>owner</i>	55-0607625	

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WEST VIRGINIA DIVISION OF NATURAL RESOURCES  
BID REQUEST SPECIFICATIONS

4

ITEM 1

The West Virginia Division of Natural Resources is requesting bids for the purchase of one tractor/mower/loader combination.

**Specifications:**

Massey Ferguson GC 2600 4X4 with 60-inch mower (model # 2325) and loader/bucket (model # DL 100) attached or equal tractor, mower, and loader combination. All items must be new (2011 or 2012 model year).

- Must have a diesel engine with a minimum gross horse power of 23 HP.
- Must be four wheel drive.
- Must have wet disc rear brakes.
- Must have liquid cooled cooling system.
- Must have independent 540 RPM rear PTO.
- Must have open center hydraulic system.
- Must have category 1 three-point hitch with stabilizers and auto return controls.
- Must have ROPS (roll over protection system) installed.
- Must have R4 industrial tires on all wheels.
- Must have a minimum 60-inch width and maximum 65-inch width mid-mount mower attached.
- Must have loader with a general purpose bucket and meet the following specifications:
  - Must have a free standing quick attachment system for loader frame and bucket
  - Must have a minimum lift capacity of 650 pounds
  - Must have a minimum front end lift height of 67 inches
  - Must have a general purpose bucket (minimum of 48 inches in width and maximum of 54 inches in width)
  - Must include a loader with joystick control with mid-mounted couplers

**Information for Bidders:** The award may be split if it is in the best interest of the West Virginia Division of Natural Resources.

**Damaged Items:** Damaged or defective items must be replaced at no additional expense to the West Virginia Division of Natural Resources.

**Warranty:** The equipment must be guaranteed to be free of defects in workmanship and material for a minimum of one (1) year from date of acceptance. However, if manufacturer warranty periods are longer than the required minimum one year warranty, those warranties shall apply.

**Delivery:** All items are to be F.O.B. Destination. Freight or delivery charges must be included in the price of the goods. Delivery must be made within thirty (30) days of purchase order award.

**One tractor/mower/loader to be delivered to:**

WV Division of Natural Resources

WEST VIRGINIA DIVISION OF NATURAL RESOURCES  
BID REQUEST SPECIFICATIONS

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Item 2

The West Virginia Division of Natural Resources is requesting bids for the purchase of one diesel tractor.

**Specifications:**

All items must be new (2011 or 2012 model year). John Deere Model 5055E or equivalent, loader/bucket model 553NSL or equivalent meeting the following specifications:

- must have a turbo-charged four-cycle engine with minimum of three cylinders
- must have a minimum 55 gross engine horsepower
- must have a minimum 45 PTO horsepower
- must have a synchronized shuttle transmission
- must have an implement gear pump with a minimum of 11.4 gpm
- must have an equipped, lever-controlled second rear remote valve
- must have an open operator's station
- must have flexible link arms
- must have a four-WD (MFWD) front axle
- must be equipped with foldable ROPS
- must have the following type tires: general farming – rear; minimum 14.9 - 28;R1, front; minimum 9.5-24;R1 or equivalent for tractor with front loader
- must be equipped with a drawbar clevis
- must be equipped with a grill guard
- must be equipped with an engine block heater
- must have an equipped front loader with general purpose bucket and meet the following specifications:
  - Must have a free standing quick attachment system for loader frame and bucket;
  - Must have a minimum lift capacity of 2,250 pounds;
  - Must have a minimum front end lift height of 8 feet;
  - Must have a general purpose bucket (min. of 72 inches in width and max. of 78 inches in width);
  - Must have joystick control with two open center mid-mounted loader valves

**Information for Bidders:** The award may be split if it is in the best interest of the West Virginia Division of Natural Resources.

**Damaged Items:** Damaged or defective items must be replaced at no additional expense to the West Virginia Division of Natural Resources.

**Warranty:** The equipment must be guaranteed to be free of defects in workmanship and material for a minimum of one (1) year from date of acceptance. However, if manufacturer warranty periods are longer than the required minimum one year warranty, those warranties shall apply.

WEST VIRGINIA DIVISION OF NATURAL RESOURCES  
BID REQUEST SPECIFICATIONS

8

ITEM 3

The West Virginia Division of Natural Resources is requesting bids for the purchase of one mower.

**Specifications:**

Massey Ferguson 2800 series with 54-inch mower deck or equal tractor with attached mower deck. All items must be new (2011 or 2012 model year).

- Must have a gasoline engine with minimum 25 gross horsepower
- Must have hydro-static automatic transmission
- Must have differential lock for rear tires
- Must have two rear agricultural-tread tires
- Must have a minimum 54-inch and maximum 60-inch cut mid-mount mower, minimum heavy duty 10 gauge welded steel frame attached.

**Information for Bidders:** The award may be split if it is in the best interest of the West Virginia Division of Natural Resources.

**Damaged Items:** Damaged or defective items must be replaced at no additional expense to the West Virginia Division of Natural Resources.

**Warranty:** The equipment must be guaranteed to be free of defects in workmanship and material for a minimum of one (1) year from date of acceptance. However, if manufacturer warranty periods are longer than the required minimum one year warranty, those warranties shall apply.

**Delivery:** All items are to be F.O.B. Destination. Freight or delivery charges must be included in the price of the goods. Delivery must be made within thirty (30) days of purchase order award.

**One tractor/mower to be delivered to:**

WV Division of Natural Resources  
Stonewall Jackson Wildlife Management Area  
Vandelia, WV  
Contact Bob Knight (304-924-6211) for delivery information

WEST VIRGINIA DIVISION OF NATURAL RESOURCES  
BID REQUEST SPECIFICATIONS

10

Item 4

**Delivery:** All items are to be F.O.B. Destination. Freight or delivery charges must be included in the price of the goods. Delivery must be made within thirty (30) days of purchase order award.

**One diesel farm tractor to be delivered to:**

WV Division of Natural Resources  
Lewis Wetzel Wildlife Management Area  
Contact Steve Rauch (304-825-6787) for delivery information.



## WEST VIRGINIA DIVISION OF NATURAL RESOURCES PRICING SHEET

Item Number	Quantity	Description	Unit Price	Amount
1	1	Tractor, front loader, mid-deck mower	15025.00	15025.00
2	1	4-WD, 55-HP tractor w/loader	29200.00	29200.00
3	1	27-HP tractor w/mid-mount mower	4970.00	4970.00
4	1	4-WD, 65-HP tractor w/loader	30778.10	30778.10
<b>Total Cost</b>				<b>79973.10</b>

Note: Delivery must be made within thirty (30) days of purchase order award.  
Delivered to the following locations:

### Item 1

West Virginia Division of Natural Resources  
Big Ditch WMA  
Cowen, WV  
Contact Bob Knight (304-924-6211) for delivery information

### Item 2

West Virginia Division of Natural Resources  
1110 Railroad Street  
Farmington, WV  
Contact Steve Rauch (304-825-6787) for delivery information

### Item 3

WV Division of Natural Resources  
Stonewall Jackson WMA  
Vandelia, WV  
Contact Bob Knight (304-924-6211) for delivery information

### Item 4

WV Division of Natural Resources  
Lewis-Wetzel WMA  
Jacksonburg, WV  
Contact Steve Rauch (304-825-6787) for delivery information

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,  
X 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.X **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:**  
X 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: FLATWOODS LAWN & GARDEN

Signed: 

Date: 5/24/12

Title: OWNER

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

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: FLATWOODS LAWN & GARDEN

Authorized Signature: *Max Lohr* Date: 5/24/12

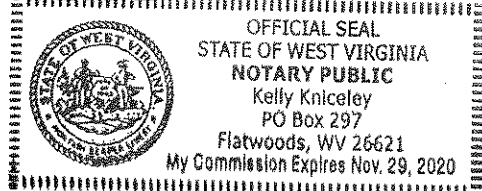
State of WV

County of BRAXTON, to-wit:

Taken, subscribed, and sworn to before me this 24<sup>th</sup> day of May, 2012.

My Commission expires 11/29/, 2020.

**AFFIX SEAL HERE**



NOTARY PUBLIC *Kelly Kniceley*



State of West Virginia  
Department of Administration  
Purchasing Division  
2019 Washington Street East  
Post Office Box 50130  
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## Request for Quotation

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

\*709043751 304-366-4690

MIDDLETOWN TRACTOR SALES  
2050 BOYERS DR

FAIRMONT WV 26554

DIVISION OF NATURAL RESOURCES  
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DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS		
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SEE REVERSE SIDE FOR TERMS AND CONDITIONS						
SIGNATURE <i>Phillip A. Attalla</i>			TELEPHONE 304-366-4690 (Ext. 24)		DATE 21 May 2012	
TITLE Sales Consultant			FEIN 55-054-7175		ADDRESS CHANGES TO BE NOTED ABOVE	

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WV PURCHASING  
DIVISION



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

DNR212146

PAGE

2

ADDRESS CORRESPONDENCE TO ATTENTION OF:

FRANK WHITTAKER  
304-558-2316

\*709043751 304-366-4690

MIDDLETOWN TRACTOR SALES  
2050 BOYERS DR

FAIRMONT WV 26554

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DIVISION OF NATURAL RESOURCES  
VARIOUS LOCALES AS INDICATED  
BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS		
05/16/2012						
BID OPENING DATE: 05/31/2012		BID OPENING TIME 01:30PM				
LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>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 SPECIFICATION IN ACCORDANCE WITH SECTION 148-1-4(F) OF THE WEST VIRGINIA LEGISLATIVE RULES AND REGULATIONS.</p> <p>NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p>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: 44</p> <p>RFQ. NO.: DNR212146</p> <p>BID OPENING DATE: 05/31/2012</p> <p>BID OPENING TIME: 1:30 PM</p>						
SEE REVERSE SIDE FOR TERMS AND CONDITIONS						
SIGNATURE			TELEPHONE		DATE	
TITLE		FEIN		ADDRESS CHANGES TO BE NOTED ABOVE		

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



State of West Virginia  
Department of Administration  
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2019 Washington Street East  
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VARIOUS LOCALES AS INDICATED  
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DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
05/16/2012				

BID OPENING DATE:

05/31/2012

BID OPENING TIME

01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: 304-366-4698 ----- CONTACT PERSON (PLEASE PRINT CLEARLY): Phillip A. Cottrille -----  ***** THIS IS THE END OF RFQ DNR212146 ***** TOTAL: _____						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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

WEST VIRGINIA DIVISION OF NATURAL RESOURCES  
BID REQUEST SPECIFICATIONS

4

ITEM 1

The West Virginia Division of Natural Resources is requesting bids for the purchase of one tractor/mower/loader combination.

**Specifications:**

Massey Ferguson GC 2600 4X4 with 60-inch mower (model # 2325) and loader/bucket (model # DL 100) attached or equal tractor, mower, and loader combination. All items must be new (2011 or 2012 model year).

- Must have a diesel engine with a minimum gross horse power of 23 HP.
- Must be four wheel drive.
- Must have wet disc rear brakes.
- Must have liquid cooled cooling system.
- Must have independent 540 RPM rear PTO.
- Must have open center hydraulic system.
- Must have category 1 three-point hitch with stabilizers and auto return controls.
- Must have ROPS (roll over protection system) installed.
- Must have R4 industrial tires on all wheels.
- Must have a minimum 60-inch width and maximum 65-inch width mid-mount mower attached.
- Must have loader with a general purpose bucket and meet the following specifications:
  - Must have a free standing quick attachment system for loader frame and bucket
  - Must have a minimum lift capacity of 650 pounds
  - Must have a minimum front end lift height of 67 inches
  - Must have a general purpose bucket (minimum of 48 inches in width and maximum of 54 inches in width)
  - Must include a loader with joystick control with mid-mounted couplers

**Information for Bidders:** The award may be split if it is in the best interest of the West Virginia Division of Natural Resources.

**Damaged Items:** Damaged or defective items must be replaced at no additional expense to the West Virginia Division of Natural Resources.

**Warranty:** The equipment must be guaranteed to be free of defects in workmanship and material for a minimum of one (1) year from date of acceptance. However, if manufacturer warranty periods are longer than the required minimum one year warranty, those warranties shall apply.

**Delivery:** All items are to be F.O.B. Destination. Freight or delivery charges must be included in the price of the goods. Delivery must be made within thirty (30) days of purchase order award.

**One tractor/mower/loader to be delivered to:**

WV Division of Natural Resources

WEST VIRGINIA DIVISION OF NATURAL RESOURCES  
BID REQUEST SPECIFICATIONS

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Item 2

The West Virginia Division of Natural Resources is requesting bids for the purchase of one diesel tractor.

**Specifications:**

All items must be new (2011 or 2012 model year). John Deere Model 5055E or equivalent, loader/bucket model 553NSL or equivalent meeting the following specifications:

- must have a turbo-charged four-cycle engine with minimum of three cylinders
- must have a minimum 55 gross engine horsepower
- must have a minimum 45 PTO horsepower
- must have a synchronized shuttle transmission
- must have an implement gear pump with a minimum of 11.4 gpm
- must have an equipped, lever-controlled second rear remote valve
- must have an open operator's station
- must have flexible link arms
- must have a four-WD (MFWD) front axle
- must be equipped with foldable ROPS
- must have the following type tires: general farming – rear; minimum 14.9 - 28;R1, front; minimum 9.5-24;R1 or equivalent for tractor with front loader
- must be equipped with a drawbar clevis
- must be equipped with a grill guard
- must be equipped with an engine block heater
- must have an equipped front loader with general purpose bucket and meet the following specifications:
  - Must have a free standing quick attachment system for loader frame and bucket;
  - Must have a minimum lift capacity of 2,250 pounds;
  - Must have a minimum front end lift height of 8 feet;
  - Must have a general purpose bucket (min. of 72 inches in width and max. of 78 inches in width);
  - Must have joystick control with two open center mid-mounted loader valves

**Information for Bidders:** The award may be split if it is in the best interest of the West Virginia Division of Natural Resources.

**Damaged Items:** Damaged or defective items must be replaced at no additional expense to the West Virginia Division of Natural Resources.

**Warranty:** The equipment must be guaranteed to be free of defects in workmanship and material for a minimum of one (1) year from date of acceptance. However, if manufacturer warranty periods are longer than the required minimum one year warranty, those warranties shall apply.



WEST VIRGINIA DIVISION OF NATURAL RESOURCES  
BID REQUEST SPECIFICATIONS

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ITEM 3

The West Virginia Division of Natural Resources is requesting bids for the purchase of one mower.

**Specifications:**

Massey Ferguson 2800 series with 54-inch mower deck or equal tractor with attached mower deck. All items must be new (2011 or 2012 model year).

- Must have a gasoline engine with minimum 25 gross horsepower
- Must have hydro-static automatic transmission
- Must have differential lock for rear tires
- Must have two rear agricultural-tread tires
- Must have a minimum 54-inch and maximum 60-inch cut mid-mount mower, minimum heavy duty 10 gauge welded steel frame attached.

**Information for Bidders:** The award may be split if it is in the best interest of the West Virginia Division of Natural Resources.

**Damaged Items:** Damaged or defective items must be replaced at no additional expense to the West Virginia Division of Natural Resources.

**Warranty:** The equipment must be guaranteed to be free of defects in workmanship and material for a minimum of one (1) year from date of acceptance. However, if manufacturer warranty periods are longer than the required minimum one year warranty, those warranties shall apply.

**Delivery:** All items are to be F.O.B. Destination. Freight or delivery charges must be included in the price of the goods. Delivery must be made within thirty (30) days of purchase order award.

**One tractor/mower to be delivered to:**

WV Division of Natural Resources  
Stonewall Jackson Wildlife Management Area  
Vandelia, WV  
Contact Bob Knight (304-924-6211) for delivery information

WEST VIRGINIA DIVISION OF NATURAL RESOURCES  
BID REQUEST SPECIFICATIONS

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Item 4

The West Virginia Division of Natural Resources is requesting bids for the purchase of one diesel tractor.

**Specifications:**

Diesel farm tractor with the following specifications: All items must be new (2011 or 2012 model year). Tractor - John Deere Model 5065E or equivalent, Front loader/bucket – John Deere Model 553 NSL or equivalent.

- must have a turbocharged 4-cycle engine with minimum of three cylinders
- must have a minimum 65 gross engine horsepower
- must have a minimum 53 PTO horsepower
- must have a synchronized shuttle transmission
- must have an implement gear pump with a minimum of 11.4 gpm
- must have an equipped, lever-controlled second rear remote valve
- must have an open operator's station
- must have flexible link arms
- must have a 4-WD (MFWD) front axle
- must be equipped with foldable ROPS
- must have the following type tires: general farming – rear; minimum: 16.9 - 28;R1, front; minimum: 9.5-24;R1 or equivalent for tractor with front loader
- must be equipped with a drawbar clevis
- must be equipped with a grill guard
- must be equipped with an engine block heater
- must have an equipped front loader with general purpose bucket and meet the following specifications:
  - Must have a free standing quick attachment system for loader frame and bucket;
  - Must have a minimum lift capacity of 2,250 pounds;
  - Must have a minimum front end lift height of 8 feet;
  - Must have a general purpose bucket (min. of 72 inches in width and max. of 78 inches in width);
  - Must have joystick control with two open center mid-mounted loader valves

**Information for Bidders:** The award may be split if it is in the best interest of the West Virginia Division of Natural Resources.

**Damaged Items:** Damaged or defective items must be replaced at no additional expense to the West Virginia Division of Natural Resources.

**Warranty:** The equipment must be guaranteed to be free of defects in workmanship and material for a minimum of one (1) year from date of acceptance. However, if manufacturer warranty periods are longer than the required minimum one year warranty, those warranties shall apply.

**WV DIVISION OF NATURAL RESOURCES  
MANUFACTURER'S LIST**

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

ITEM NO.	EQUIPMENT	MANUFACTURER	MODEL
1	Tractor, Front Loader, Mid-Deck Mower	John Deere	1026R
2	4-WD, 55-HP Tractor w/Loader	John Deere	5055E
3	27-HP Tractor w/Mid-Mount Mower	John Deere	X530
4	4-WD, 65-HP Tractor w/Loader	John Deere	5065E

## WEST VIRGINIA DIVISION OF NATURAL RESOURCES PRICING SHEET

Item Number	Quantity	Description	Unit Price	Amount
1	1	Tractor, front loader, mid-deck mower	\$12,549.13	\$12,549.13
2	1	4-WD, 55-HP tractor w/loader	\$27,811.81	\$27,811.81
3	1	27-HP tractor w/mid-mount mower	\$ 5,259.40	\$ 5,259.40
4	1	4-WD, 65-HP tractor w/loader	\$28,483.43	\$28,483.43
<b>Total Cost</b>				<b>\$74,103.77</b>

Note: Delivery must be made within thirty (30) days of purchase order award.  
Delivered to the following locations:

**Item 1**

West Virginia Division of Natural Resources  
Big Ditch WMA  
Cowen, WV  
Contact Bob Knight (304-924-6211) for delivery information

**Item 2**

West Virginia Division of Natural Resources  
1110 Railroad Street  
Farmington, WV  
Contact Steve Rauch (304-825-6787) for delivery information

**Item 3**

WV Division of Natural Resources  
Stonewall Jackson WMA  
Vandellia, WV  
Contact Bob Knight (304-924-6211) for delivery information

**Item 4**

WV Division of Natural Resources  
Lewis-Wetzel WMA  
Jacksonburg, WV  
Contact Steve Rauch (304-825-6787) for delivery information

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: Middletown tRactor Sales

Signed: 

Date: 21 May 2012

Title: Sales Consultant

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

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: Middletown Tractor SalesAuthorized Signature: *Phillip A. Catlett* Date: 21 May 2012State of WVCounty of Taylor, to-wit:Taken, subscribed, and sworn to before me this 21 day of May, 2012My Commission expires 9-30, 2019

AFFIX SEAL HERE

NOTARY PUBLIC

*Beatrice K. Stevens*