

2011-08-12 07:14

Comm Sales #0746

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P 2/16



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
G0E5242

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
BUYER 41
304-558-0492

VENDOR

RFQ COPY

Charles Baldwin
Lowe's
#50 RHL Boulevard
South Charleston, WV 25309

SHIP TO

GOVERNORS OFFICE OF ECONOMIC
OPPORTUNITY

950 KANAWHA BOULEVARD, EAST
CHARLESTON, WV
25301 304-558-8860

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
07/28/2011				
BID OPENING DATE: 08/09/2011		BID OPENING TIME: 01:30PM		

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		045-66		
REFRIGERATORS, HOUSEHOLD						
OPEN-END CONTRACT						
THE WEST VIRGINIA PURCHASING DIVISION FOR THE AGENCY, GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT, WV WEATHERIZATION ASSISTANCE PROGRAM, IS SOLICITING BIDS TO PROVIDE ENERGY STAR CERTIFIED REFRIGERATORS PER THE ATTACHED SPECIFICATIONS.						
EXHIBIT 3						
LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON AWARD AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE.						
UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.						
RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR,						



SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
FILE	FEIN	

ADDRESS CHANGES TO BE NOTED ABOVE

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

08/12/2011 7:24AM (GMT-04:00)

2011-08-12 07:14

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Department of Administration
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<p>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 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>						

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TITLE	FEIN	

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08/12/2011 7:24AM (GMT-04:00)

2011-08-12 07:15

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304-558-0492**

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TYPE NAME/ADDRESS HERE

RFQ COPY

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**GOVERNORS OFFICE OF ECONOMIC
OPPORTUNITY**

**950 KANAWHA BOULEVARD, EAST
CHARLESTON, WV
25301 304-558-8860**

DATE PRINTED 07/28/2011	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
BID OPENING DATE: 08/09/2011		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	QTY NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<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 REFUSAL SHALL NOT PREJUDICE THE AWARD OF THIS CONTRACT IN ANY MANNER.</p> <p>REV. 3/88</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</p>						

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BID OPENING DATE: 08/09/2011		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>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>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:-----41-----</p> <p>RFQ. NO.:-----60E5242-----</p>						

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TYPE NAME/ADDRESS HERE
Lowes of South Charleston

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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
BID OPENING DATE: ---08/09/2011---						
BID OPENING TIME: ---1:30 PM---						
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:						
----- 336-651-3300 -----						
CONTACT PERSON (PLEASE PRINT CLEARLY):						
----- Charles Baldwin 740-442-5063 -----						
***** THIS IS THE END OF RFQ GOE5242 ***** TOTAL:						\$552,688.55

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08/12/2011 7:24AM (GMT-04:00)

The West Virginia Weatherization Assistance Program (WVWAP) is seeking bids for replacing old, inefficient or inoperable refrigerators for clients who qualify for Weatherization Assistance throughout the state of West Virginia. There are 12 non-profit Community Action Partnership agencies throughout the state that administer the Weatherization Assistance Program serving 55 counties throughout the state. The Governor's Office of Economic Opportunity (GOEO) monitors and assists these agencies. To date, the WVWAP has replaced 699 refrigerators during the 2009 program year and more than 614 refrigerators through May of the 2010 program year. Please submit a bid on refrigerator replacements as per the following specifications.

Specifications:**Contract Items:**

1. 15 Cubic Foot Refrigerator (Top Mount)
 - a. Must be Energy Star qualified
 - b. Must have an automatic defrost
 - c. Must be ADA compliant
 - d. Should have up front temperature controls
 - e. Should have fixed door storage in refrigerator and freezer compartments
2. 18 Cubic Foot Refrigerator (Top Mount)
 - a. Must be Energy Star qualified
 - b. Must have an automatic defrost
 - c. Must be ADA compliant
 - d. Should have up front temperature controls
 - e. Should have humidity controlled crispers
 - f. Must have interior lighting
 - g. Should have fixed door storage in refrigerator and freezer compartments
 - h. Must have factory installed automatic ice maker
3. 19 Cubic Foot Refrigerator (Top Mount)
 - a. Must be Energy Star qualified
 - b. Must have an automatic defrost
 - c. Must be ADA compliant
 - d. Should have up front temperature controls
 - e. Should have fixed door storage in refrigerator and freezer compartments
 - f. Should have humidity controlled crispers
 - g. Must have interior lighting
 - h. Must have interior water dispenser
 - i. Should have water filtration system
 - j. Must have factory installed automatic ice maker

4. 21 Cubic Foot Refrigerator (Top Mount)
 - a. Must be Energy Star qualified
 - b. Must have an automatic defrost
 - c. Must be ADA compliant
 - d. Should have up front temperature controls
 - e. Should have fixed door storage in refrigerator and freezer compartments
 - f. Should have humidity controlled crispers
 - g. Must have interior lighting
 - h. Must have factory installed automatic ice maker
5. 22 Cubic Foot Refrigerator (Top Mount)
 - a. Must be Energy Star qualified
 - b. Must have an automatic defrost
 - c. Must be ADA compliant
 - d. Should have up front temperature controls
 - e. Should have fixed door storage in refrigerator and freezer compartments
 - f. Should have humidity controlled crispers
 - g. Must have interior lighting
 - h. Must have factory installed automatic ice maker
6. 22 Cubic Foot Refrigerator (Side by Side)
 - a. Must be Energy Star qualified
 - b. Must have an automatic defrost
 - c. Must be ADA compliant
 - d. Should have water filtration system
 - e. Must have exterior of door mounted electronic ice & water system dispenser with standard push button controls
 - f. Should have slide interior temperature controls
 - g. Must have interior lighting
 - h. Should have water filter "change" indicator light
 - i. Must have factory installed automatic ice maker
 - j. Should have fixed freezer and refrigerator door storage
7. 18.5 Cubic Foot Refrigerator (Bottom Mount Freezer)
 - a. Must be Energy Star qualified
 - b. Must have an automatic defrost
 - c. Must be ADA compliant
 - d. Should have up front temperature controls
 - e. Should have fixed door storage in refrigerator and freezer compartments
 - f. Should have humidity controlled crispers
 - g. Must have interior lighting
 - h. Must have factory installed automatic ice maker

- Other information that is necessary for each refrigerator model: model number, capacity, kWh/yr, total cost, life of the refrigerator, height, width, and depth.
 - "Total cost" per unit refers to the installation of new refrigerators as well as removal of old refrigerators per make and model as agreed upon between the West Virginia Weatherization Assistance Program and the participating company of interest.
- The vendor shall establish separate accounts for the 12 Community Action Partnership agencies for the ordering and payment process.
- The Governor's Office of Economic Opportunity shall be able to access the 12 agencies' accounts for monitoring and reference purposes.
- The refrigerators shall be delivered and installed in qualified clients' homes throughout the entire state of West Virginia.
- Old refrigerators deemed inefficient, defective or inoperable are to be removed by the participating company and taken out of service and disposed of in compliance with EPA guidelines (Code of Federal Regulations). At no point will a refrigerator be put back into service.
- Any necessary forms will be developed by the Governor's Office of Economic Opportunity in association with the 12 agencies and the participating company.
- The agencies shall be able to contact the company for ordering and other purposes through at least one of the following means: toll free number, 800 number, fax number, or web based means.
- Installation and removal must take place within 30 days after an order from the local weatherization agency is placed to the participating company. If for some reason this cannot be met due to extenuating circumstances of any particular client, the agency will be contacted and the agency and the company will make arrangements for an alternative delivery date.
- The participating company shall notify the local weatherization agency upon delivering and installing a new refrigerator for verification purposes.

RFQ No. GOE5242

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 §61-6-3), it is hereby certified that the vendor affirms and acknowledges the information in this affidavit and is in compliance with the requirements as stated, **following due diligence and to the best of its knowledge and belief.**

WITNESS THE FOLLOWING SIGNATURE

Vendor's Name: Lowe's Home Centers, Inc

Authorized Signatory: Michael J. Howe Date: August 29, 2011

State of North Carolina

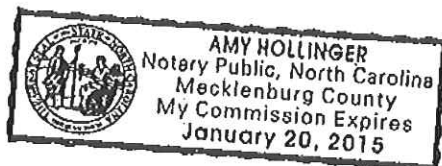
County of Iredell, to-wit:

Taken, subscribed, and sworn to before me this 29 day of August, 2011.

My Commission expires January 20, 2015.

AFFIX SEAL HERE

NOTARY PUBLIC Amy Hollinger



Purchasing Affidavit (Revised 12/15/09)

Rev. 09/08

11

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: _____ Signed: _____

Date: _____ Title: _____

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

Response To:

Request for Bid

RFQ GOE5242

Weatherization Program – Refrigerators, Household

Prepared for:

State Of West Virginia

Prepared and Offered By:

Lowe's Home Centers, Inc.
1605 Curtis Bridge Rd.
Wilkesboro, NC 28697
Mail Code- A3ECS
GovMilAccounts@Lowe's.com

August 29, 2011




LOWE'S IS AN ENERGY
STAR AWARD WINNER
AND RETAILER OF THE
YEAR 2001-2009





Statement of Qualifications

ITEM	DESCRIPTION
Company Description	<p>Lowe's has been helping our customers improve their businesses as well as the places they call home for more than 60 years. Lowe's operates more than 1,700 stores in the United States and offers over 40,000 off-the-shelf products (SKUs) and thousands more are available for special orders. Lowe's has over 228,000 team members and for each and every one the number one priority is to deliver the highest level of service. Lowe's is Ranked 47 on the FORTUNE® 500.</p>
	<p>Lowe's is your contracting partner in helping to maintain the agencies you serve.</p> <ul style="list-style-type: none"> • Business Credit For Easy Ordering - Our business credit offers easy-to read itemized billing, secure online account management, customized account setup and employee spending control. Ordering is easy with Lowe's Phone/Fax/Order Online Programs. • Dedicated Account Specialists – Lowe's has a dedicated team of Government Account Specialists focused solely on maintaining the highest level of service and satisfaction for our Government customers. A Lowe's Account Specialist will work closely with your representatives to insure contract compliance, on-time delivery and more. • Environmentally Responsible, Energy Efficient Products - Lowe's is proud of our past performance in promoting products offering the highest standards in energy efficiency. EPA & U.S. Department of Energy / ENERGY STAR® Awards have been given to Lowe's for seven consecutive years. • Maintenance Supply Rack Program: - Help keep your maintenance crews in stock. With an initial supply purchase of just \$150, we provide a 5 shelf metal rack for only a penny! We also provide labels for your racks to track inventory making reorders a breeze. We even contact you regularly to inquire about your replenishment needs. Save time and money by keeping people on-site. • Open 7 Days a Week, Extended Business Hours - You may have needs outside of normal business hours. To answer the call, we are open extended hours during the week and on the weekends. • Delivery - Lowe's has one of the largest fleets of supply and construction delivery vehicles in the business to get customers what they need when they need it. Our delivery fleet runs 7 days a week. • Additional Every Day Savings with Contractor Pack Pricing - Lowe's offers additional savings on over 800 in-stock "buy in bulk" items . Look for the yellow "Contractor Pack" label to save or ask your local Account Representative. • LOWE'S BECOMES FIRST RETAILER FOR 2010 TO WIN ENERGY STAR AWARD FOR SUSTAINED EXCELLENCE IN RETAIL The U.S. Environmental Protection Agency has named Lowe's Companies, Inc. the first winner of the ENERGY STAR Sustained Excellence Award in Retail. The award recognizes Lowe's long-standing leadership as a retailer of energy-efficient products.
Lowe's Supplier Diversity	<p>We have a mission: to be the best home improvement retailer for our customers and our communities; a lofty goal, for sure. But Lowe's is reaching out, extending the boundaries of our company beyond the traditional retail environment, setting higher standards for the way American business works within our communities. We know that minority- and women- owned enterprises play an important role in the economic development of this nation. We also know these enterprises are significant in providing job opportunities. Our supplier diversity program contributes to a concerted effort to create better value for our customers through our product and service suppliers.</p> <ul style="list-style-type: none"> • Our commitment to diversity is more than just a human issue; it also makes good business sense. • The Supplier Diversity Program plays an important role in our overall commitment to enhance the economic growth and development of the diverse communities we serve. • As a corporation that understands and embraces an increasingly multi-cultural market place, we stand to benefit by: <ul style="list-style-type: none"> ○ Attracting/Retaining customers and employees. Supporting the growth of minority- and women- owned firms. ○ Being recognized as a good corporate citizen
Company Designations	<p>CAGE Code: 1HFY9 DUNS: 018810275 CCR / ORCA: Yes – records available on-line</p> <p>PSC Categories: 3220, 4010, 4110, 4310, 4510, 4710, 5110, 5210, 5305, 5510, 5610, 5925, 6115, 6210, 6840, 7125, 7220, 7310, 7910, 8010, 8720</p> <p>FSC Groups: 051, 105, 341, 550, 600, 612, 613, 639, 834</p>
Past Performance	<p>Some current customers include:</p> <ul style="list-style-type: none"> • United States Coast Guard • United States Army • United States Air Force • Maricopa County Housing Authority • Dover Housing Authority • Monroe County Board of Cooperative Educational Services (BOCES) • New Jersey Community Action Association • Alief Independent School District • North Carolina (Statewide Appliance Contract)
Point of Contact	<p>Charles Baldwin/DCASPhone: (740)-442-5063/Charles.Baldwin-1@lowes.com</p>



Please consider Lowe's programs and services outlined below when reviewing our proposal. Thank you for the opportunity to earn your business.

Dedicated, Service Driven Sales Specialists

Our Commercial Team is here to assist you in your purchasing needs. Depend on us to provide you the items you need, when you need it. With our Low Price Guarantee, rest assured saving your business money is our number one priority as we are committed to providing the lowest prices in town.

Lowe's Business Credit

Lowe's is committed to offering you the easiest, most convenient business credit program anywhere. Our business credit offers easy-to-read itemized billing; secure online account management, customized account setup and employee spending control. In addition to the great benefits mentioned, we also provide a discounted delivery rate when you purchase with a Lowe's Business Account (LBA) or Lowe's Account Receivable (LAR). *Contact us for a reduced delivery rate.*

Quote Support Program (QSP):

Lowe's Quote Support Program is designed to give volume discounts on orders totaling \$2500.00 or more depending on the material you are requesting. Let us submit your order to the Quote Support Team at our Customer Service Center to see what volume savings are available. Have a large project but not ready for the material? Its ok, with the Quote Support Program, pricing is good for 30 days.

Phone/Fax/Order Online Program:

At Lowe's, we understand that time away from the jobsite means money lost for your business. With the Phone/Fax/Order Online Program, Commercial Customers have the option of submitting an order via fax, calling in an order to the Commercial Sales Desk, and even placing an order online via www.Lowesforpros.com. *Contact us to request a "Phone/Fax/Order Online Worksheet" to assist you in completing your order requests. Note: Certain conditions apply, see store for details.*

LowesForPros.com

Visit LowesForPros.com to access special offers exclusively for the pros, industry articles, construction calculators, account management, and much more. You can also access Lowe's Property Management System and Lowe's Quotation Center for faster service.

Maintenance Supply Rack Program:

Utilize the Maintenance Supply Rack Program to help keep your business in stock. With an initial supply purchase of just \$150 or more, we will provide you a 5 shelf metal rack to stock your items for only a penny! We also provide labels for your racks to track inventory that makes reordering a breeze. Our Team will even contact you on a regular basis to inquire on your replenishment needs. Let Lowe's help keep your business in stock.

Contractor Pack Pricing

Lowe's offers Contractor Pack pricing on over 800 products across the store. Look for the yellow "Contractor Pack" label to save, or stop by the Commercial Sales Desk to review a complete list of Contractor Pack items.

Extended Business Hours

At Lowe's, we understand that your business may have needs outside of normal business hours. That is why we are open extended hours during the week and open on the weekend to meet your business needs. Operating hours may vary by location. See store for details.

1000 Lowe's Blvd./ Mooresville, NC 28117/Phone: 704-757-4141/Fax: 336-651-3300



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
GOE5242

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
 BUYER 41
 304-558-0492

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE

SHIP TO

GOVERNORS OFFICE OF ECONOMIC OPPORTUNITY
 950 KANAWHA BOULEVARD, EAST
 CHARLESTON, WV
 25301 304-558-8860

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
08/15/2011				

BID OPENING DATE: **08/30/2011** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>ADDENDUM NO. 2</p> <p>1. TO MOVE THE BID OPENING FROM 08/23/2011 TO 08/30/2011.</p> <p>2. REVISED BID FORM ATTACHED.</p> <p>3. ADDENDUM ACKNOWLEDGEMENT IS ATTACHED. THIS DOCUMENT SHOULD BE SIGNED AND RETURNED WITH YOUR BID. FAILURE TO SIGN AND RETURN MAY RESULT IN DISQUALIFICATION OF YOUR BID.</p> <p>EXHIBIT 10</p> <p>REQUISITION NO.: GOE5242</p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.</p> <p>ADDENDUM NO. S:</p> <p>NO. 1 <input checked="" type="checkbox"/></p> <p>NO. 2 <input checked="" type="checkbox"/></p> <p>NO. 3 <input type="checkbox"/></p> <p>NO. 4 <input type="checkbox"/></p> <p>NO. 5 <input type="checkbox"/></p> <p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</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'

**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/vro/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).



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
 GOE5242

PAGE
 2

ADDRESS CORRESPONDENCE TO ATTENTION OF
 BUYER 41
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VENDOR

RFQ COPY
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SHIP TO

GOVERNORS OFFICE OF ECONOMIC OPPORTUNITY
 950 KANAWHA BOULEVARD, EAST
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 304-558-8860

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
08/15/2011				

BID OPENING DATE: 08/30/2011 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>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.</p> <p style="text-align: center;"><i>Michael J. Jones</i> SIGNATURE</p> <p style="text-align: center;">Lowe's Home Centers, Inc COMPANY</p> <p style="text-align: center;">August 29, 2011 DATE</p> <p>NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.</p> <p>REV. 09/21/2009</p> <p style="text-align: center;">END OF ADDENDUM NO. 2</p>						
0001	1	LS		045-66		
REFRIGERATORS, HOUSEHOLD						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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

GOES242

Refrigerators	Brand	Model No.	Capacity cubic ft.	kWh/yr.	Height	Width	Depth	Total Cost/ea.	Estimated Qty.	Evaluation Cost
15 Cubic Foot Top Mount	Whirlpool	WSTXEWFWQ	14.6	354	62.75 in.	28 in.	32.875 in.	\$ 565.22	X 208	\$ 117,565.76
18 Cubic Foot Top Mount	GE	GTK181CXBS	18	387	66.625 in.	29.5 in.	32.125 in.	\$ 685.87	X 326	\$ 223,593.62
19 Cubic Foot Top Mount	Whirlpool	WRT779RWYW	19	345	66.25 in.	29.5 in.	32.5/16 in.	\$ 727.18	X 65	\$ 47,266.70
21 Cubic Foot Top Mount	Whirlpool	WRT571SMYW	21	364	66.25 in.	32.5 in.	33.7/8 in.	\$ 748.92	X 65	\$ 48,679.80
22 Cubic Foot Top Mount	GE	GTS22KBPWW	21.7	322	67.5 in.	32.87 in.	33.62 in.	\$ 831.53	X 15	\$ 12,472.95
22 Cubic Foot Side-by-Side	GE	GSH22JGCMW	21.9	438	67.5 in.	33.5 in.	33.5/8 in.	\$ 831.53	X 124	\$ 103,109.72
18.5 Cubic Foot with bottom mount freezer	No bid	No Bid	No Bid	No Bid	in.	in.	in.	\$	X 1	\$

Total: \$552,688.55

Instructions to bidders:
 Multiply the total cost/ea. by the estimated quantity and enter the result in the "Evaluation Cost" for each model.
 Add all evaluation cost amounts and enter the result on the Total line.

*Total cost is the installation of the refrigerator (including all electrical and plumbing connections)
 in addition to the removal of the old refrigerator.

The State reserves the right to award each refrigerator category described on this cost sheet to a separate vendor or to award the contract
 in whole to a single vendor in accordance with what the Purchasing Division determines to be in the best interest of the State.

Approved by Legal Dept. 

Addendum A

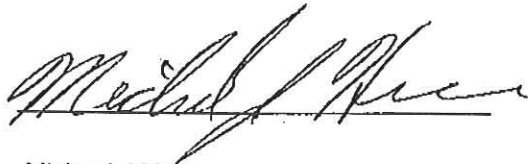
Lowe's Home Centers, Inc.
South Charleston, WV -- Store # 0746

State of West Virginia
Department of Administration
Request for Quotation Number GOE5242
Household Refrigerators

Pricing Sheet

The Pricing Sheet indicates that the total cost of installation of the refrigerators includes "all electrical and plumbing connections." Lowe's Home Centers, Inc. ("Lowe's") will provide delivery and hook-up of refrigerators. Hook-up consists of plugging the appliance into the nearest available electrical outlet. Lowe's will not perform any electrical or plumbing work on any structure as part of its delivery of refrigerators. Because none of the refrigerators to be delivered under this contract contain ice-makers, no plumbing connections will be required as part of this contract.

Signature:



Name:

Michael J Horn

Title:

VP Commercial Sales

Company:

Lowe's Home Centers, Inc.

Approved by Legal Dept

