



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

Solicitation

NUMBER
LOT507

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
 CONNIE OSWALD
 304-558-2157

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE
Mako Power LLC
7708-E Green Meadows Dr. N.
Lewis Center, OH 43035

SHIP TO

LOTTERY COMMISSION
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED
 04/22/2013
 BID OPENING DATE: 05/21/2013

BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		287-12		\$24,823.00 total
THE STATE OF WEST VIRGINIA AND ITS AGENCY THE WEST VIRGINIA LOTTERY REQUEST A QUOTE TO PROVIDE 120 ENERSYS HX400 UPS BATTERIES OR EQUAL AND LABOR TO INSTALL AND REMOVE THE EXISTING BATTERIES LOCATED AT THE WV LOTTERY HOT BACKUP SITE AT 9337 MIDDLETOWN MALL, WHITE HALL, WV PER THE ATTACHED SPECIFICATIONS AND INSTRUCTIONS TO BIDDERS. BID OPENING: MAY 21, 2013 AT 1:30 PM <i>Quoting Hx400</i>						
120 ENERSYS HX400 UPS BATTERIES OR EQUAL & LABOR TO INSTALL AT THE WV LOTTERY HOT BACKUP SITE LOCATED AT 9337 MIDDLETOWN MALL, WHITE HALL, WV PER THE ATTACHED SPECIFICATIONS AND INSTRUCTIONS TO BIDDERS.						
***** THIS IS THE END OF RFQ LOT507 ***** TOTAL:						\$24,823.00
05/02/13 09:35:18 AM West Virginia Purchasing Division						

SIGNATURE 	TELEPHONE 740-549-1540	DATE 4/29/2013
TITLE Owner	FEIN 05-0632427	ADDRESS CHANGES TO BE NOTED ABOVE

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

3.1.1.4 Approved for shipping as non-hazardous, non-spillable – per IATA Special Provision A67 and 49 CFR.

3.1.2 Contract Item #1 must be compatible with SITE ID: 102033—WEST VIRGINIA LOTTERY HOT BACK-UP SITE LOCATED AT 9337 MIDDLETOWN MALL, WHITE HALL, WV.

3.1.2.1 Contract Item # 1 must CONSIST OF THE FOLLOWING:

3.1.2.2.1 High conductivity terminals: brass insert with threaded receptacle (HX80-HX800), bolt terminal (HX80-HX150), or faston tab (HX25-HX50) for maximum conductivity and ease of installation.

3.1.2.2.2 High integrity terminal seal: compression grommet (HX205-HX800) or dual welded/epoxy seal (HX25-HX150) designed for long life.

3.1.2.2.3 Self-regulating relief valve: low pressure non-return valve to prevent ingress of atmospheric oxygen.

3.1.2.2.4 Rugged high performance positive plates: grids designed to resist corrosion and prolong active life.

3.1.2.2.5 Balanced negative plates: to ensure optimum recombination efficiency.

3.1.2.2.6 Tough cell containers: thick-wall plastic, highly resistant to shock and vibration made of flame retardant material.

3.1.2.2.7 Separators: low resistance microporous absorbant glass mat (AGM) allowing the electrolyte to be absorbed within this material.

3.1.2.2.8 Positive and negative plate grids shall be made of lead-calcium-tin alloy.

3.1.2.2.9 Batteries shall have flame retardant case (UL94) and cover to meet UL1778.

3.1.2.2.9 Batteries shall have flame arresting cell vents.

3.1.2.2.10 Batteries shall be hermetically sealed to provide leak resistance over the life of the batteries.

3.1.2.2.11 Batteries shall be computer optimized electrochemistry for increased power up to the 15 minute rate to 1.67 volts/cell.

3.1.2.2.12 Batteries shall have 100% initial capacity.

3.1.3 Contract Item #2 – LABOR AND MATERIALS TO REMOVE EXISTING BATTERIES AND REPLACE WITH NEW BATTERIES IDENTIFIED IN SECTION 3.1

3.1.3.1 Contract Item #2 Labor must be factory trained and certified by Emerson Network Power to install ENERSYS HX400 batteries.

3.1.3.2 Vendor must remove existing batteries and recycle them according to federal and state requirements.

3.1.3.3 Contract Item # 2 must include all shipping charges and mileage.

4. CONTRACT AWARD:

4.1 Contract Award: The Contract is intended to provide Agencies with a purchase price for the Contract Items. The Contract shall be awarded to the Vendor that provides the Contract Items meeting the required specifications for the lowest overall total cost as shown on the Pricing Pages.

4.2 Pricing Page: Vendor should complete the Pricing Page by completing the form in its entirety. Vendor should complete the Pricing Page in full as failure to complete the Pricing Page in its entirety may result in Vendor's bid being disqualified.

Notwithstanding the foregoing, the Purchasing Division may correct errors as it deems appropriate. Vendor should type or electronically enter the information into the Pricing Page to prevent errors in the evaluation.

5. PAYMENT:

5.1 Payment: Vendor shall accept payment in accordance with the payment procedures of the State of West Virginia.

6. DELIVERY AND RETURN:

3.1.4 Shipment and Delivery: Vendor shall ship the Contract Items immediately after being awarded this Contract and receiving a purchase order or notice to proceed. Vendor shall deliver the Contract Items within one to twelve weeks after receiving a purchase order or notice to proceed. Contract Items must be delivered to Agency at **WEST VIRGINIA LOTTERY LOCATED AT 9337 MIDDLETOWN MALL, WHITE HALL, WV.**

6.1 Late Delivery: The Agency placing the order under this Contract must be notified in writing if the shipment of the Contract Items will be delayed for any reason. Any delay in delivery that could cause harm to an Agency will be grounds for cancellation of the Contract, and/or obtaining the Contract Items from a third party.

Any Agency seeking to obtain the Contract Items from a third party under this provision must first obtain approval of the Purchasing Division.

6.2 Delivery Payment/Risk of Loss: Vendor shall deliver the Contract Items F.O.B. destination to the Agency's location.

6.3 Return of Unacceptable Items: If the Agency deems the Contract Items to be unacceptable, the Contract Items shall be returned to Vendor at Vendor's expense and with no restocking charge. Vendor shall either make arrangements for the return within five (5) days of being notified that items are unacceptable, or permit the Agency to arrange for the return and reimburse Agency for delivery expenses. If the original packaging cannot be utilized for the return, Vendor will supply the Agency with appropriate return packaging upon request. All returns of unacceptable items shall be F.O.B. the Agency's location. The returned product shall either be replaced, or the Agency shall receive a full credit or refund for the purchase price, at the Agency's discretion.

6.4 Return Due to Agency Error: Items ordered in error by the Agency will be returned for credit within 30 days of receipt, F.O.B. Vendor's location. Vendor shall not charge a restocking fee if returned products are in a resalable condition. Items shall be deemed to be in a resalable condition if they are unused and in the original packaging. Any restocking fee for items not in a resalable condition shall be the lower of the Vendor's customary restocking fee or 5% of the total invoiced value of the returned items.

REQUEST FOR QUOTATION
RFQ Number LOT507 ENERSYS HX400 UPS BATTERIES

7. PRICING PAGE

Quoting Enersys HX400 batteries.

A. 120 each, ENERSYS HX400 UPS BATTERIES or equal.	\$166.90 ea / \$20,028 total
B. FREIGHT	\$ 0
C. LABOR TO INSTALL, REMOVE & DISPOSE OF OLD BATTERIES - ALL INCLUSIVE	\$ 4800.00
TOTAL OF A + B + C =	\$ 24,823.00

VENDOR NAME	Mako Power LLC
ADDRESS	7708-E Green Meadows Dr. N.
CITY / STATE / ZIP CODE	Lewis Center, OH 43035
CONTACT PERSON	Dwight Kauf
TELEPHONE	740-549-1540
CELL PHONE	614-212-3730
EMAIL	Dwight Kauf
SIGNATURE	

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.
7. Application is made for preference as a non-resident small, women- and minority-owned business, in accordance with West Virginia Code §5A-3-59 and West Virginia Code of State Rules. Bidder has been or expects to be approved prior to contract award by the Purchasing Division as a certified small, women- and minority-owned business.

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: Mako Power / Dwight Kauf
Date: 4/29/2013

Signed: [Signature]
Title: Owner

RFQ No. LOT507

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

MANDATE: Under W. Va. Code §5A-3-10a, 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: (1) the debt owed is an amount greater than one thousand dollars in the aggregate; or (2) the debtor is in employer default.

EXCEPTION: The prohibition listed above does not apply where a vendor has contested any tax administered pursuant to chapter eleven of the W. Va. 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.

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.

"Employer default" means having an outstanding balance or liability to the old fund or to the uninsured employers' fund or being in policy default, as defined in W. Va. Code § 23-2c-2, failure to maintain mandatory workers' compensation coverage, or failure to fully meet its obligations as a workers' compensation self-insured employer. An employer is not in employer default if it has entered into a repayment agreement with the Insurance Commissioner and remains in compliance with the obligations under the repayment agreement.

"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.

AFFIRMATION: By signing this form, the vendor's authorized signer affirms and acknowledges under penalty of law for false swearing (W. Va. Code §61-5-3) that neither vendor nor any related party owe a debt as defined above and that neither vendor nor any related party are in employer default as defined above, unless the debt or employer default is permitted under the exception above.

WITNESS THE FOLLOWING SIGNATURE:

Vendor's Name: Malco Power

Authorized Signature: [Signature] Date: 4/29/13

State of Ohio

County of Delaware, to-wit:

Taken, subscribed, and sworn to before me this 29 day of April, 2013

My Commission expires 9/27, 2014

NOTARY PUBLIC [Signature]

AFFIX SIGNATURE



LAURA A CAMERON
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES SEPT. 27TH, 2014

CERTIFICATION AND SIGNATURE PAGE

By signing below, I certify that I have reviewed this Solicitation in its entirety; understand the requirements, terms and conditions, and other information contained herein; that I am submitting this bid or proposal for review and consideration; that I am authorized by the bidder to execute this bid or any documents related thereto on bidder's behalf; that I am authorized to bind the bidder in a contractual relationship; and that to the best of my knowledge, the bidder has properly registered with any State agency that may require registration.

Mako Power LLC

(Company)

(Authorized Signature)

Dwight Kauf / Owner

(Representative Name, Title)

740-549-1540

(Phone Number)

800-364-6038

(Fax Number)

4/29/2013

(Date)

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: LOT507

Instructions: Please acknowledge receipt of all addenda issued with this solicitation by completing this addendum acknowledgment form. Check the box next to each addendum received and sign below. Failure to acknowledge addenda may result in bid disqualification.

Acknowledgment: I hereby acknowledge receipt of the following addenda and have made the necessary revisions to my proposal, plans and/or specification, etc.

Addendum Numbers Received:

(Check the box next to each addendum received)

- | | |
|---|--|
| <input type="checkbox"/> Addendum No. 1 | <input type="checkbox"/> Addendum No. 6 |
| <input type="checkbox"/> Addendum No. 2 | <input type="checkbox"/> Addendum No. 7 |
| <input type="checkbox"/> Addendum No. 3 | <input type="checkbox"/> Addendum No. 8 |
| <input type="checkbox"/> Addendum No. 4 | <input type="checkbox"/> Addendum No. 9 |
| <input type="checkbox"/> Addendum No. 5 | <input type="checkbox"/> Addendum No. 10 |

I understand that failure to confirm the receipt of addenda may be cause for rejection of this bid. I further 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.

Mako Power LLC

Company



 Authorized Signature

4/29/2013

Date

NOTE: This addendum acknowledgment should be submitted with the bid to expedite document processing.



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

Solicitation

NUMBER
LOT507

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
CONNIE OSWALD 304-558-2157

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE
Mako Power LLC
7708-E Green Meadows Dr. N.
Lewis Center, OH 43035

S.H.P.T.O.

LOTTERY COMMISSION
 VARIOUS LOCALES AS INDICATED
 BY ORDER

05/21/13 09:01:20 AM
 West Virginia Purchasing Division

DATE PRINTED
05/10/2013

BID OPENING DATE: 05/21/2013

BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 1						
1. TO PROVIDE ANSWERS TO QUESTIONS RECEIVED FOR THIS SOLICITATION. 2. TO PROVIDE THE ADDENDUM ACKNOWLEDGMENT, THIS DOCUMENT SHOULD BE SIGNED AND RETURNED WITH YOUR BID. FAILURE TO SIGN AND RETURN MAY RESULT IN DISQUALIFICATION OF YOUR BID.						
END OF ADDENDUM NO. 1.						

SIGNATURE <i>Dwight Kauf</i>	TELEPHONE 740-549-1540	DATE 5/21/2013
TITLE Owner	FEIN 05-0632427	ADDRESS CHANGES TO BE NOTED ABOVE

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

SOLICITATION NUMBER: LOT507
Addendum Number: 01

The purpose of this addendum is to modify the solicitation identified as ("Solicitation") to reflect the change(s) identified and described below.

Applicable Addendum Category:

- Modify bid opening date and time
- Modify specifications of product or service being sought
- Attachment of vendor questions and responses
- Attachment of pre-bid sign-in sheet
- Correction of error
- Other

Description of Modification to Solicitation:

1. To provide answers to questions received for this solicitation.
2. To provide the addendum acknowledgment.

Additional Documentation: Documentation related to this Addendum (if any) has been included herewith as Attachment A and is specifically incorporated herein by reference.

Terms and Conditions:

1. All provisions of the Solicitation and other addenda not modified herein shall remain in full force and effect.
2. Vendor should acknowledge receipt of all addenda issued for this Solicitation by completing an Addendum Acknowledgment, a copy of which is included herewith. Failure to acknowledge addenda may result in bid disqualification. The addendum acknowledgement should be submitted with the bid to expedite document processing.

ATTACHMENT A

WEST VIRGINIA LOTTERY
LOT507
ADDENDUM #1

1. The bid specifies that only Emerson factory trained personnel can install the batteries. Would Enersys Factory Trained service technicians be allowed to install these batteries since they are the battery manufacturer?

ANSWER 1. A Liebert certified technician must be on site to put each string on line to equalize the new batteries per UPS manufacturer specifications.

2. What is the Make, Model and kVA of the unit these batteries are going in?

ANSWER 2. Make: Liebert Model: Npower S/N: 37SA100C0C6BF23 100kVA

3. The batteries come on a pallet or in this case pallet. Is there a loading dock? If yes how far from the loading dock to the UPS? If no how would you normally accept large deliveries at this location?

ANSWER 3. There is a garage door at ground level. The vendor will need to provide a lift gate to get the batteries off of the truck and into our warehouse. The UPS room is located about 40 feet from the garage door and there are no steps or inclines.

Please Note that the battery manufacture does not recommend equalization of the Enersys battery upon installation so a Liebert tech is not required AT ALL. Mako replaces batteries in Liebert Npower UPS units regularly and are adept at the process needed to perform these duties.

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: LOT507

Instructions: Please acknowledge receipt of all addenda issued with this solicitation by completing this addendum acknowledgment form. Check the box next to each addendum received and sign below. Failure to acknowledge addenda may result in bid disqualification.

Acknowledgment: I hereby acknowledge receipt of the following addenda and have made the necessary revisions to my proposal, plans and/or specification, etc.

Addendum Numbers Received:

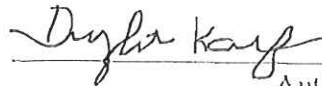
(Check the box next to each addendum received)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Addendum No. 1 | <input type="checkbox"/> Addendum No. 6 |
| <input type="checkbox"/> Addendum No. 2 | <input type="checkbox"/> Addendum No. 7 |
| <input type="checkbox"/> Addendum No. 3 | <input type="checkbox"/> Addendum No. 8 |
| <input type="checkbox"/> Addendum No. 4 | <input type="checkbox"/> Addendum No. 9 |
| <input type="checkbox"/> Addendum No. 5 | <input type="checkbox"/> Addendum No. 10 |

I understand that failure to confirm the receipt of addenda may be cause for rejection of this bid. I further 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.

Mako Power LLC

Company

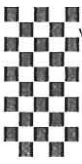


Authorized Signature

5/21/2013

Date

NOTE: This addendum acknowledgment should be submitted with the bid to expedite document processing.
Revised 6/8/2012



FAX

Date: 5/21/2013

Pages including cover sheet: 6

To:	Connie Oswald
	State of West Virginia
<i>Phone</i>	
<i>Fax Number</i>	+1 (304) 558-3970

From:	Dwight Kauf
	Mako Power
	7708 Green Meadows Dr. N
	Lewis Center
	OH 43035
<i>Phone</i>	740-549-1540
<i>Fax Number</i>	+1 (800) 364-6038

NOTE:

Dear Connie,

Please accept my signed copy of the addendum number 1 for LOT507 bid for battery replacement.

Sincerely,
Dwight Kauf
Mako Power LLC