



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

Purchase Order

PURCHASE ORDER NO.
DFS05

PAGE
1

BLANKET RELEASE
00

CORRECT PURCHASE ORDER NUMBER
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 QUESTIONS CONCERNING THIS PUR-
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 TO THE BUYER AS NOTED BELOW.

CHANGE ORDER

SEE REVERSE SIDE FOR
 TERMS AND CONDITIONS

INVOICE TO

ALL STATE AGENCIES
 AND POLITICAL SUBDIVISIONS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

AGENCY COPY

VENDOR

*C1613272801 800-624-8578
 US FOODSERVICE WV
 2575 VIRGINIA AVENUE
 HURRICANE WV 25526

SHIP TO

ALL STATE AGENCIES
 AND POLITICAL SUBDIVISIONS
 VARIOUS LOCALES AS INDICATED
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DATE PRINTED		TERMS OF SALE		FEIN/SSN		FUND	
03/13/2005		NET 30		363642294			
SHIP VIA		F.O.B		FREIGHT TERMS		ACCOUNT NUMBER	
BEST WAY		DESTINATION		PREPAID		MUL - MUL	
LINE	QUANTITY	UOP	VENDOR ITEM NO.		UNIT PRICE	AMOUNT	
	DELIVERY DATE	CAT.NO.	ITEM NUMBER				
0001		EA			0.00000		
<p>BLANKET OPEN-END STATEWIDE CONTRACT</p> <p>VENDOR SHALL FURNISH DISPOSABLE FOOD SERVICE ITEMS TO ALL WEST VIRGINIA STATE AGENCIES AND POLITICAL SUBDIVISIONS.</p> <p>THIS AWARD IS PER ALL THE TERMS AND CONDITIONS OF THE REQUEST FOR QUOTATION DATED 1/19/2005 AND VENDOR'S BID DATED 2/24/2005.</p> <p>PRICING SHALL BE PER THE ATTACHED PRICING PAGES.</p> <p>AGENCIES USING THE PROCUREMENT CARD FOR PURCHASES ARE NOT REQUIRED TO SEND A COPY OF THE CONTRACT RELEASE ORDER TO THE PURCHASING DIVISION.</p>							
	02/28/2005		640-22				
	VARIOUS DISPOSABLE FOOD SERVICE ITEMS						
WV STATE PURCHASING DIVISION ADMINISTRATION UNIT CERTIFIED ENCUMBERED MAR 18 2005 <i>Beverly Toler</i>							
IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE <input checked="" type="checkbox"/> <i>3-16-05</i>						OPEN END	
						TOTAL	

APPROVED FOR
 ONE FISCAL YEAR

Dwayne Wayfield

APPROVED AS TO FORM BY
 ASSISTANT ATTORNEY GENERAL

BETTY FRANCISCO 304-558-0468
 BY *Joan Royal 3/16/05*
 PURCHASING DIVISION AUTHORIZED SIGNATURE

**GENERAL TERMS & CONDITIONS
PURCHASE ORDER/CONTRACT**

1. **ACCEPTANCE:** Seller shall be bound by this order and its terms and conditions upon receipt of this order.
2. **APPLICABLE LAW:** The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
3. **NON-FUNDING:** All services performed or goods delivered under State Purchase Orders/ Contracts are to be continued for the terms of the Purchase Order/Contract, 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.
4. **COMPLIANCE:** Seller shall comply with all Federal, State and local laws, regulations and ordinances including, but not limited to, the prevailing wage rates of the WV Division of Labor.
5. **MODIFICATIONS:** This writing is the parties final expression of intent. No modification of this order shall be binding unless agreed to in writing by the Buyer.
6. **ASSIGNMENT:** Neither this Order nor any monies due, or to become due hereunder may be assigned by the Seller without the Buyer's consent.
7. **WARRANTY:** The Seller expressly warrants that the goods and/or services covered by this order will: {a} conform to the specifications, drawings, samples or other description furnished or specified by the Buyer {b} be merchantable and fit for the purpose intended and/or {c} be free from defect in material and workmanship.
8. **CANCELLATION:** The Director or Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
9. **SHIPPING, BILLING & PRICES:** Prices are those stated in this order. No price increase will be accepted without written authority from the Buyer. All goods or services shall be shipped on or before the date specified in this Order.
10. **LATE PAYMENTS:** Payments may only be made after the delivery of goods or services. Interest may be paid on late payments in accordance with the *West Virginia Code*.
11. **TAXES:** The State of West Virginia is exempt from Federal and State taxes and will not pay or reimburse such taxes.
12. **RENEWAL:** Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
13. **BANKRUPTCY:** In the event the vendor / contractor files for bankruptcy protection, this contract is automatically null and void, and is terminated without further order.
14. **HIPAA Business Associate Addendum -** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (<http://www.state.wv.us/admin/purchase/vrc/hipaa.htm>) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Covered Entity (45 CFR ü160.103) and will be disclosing Protected Health Information (45 CFR ü160.103) to the vendor.



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	EXHIBIT 3						
	<p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON MARCH 15, 2005 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.</p> <p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.</p> <p>RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE</p>						
IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE <input type="checkbox"/>						TOTAL	

BETTY FRANCISCO 304-558-0468

BY _____
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	(1) YEAR PERIODS.						
	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.						
	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 TRANS- PORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)						
	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.						

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	<p>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN STATE CONTRACT ORDER (FORM NUMBER WV-39) TO THE VENDOR FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL COPY OF THE WV-39 SHALL BE MAILED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT, A SECOND COPY MAILED TO THE PURCHASING DIVISION, AND A THIRD COPY RETAINED BY THE SPENDING UNIT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED 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>EXHIBIT 6</p>				
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LINE	QUANTITY	UOP	VENDOR ITEM NO.	UNIT PRICE	AMOUNT
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<p>PRICE ADJUSTMENT PROVISION: THE STATE OF WEST VIRGINIA WILL CONSIDER BIDS THAT CONTAIN PROVISIONS FOR PRICE ADJUSTMENTS PRIOR TO THE ORIGINAL EXPIRATION OF THE CONTRACT, PROVIDED THAT SUCH PRICE ADJUSTMENT COVERS BOTH UPWARD AND DOWNWARD MOVEMENT OF THE COMMODITY PRICE, AND THAT ADJUSTMENT IS BASED ON THE "PASS THROUGH" INCREASE OR DECREASE OF RAW MATERIALS AND/OR LABOR, WHICH MAKE UP ALL OR A SUBSTANTIAL PART OF A PRODUCT. ADJUSTMENTS ARE TO BE BASED UPON AN ACTUAL DOLLAR FIGURE, NOT A PERCENTAGE. ALL PRICE ADJUSTMENT REQUESTS MUST BE SUBSTANTIATED IN A MANNER ACCEPTABLE TO THE DIRECTOR PURCHASING, E.G. GOVERNMENTAL BENCH MARKS, GENERAL MARKET INCREASE, PUBLISHED PRICE LISTS. SUCH REQUESTS FOR AND INCREASE SHOULD BE RECEIVED IN WRITING BY THE DIRECTOR OF PURCHASING AT LEAST 30 DAYS IN ADVANCE OF THE EFFECTIVE DATE OF THE INCREASE. ANY TIME THE VENDOR REQUESTS A PRICE ADJUSTMENT, THE PURCHASING DIVISION MAY EITHER ACCEPT THE PRICE ADJUSTMENT AND AMEND THE CONTRACT ACCORDINGLY OR REJECT THE ADJUSTMENT IN ITS ENTIRETY AND CANCEL THE CONTRACT.</p> <p>PREFERRED TERMS:</p>					

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<p>IT IS PREFERRED THAT THE PRICES ON THIS CONTRACT ARE FIRM FOR LIFE OF THE CONTRACT, AS INDICATED IN THE LIFE OF CONTRACT CLAUSE CONTAINED HEREIN, NOT TO EXCEED ONE (1) YEAR.</p> <p>PURCHASING CARD ACCEPTANCE: THE STATE OF WEST VIRGINIA CURRENTLY UTILIZES A VISA PURCHASING CARD PROGRAM WHICH IS ISSUED THROUGH A LOCAL BANK. THE SUCCESSFUL VENDOR MUST ACCEPT THE STATE OF WEST VIRGINIA VISA PURCHASING CARD FOR PAYMENT OF ALL ORDERS PLACED BY ANY STATE AGENCY FOR ORDERS THAT ARE LESS THAN \$2,500 AS A CONDITION OF AWARD.</p>							
						TOTAL	

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DFS05 - PRICING

ITEM	DESCRIPTION	U/M	UNIT PRICE
1	SANDWICH BAGS: 5 3/4" X 6 7/8" X 1 1/8" BROWN PAPER GOODS #7A02 OR EQUAL	CS	21.24
2	SILVERWARE BAGS: PLAIN PAPER, 10" X 2" X 3/4" BROWN PAPER GOODS #8A07 OR EQUAL	BX	96.83
3	CUP: COLD DRINK, 3 1/2 OZ., FLAT BOTTOM, HEAVY WAXED, NOT PLEATED SWEETHEART R3 OR EQUAL	CS	27.72
4	CUP: COLD DRINK, 3 1/2 OZ., FLAT BOTTOM PLEATED FOR DISPENSER SWEETHEART #450 OR EQUAL	CS	92.07
5	DISPENSER FOR COLD DRINK CUP, 3 1/2 OZ., FLAT BOTTOM, PLEATED, 1 PER CASE SWEETHEART EAD10 OR EQUAL	CS	25.56
6	MOSAIC 7 1/4 OZ. COLD DRINK CUP FLAT BOTTOM, NARROW BASE FOR COVER ALL LID SWEETHEART R7N JAZZ OR EQUAL	CS	66.00
7	LID FOR 7 1/4" COLD DRINK CUP, FLAT BOTTOM, NARROW BASE SWEETHEART L7N OR EQUAL	CS	44.64
8	CUP: COLD DRINK, 10 OZ., 2,500 PER CASE SWEETHEART R10N N OR EQUAL	CS	94.18
9	LID FOR COLD DRINK CUP, 10 OZ., 2,500 PER CASE SWEETHEART L10BLN OR EQUAL	CS	41.63
10	CUP: HOT DRINK, 6 OZ., FOAM DART 6J6 OR EQUAL	CS	10.44
11	LID FOR HOT DRINK CUP, 6 OZ. DART 6JL OR EQUAL	CS	7.08
12	TUMBLER: 10 OZ., CRYSTAL CLEAR, DISPOSABLE THIN-WALL, ROLLED LIPS, CONSTRUCTED OF HIGH IMPACT POLYSTYRENE PLASTIC DART 10CT10 OR EQUAL	CS	58.02

DFS05 - PRICING

ITEM	DESCRIPTION	U/M	UNIT PRICE
13	CUP: COLD DRINK, 8 OZ., FOAM DART 8J8 OR EQUAL	CS	12.53
14	LID FOR 8 OZ. COLD DRINK CUP, FOAM 1000 PER CASE - DART 8JL OR EQUAL	CS	7.32
15	CUP: 12 OZ. COLD DRINK, FOAM DART 12J12 OR EQUAL	CS	17.75
16	LID FOR 12 OZ. COLD DRINK CUP, FOAM DART 12JL OR EQUAL	CS	14.34
17	PLATES: 6" (BREAD & BUTTER), FOAM PACTIV TH1-0006 OR EQUAL	CS	14.04
18	PLATES: 9" (DINNER), FOAM PACTIVE TH1-0009 OR EQUAL	CS	14.04
19	PLATES: 9" (SECTIONAL DINNER), FOAM PACTIV TH1-0011 OR EQUAL	CS	14.04
20	BOWL: 10 OZ. FOAM, (SALAD, CEREAL, SOUP) DART 10B20 OR EQUAL	CS	22.84
21	BOWL: 12 OZ. FOAM, (SOUP) SWEETHEART #FS12BN OR EQUAL	CS	16.85
22	PLATE: 6" PAPER, LIGHT WEIGHT, 1000 PER CASE PAPERCONE 40100 OR MENDENALL 7606 OR EQUAL	CS	9.38
23	CARRY-OUT CONTAINER, SANDWICH, FOAM HINGED-LID, 6" X 6" X 3" PACTIV TH1-0080 OR EQUAL	CS	21.94
24	CARRY-OUT CONTAINER, DINNER, 3 COMPARTMENT, FOAM, HINGED LID, 9 1/8" X 9" X 3 1/4" PACTIVE HLW-0903 OR EQUAL	CS	16.20
25	CARRY-OUT CONTAINER, DINNER, SINGLE COMPARTMENT, FOAM, HINGED-LID, 9 1/8" X 9" X 3 1/4" PACTIV HLW-0901 OR EQUAL	CS	16.20

DFS05 - PRICING

ITEM	DESCRIPTION	U/M	UNIT PRICE
26	FORK: MEDIUM WEIGHT, PLASTIC, INDIVIDUALLY WRAPPED 1,000 PER CASE - JET IEFW OR EQUAL	CS	19.80
27	KNIFE: MEDIUM WEIGHT, PLASTIC, INDIVIDUALLY WRAPPED 1,000 PER CASE - JET IEKW OR EQUAL	CS	19.80
28	SPOON: MEDIUM WEIGHT, PLASTIC, INDIVIDUALLY WRAPPED 1,000 PER CASE - JET IESW OR EQUAL	CS	19.80
29	SPOON: MEDIUM WEIGHT, PLASTIC, INDIVIDUALLY WRAPPED JET IEPW OR EQUAL	CS	19.80
30	SETS: (FORK, KNIFE, SPOON) MEDIUM WEIGHT, PLASTIC, INDIVIDUALLY WRAPPED - JET 3EW5 OR EQUAL	CS	26.90
31	FOIL: ALUMINUM, HEAVY DUTY, .001 GUAGE, WRAPPING MATERIAL, 18" WIDTH X 500 FOOT ROLL IN CUTTER BOX ALUMAX 124 OR REYNOLDS #624 OR EQUAL	RL	21.97
32	PAPER: BUTCHER, WHITE, DRY FINISH, 18" WIDE WRAPPING MATERIAL, 40 LBS. BASIS WEIGHT, 1300 FOOT LENGTH ROLL DURO BAG MFGF. 85093 OR EQUAL	RL	22.57
33	WRAP: PVC CLEAR WRAPPING MATERIAL 18" WIDE X 2000 FOOT LENGTH ANCHOR PACKAGING PW182 OR EQUAL	RL	15.40
34	GLOVES: PLASTIC FOOD HANDLERS, DISPOSABLE ROYAL PAPER RDPG-100 OR EQUAL	BX	5.10
35	HATS OR CAPS: "OVERSEAS STYLE", PAPER LINEN, SANITARY WHITE, DISPOSABLE, ADJUSTABLE, STANDARD FOR FOOD HANDLERS INDUSTRY ROYAL PAPER RCC2 OR EQUAL	CS	6.24
36	TABLE COVER: PAPER, APPROXIMATELY 40" WIDTH X 300 FOOT LENGTH, ONE ROLL PER CASE - PLEASE SPECIFY THE BRAND, ITEM NUMBER, AND COLOR FT. JAMES 810 OR EQUAL	RL	15.24

DFS05 - PRICING

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ITEM	DESCRIPTION	U/M	UNIT PRICE
37	TABLE COVER: ONE LAYER POLYESTER AND TWO LAYERS PAPER OR SIMILAR CONSTRUCTION - APPROXIMATE SIZE 54" X 108". PLEASE SPECIFY THE BRAND, ITEM NUMBER, COUNT PER CASE, AND COLOR FT. JAMES 840-01 OR EQUAL	CS	43.15
38	NAPKINS: DISPENSER TYPE, FOLDED, 1 PLY, FOLDED SIZE: 3 1/2" X 6 3/4", OPEN NAPKIN SIZE IS 12" X 13" FT. JAMES 370-95 OR EQUAL	CS	39.50
39	NAPKINS: DISPENSER TYPE, FOLDED, 1 PLY FOLDED SIZE: 3 1/2" X 6 3/4", OPEN NAPKIN IS 8" X 13 1/2" FT. JAMES 322091 OR EQUAL	CS	30.40
40	NAPKINS: QUARTERFOLD, 1 PLY (LUNCHEON SIZE) OPEN NAPKIN SIZE IS 13" X 13" FT. JAMES 377-06 OR EQUAL	CS	36.90
41	NAPKINS: QUARTERFOLD, 1 PLY (DINNER SIZE) OPEN NAPKIN SIZE IS 17" X 17" FT. JAMES 362 OR EQUAL	CS	44.25
42	NAPKINS: QUARTERFOLD, 1 PLY (COCKTAIL SIZE) OPEN NAPKIN SIZE IS 10" X 10" FT. JAMES 960-17 OR EQUAL	CS	15.75
43	NAPKINS: QUARTERFOLD, 2 PLY (DINNER SIZE) OPEN NAPKIN IS 13" X 17" FT. JAMES 313-26 OR EQUAL	CS	45.10
44	STRAWS: DRINKING, INDIVIDUALLY WRAPPED - 7 3/4" FT. JAMES/DIXIE ITEM #12205 OR NIAGARA STRAW #1502/375 OR EQUAL	CS	38.34
45	SETS: (FORK, KNIFE, SPOON & NAPKIN) MEDIUM WEIGHT, PLASTIC, INDIVIDUALLY WRAPPED - SOLO 34190 OR EQUAL	CS	56.73



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 BY ORDER

VENDOR

*C1613272801 800-624-8578
 US FOODSERVICE WV
 2575 VIRGINIA AVENUE
 HURRICANE WV 25526 25526

SHIP TO

ALL STATE AGENCIES
 AND POLITICAL SUBDIVISIONS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED		TERMS OF SALE		FEIN/SSN		FUND	
03/13/2005		NET 30		363642294			
SHIP VIA		F.O.B		FREIGHT TERMS		ACCOUNT NUMBER	
BEST WAY		DESTINATION		PREPAID		MUL - MUL	
LINE	QUANTITY	UOP	VENDOR ITEM NO.		UNIT PRICE	AMOUNT	
	DELIVERY DATE	CAT.NO.	ITEM NUMBER				
RECEIPT TICKET FOR PURCHASE ORDER:						DFS05	
LINE	CATNO	ITEM	NUMBER		DESCRIPTION	QTY	DATE
0001	640-22				VARIOUS DISPOSABLE FOOD SERVICE ITE	_____	_____
SIGNATURE _____						DATE _____	

IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE

TOTAL

BETTY FRANCISCO

304-558-0468

BY _____
 PURCHASING DIVISION AUTHORIZED SIGNATURE

APPROVED AS TO FORM BY
 ASSISTANT ATTORNEY GENERAL