



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.
FUEL05A

PAGE
1

BLANKET RELEASE
00

CORRECT PURCHASE ORDER NUMBER
 MUST APPEAR ON ALL PACKAGES,
 INVOICES, AND SHIPPING PAPERS.
 QUESTIONS CONCERNING THIS PUR-
 CHASE ORDER SHOULD BE DIRECTED
 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

*709043738 304-291-6980
 BRUCETON PETROLEUM CO INC
 1768 MILEGROUND ROAD
 MORGANTOWN WV 26505

SHIP TO

ALL STATE AGENCIES
 AND POLITICAL SUBDIVISIONS
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 BY ORDER

DATE PRINTED		TERMS OF SALE		FEIN/SSN		FUND	
05/31/2005		NET 30		550686395			
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				
<p>BLANKET OPEN-END STATEWIDE CONTRACT</p> <p>TO SUPPLY MOTOR AND HEATING FUELS FOR ALL WEST VIRGINIA STATE AGENCIES AND POLITICAL SUBDIVISIONS.</p> <p>THIS AWARD FOR DISTRICT THREE TANK WAGON ORDERS IS PER THE FOLLOWING:</p> <ol style="list-style-type: none"> REQUEST FOR QUOTATION DATED 4/26/2005. FUEL05 SPECIFICATIONS, 5 PAGES, REV. 5/9/05 VENDOR'S QUOTATION DATED 5/17/05. <p>THE ATTACHED PRICING PAGE SHOWS THE FIRM MARKUP PRICE PER GALLON.</p> <p>ATTACHMENTS:</p> <ol style="list-style-type: none"> PRICING PAGE FUEL05 SPECIFICATIONS, 5 PAGES, REV. 5/9/05. FUEL REPORTING FORM 							
						<p>WV STATE PURCHASING DIVISION ADMINISTRATION UNIT CERTIFIED ENCUMBERED</p> <p>JUN - 8 2005</p> <p><i>Beverly Toler</i></p>	
<p>IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE <input checked="" type="checkbox"/> <i>BJ 6-1-05</i></p>						<p>OPEN END</p>	
						<p>TOTAL</p>	

Samuel Wayfield

APPROVED AS TO FORM BY
 ASSISTANT ATTORNEY GENERAL

BETTY FRANCISCO 304-558-0468
 BY *Betty Francisco*
 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 acceptance 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 of 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 §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.



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***709043738 304-291-6980
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0001	04/30/2005	LS	405-15		0.00000		
<p>A QUARTERLY REPORT SHALL BE SUBMITTED AS REQUIRED BY THE SPECIFICATIONS. VENDOR SHALL USE THE ATTACHED FORM FOR SUCH REPORT. VENDOR MAY REQUEST THIS FORM BE SENT ELECTRONICALLY.</p> <p>MOTOR AND HEATING FUELS</p> <p>EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON JULY 1, 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>							

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

TOTAL

BETTY FRANCISCO

304-558-0468

BY _____
 PURCHASING DIVISION AUTHORIZED SIGNATURE

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<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 (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</p>							
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M-U-R-D-E-R

*709043738 304-291-6980
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S-H-I-P-T-O

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<p>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> <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>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</p>							
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	PAYMENT OF ALL ORDERS PLACED BY ANY STATE AGENCY FOR ORDERS THAT ARE LESS THAN \$2500.00 AS A CONDITION OF AWARD. THE SUCCESSFUL VENDOR MUST ALSO HAVE THE ABILITY TO ACCEPT RELEASE ORDERS BY FACSIMILE, TELEPHONE, OR PAPER FORM, AND SHOULD HAVE THE ABILITY TO ACCEPT ORDERS BY INTERNET.				
	EXHIBIT 4				
	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.				
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**FUEL05A
CONTRACT PRICING PAGE
BRUCETON PETROLEUM**

TERMINAL:		DISTRICT THREE
		MARIETTA
	TYPE OF FUEL:	FIRM MARKUP PRICE PER GALLON:
		T/W
1	Unleaded Gasoline	\$0.0868
2	Premium Gasoline	\$0.0868
3	#1 Diesel/Kerosene	\$0.0900
4	#2 Diesel	\$0.0900
5	#2 Diesel/Winter Additive	\$0.1050
6	#1 Heating/Kerosene	\$0.0900
7	#2 Heating	\$0.0900

Minimum Gallonage for T/T Diesel & Heating Oil: 7000

Minimum Gallonage for T/T Gasoline: 8000

Deliver gasoline and distillates on the same T/T load? Yes

Able to split deliveries between multiple locations? Yes \$30 / split

Contractor Coordinator:

Mike Groves

Phone Number:

304-291-6980

Fax Number:

304-291-6984

email:

mgroves@bfscompanies.com

FUEL05 Quarterly Report

Vendor: Brucefon			
DISTRICT THREE	TYPE OF FUEL:	USAGE: - T/W Gallons	Cost
1	Unleaded Gasoline		\$
2	Premium Gasoline		\$
3	#1 Diesel/Kerosene		\$
4	#2 Diesel		\$
5	#2 Diesel/Winter Additive		\$
6	#1 Heating/Kerosene		\$
7	#2 Heating		\$
NOTE:			
Separate form should be completed for DOH; all other State Agencies/Political Subdivisions should be listed together on a second form.		Grand TOTAL	\$
Signature:			

FUEL05 Specifications

VENDOR ELIGIBILITY: Vendors must be an established refiner, distributor or dealer and must satisfactorily prove to the purchasing division that adequate facilities and/or equipment are available to perform all the requirements of the contract. Vendors should briefly address this issue in their bids.

NOTE: All fuel deliveries shall be metered at the point of delivery and shall issue a printed ticket, to meet the Department of Labor requirements: Tanker trucks may make a delivery of a complete compartment and are permitted to use the allocation metered ticket from the loading point for this printed ticket. West Virginia Code 47-1-11 adopts NCWM Hand Book 130 part "Uniform Engine Fuels...Regulation". Section 3 of that Regulation, subparagraph 3.1.1 concerns documentation.

GASOLINE: Unleaded Gasoline shall comply with the most recent ASTM D 4814-04b or the most current edition Standard Specifications for Automotive Gasoline.

The minimum anti-knock octane for:

Unleaded Gasoline:	87
Premium Unleaded:	91

DIESEL FUEL: Diesel Fuel Oil shall comply with ASTM D 975-04c or the latest edition except the Minimum Cetane Rating shall be 40. The cloud points are as follows:

Type I	-37 C (-35 F)
Type I	Low Sulphur #2 .05 with lubricity.
Type II	-15C (+5 F)
Type II	High Sulphur

Diesel Fuel Oil shall be a low sulfur all-purpose diesel fuel oil intended for the use in all automotive type diesel engines under all normal conditions of service. Fuel shall be free from water, grit, acid, and fibrous or other foreign matter likely to clog or injure pumps, nozzles, or valves.

SPECIAL REQUIREMENT OF THE DEPARTMENT OF HIGHWAYS: During The period of November 1 to February 28, diesel motor fuels type I and II shall be blended or have additives to prevent gelling of product. The blend may consist of 30% type I and 70% type II with a cloud point of approximately -21 C (-7 F). The percentage of blend is subject to change at the request of the ordering agency.

FUEL05 Specifications

SAMPLING, INSPECTION, AND TESTS: Sampling, inspection and testing shall be in accordance with Federal Specifications to obtain a fuel which meets the detailed requirements as specified and determined in the Department of Highway Laboratory. No allowances shall be made for any reproducibility factors in the prescribed test methods. The supplier will allow samples to be taken prior to discharging of product into localities tanks. Samples will be taken without prior notices.

HEATING OIL: These specifications cover the grades #1, #2, #4, and #5 fuel oils for various types of fuel burning equipment. Must meet specifications of ASTM Heating Oil D396-04

The fuel oils herein specified shall be hydrogen oils free from grit, acid and fibrous or other foreign matter likely to clog or injure the burner or valves. If required, the oil shall be strained by being drawn through filter or wire of 16 mesh to the inch. (U.S. Standard sieve 16, ASTM 1, 190 microns). The clearance area through the strainers shall be at least twice the area of the suction pipe and strainers shall be in duplicate.

The various grades of fuel oil shall conform to the detailed requirements for Fuel Oils "National Bureau of Standards" CS-12-48, dated September 25, 1948, or the latest edition: It is the intent of these specifications that failure to meet any requirements of a given grade does not automatically place an oil in the next grade unless in fact it meets all requirements of the lower grade.

The technical requirements of the National Bureau of Standards Commercial Standard CS-12-48 are identical in substance with tentative specifications for fuel oil, American Society of Testing Materials D396-48T latest edition.

All fuel oil not meeting specifications is not acceptable to any of the localities and must be removed from tank at contractor's expense. No additional product may be added to change the grade of the product.

DELIVERIES: Normal use requirements will be ordered three (3) working days in advance of the required delivery date. The State prefers that delivery be made in three (3) working days. Emergency requirements or situations which cannot be scheduled in advance will require 24 hour delivery.

DELIVERY DOCUMENTS: Delivery documents must be presented to the receiving agency prior to unloading. The documents will be signed after unloading and verification of quantities received is made.

FUEL05 Specifications

DELAY OR FAILURE TO DELIVER: The contractor shall not be liable in damages for the delay of shipment or failure to deliver caused by fire, flood, Acts of God, Acts of Government, Act of an alien enemy, or by any other circumstances which in the opinion of the state agency is beyond the control of the contractor. The state agency may, in its discretion purchase the product on the market until such time product becomes available by the supplier.

ESTIMATED QUANTITIES: Requirements shown by location on the bid sheet are based upon agency data for one year. Actual usage may be more or less.

TAXES: The State of West Virginia agencies are exempt from the Federal Excise Tax and the State Consumer Sales Tax. State of West Virginia agencies are not exempt from State Excise Tax. West Virginia State agencies currently pay a variable rate component of the motor fuel excise tax on motor fuel sold or used of 6.50/cents per gallon. State agencies also currently pay 20.50/cents per gallon for the flat rate component of the West Virginia Excise tax.

Any Superfund Tax must be included in the bidder's mark-up price. The State will not accept bids from bidders who cannot meet the above conditions regarding taxes.

PRICING: The State of West Virginia will accept bids only by District locations. Vendors must bid a firm fixed mark-up price per gallon on fuel delivery with product price tied to the OIL PRICE INFORMATION SERVICE (OPIS) publication. Prices should reflect the OPIS price for the terminal used to service each district. The OPIS price used in bid evaluation shall be the OPIS average of the bid opening week, for the terminal listed by the bidder for each district. All prices quoted shall be the delivered price to any location within that district.

FIRM FIXED MARK-UP PER GALLON: The vendor is to bid only a firm fixed mark-up for business profit and expenses in supplying the product to the State Agencies. Product cost shall be the average rack price of the products as published (for the preceding week) for the vendor supply terminal location in the OIL PRICE INFORMATION SERVICE, as published by United Communications Group, 11300 Rockville Pike, Suite 1100, Rockville, MD 20852. Telephone (800) 929-4824

Bids are requested for two pricing categories:

Tank-wagon (T/W) and Truck Transport (T/T) delivery. Vendor must indicate the minimum delivery quantity for truck transport (T/T) delivery pricing. The bid prices for one District shall not be conditioned on the award of any other District.

FUEL05 Specifications

AGENCY ORDERING PROCEDURE: The state agency shall coordinate fuel deliveries with the Department of Highways, Buckhannon, WV. The Department of Highways shall attempt to consolidate fuel orders in a manner to reduce your fuel costs. All West Virginia State agencies must contact the Fuel Coordinator prior to purchase. The vendors shall not accept orders that have not been coordinated through this coordinator.

Contact Person: Mr. Gary Barr (304) 472-1750 Ext. 223

Since the product pricing is subject to weekly changes, the state agency is to verify pricing information provided by the Department of Highways and the Notice of Contract Award. The actual price is computed as follows:

NORMAL: Average rack price from OPIS report + State Excise Tax for Motor Fuel (if applicable).

+ Vendors mark-up as quoted in contract = price per gallon delivered.

WINTERIZED FUEL: (November thru February)

- **Blended with Additive:** Average rack price for #2 Diesel (gallons delivered) from OPIS report:
 - + State Excise Tax
 - + Vendors mark-up per gallon
 - = Price per gallon delivered

- **Blended with Kerosene (or #1 Diesel Fuel):** Average rack price for #2 diesel (gallons delivered) from OPIS report:
 - + State Excise Tax
 - + Vendor's mark-up per gallon
 - = Price per gallon #2 Diesel delivered

 - + Average rack price for Kerosene (or #1 Diesel), gallons delivered, from OPIS report

 - + State Excise Tax
 - + Vendor's mark-up per gallon

FUEL05 Specifications

= Price per gallon Kerosene a(or #1 Diesel) delivered

NOTE: This kerosene blend is only for truck transport where winterized fuel is not available from terminal.

REPORTING REQUIREMENTS: Winning bidders shall be required to submit quarterly reports to the Purchasing Division in a format which shall be supplied. This report shall show the quantity of each product and the location (district) or agency to which it was delivered, and a total of each product for each quarter.

AWARD:

1. Resident Vendor Preference shall be considered, if requested on the bid documents, by West Virginia vendor, and such preference shall be added to the out of state vendors mark-up price for the purpose of evaluation.
2. The award will be made by District (Districts 1 through 10). Each District may be split into tank transport or tank wagon pricing.

The successful bidder will be awarded all items under tank wagon or all items under tank transport per district.

The State of West Virginia reserves the right to combine orders in an effort to receive tank transport pricing at all locations where feasible. In the event that the vendor with tank transport pricing cannot accept a combined order to more than one location, the Fuels Coordinator will then issue the order to the vendor who has tank wagon pricing for that district.

3. For the purpose of evaluation, the average rack price for fuel reported in the OPIS publication in the week that this bid is opened will be used for the terminal listed by the vendor.



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DATE PRINTED		TERMS OF SALE		FEIN/SSN		FUND	
05/31/2005		NET 30		550686395			
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:						FUEL05A	
LINE	CATNO	ITEM	NUMBER	DESCRIPTION		QTY	DATE
0001	405-15			MOTOR AND HEATING FUELS		_____	_____
SIGNATURE _____						DATE _____	
IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE <input type="checkbox"/>						TOTAL	

BETTY FRANCISCO

304-558-0468

BY _____
 PURCHASING DIVISION AUTHORIZED SIGNATURE

APPROVED AS TO FORM BY
 ASSISTANT ATTORNEY GENERAL