



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.  
**FUEL09C**

PAGE  
**1**

BLANKET RELEASE  
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CORRECT PURCHASE ORDER NUMBER  
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 QUESTIONS CONCERNING THIS PUR-  
 CHASE ORDER SHOULD BE DIRECTED  
 TO THE BUYER AS NOTED BELOW.

CHANGE ORDER

SEE REVERSE SIDE FOR  
 TERMS AND CONDITIONS

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

## AGENCY COPY

\*709043621 304-277-3232  
 TRI STATE PETROLEUM CORPORATIO  
 PO BOX 4006  
 N 27TH & VANCE AVE  
 WHEELING WV 26003

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

DATE PRINTED		TERMS OF SALE		FEIN/SSN		FUND	
09/30/2008		NET 30		550544468			
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				
BLANKET OPEN-END STATEWIDE CONTRACT  THIS BLANKET OPEN-END STATEWIDE CONTRACT IS TO SUPPLY GASOLINE TO ALL WEST VIRGINIA STATE AGENCIES AND POLITICAL SUBDIVISIONS.  THIS AWARD FOR DISTRICTS SIX FOR TANK TRUCKS AND TANK WAGON ORDERS IS PER THE FOLLOWING:  1. REQUEST FOR QUOTATION DATED 8/28/08 2. FUEL09 SPECIFICATIONS AND ADDENDA THERETO. 3. VENDOR'S BID DATED 09/22/2008.  THE ATTACHED PRICING PAGE SHOWS THE FIRM MARKUP PER GALLON.  ATTACHMENTS:  1. PRICING PAGE 2. FUEL09 SPECIFICATIONS, 7 PAGES, REV. 9/29/2008 3. FUEL REPORTING FORM  *****NOTICE*****NOTICE*****NOTICE*****							

PURCHASING DIVISION  
 CERTIFIED ENCUMBERED

SEP 30 2008

*Beverly Tolson*

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

APPROVED FOR  
*Dwayne Wayfield*

APPROVED AS TO FORM BY  
 ASSISTANT ATTORNEY GENERAL

TO ANN ADKINS 304-558-8882  
*[Signature]*  
 PURCHASING DIVISION AUTHORIZED SIGNATURE

OPEN END  
 TOTAL



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AWARD  
 \*709043621      304-277-3232  
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	DELIVERY DATE	CAT. NO.	ITEM NUMBER				
0001	10/01/2008	LS	405-15		.00000		
<p>ALL STATE AGENCIES AND DOH DISTRICTS SHALL BE RESPONSIBLE FOR PLACING ORDERS WITH AWARDED VENDOR.</p> <p>WEST VIRGINIA STATE AGENCIES UTILIZING THIS CONTRACT MUST PURCHASE AN OPIS LICENSE ALLOWING THE AGENCY ACCESS TO OPIS WEEKLY PRICING. CONTACT OPIS AT 888-301-2654.</p> <p>*****</p> <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>EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON OCTOBER 1, 2009 AND EXTENDS FOR A PERIOD OF SIX (6) MONTHS 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</p>							
IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE <input type="checkbox"/>						TOTAL	

APPROVED AS TO FORM BY  
 ASSISTANT ATTORNEY GENERAL

BY \_\_\_\_\_  
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REVISIONS

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VENDOR

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<p>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) SIX (6) MONTH 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</p>							
						TOTAL	

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<p>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 OR AN ELECTRONIC VERSION SHALL BE SENT TO THE 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</p>							
						TOTAL	

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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.  REV. 04/11/2001  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.  REV. 3/88  PURCHASING CARD ACCEPTANCE: THE STATE OF WEST VIRGINIA CURRENTLY UTILIZES A VISA PURCHASING CARD PROGRAM WHICH							
						TOTAL	

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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.							

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TOTAL

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**FUEL09C  
CONTRACT PRICING PAGE  
TRI-STATE PETROLEUM CORP.**

		REGION SIX
<b>TERMINAL</b>		
Fuel Type:	GASOLINE	
FIRM MARKUP PRICE PER GALLON PER TANKER WAGON(TW)		\$0.1708
FIRM MARKUP PRICE PER GALLON PER TANKER WAGON(TW)		0.1043

Minimum gallonage for T/T: 8200

Able to split deliveries between multiple locations (T/T): NO

Emergency Fee (upcharge): \$100.00

Contract Coordinator: Kevin Olson

Phone number: 800-541-3835 ext. 13

Fax number: 304-277-1437

**FUEL09 Quarterly Report**

<b>Vendor: Tri-State Petroleum</b>			
<b>DISTRICT SIX</b>	<b>TYPE OF FUEL:</b>	<b>USAGE: - T/W Gallons</b>	<b>Cost</b>
1	Unleaded Gasoline	\$	
<b>NOTE:</b>	<b>Separate form should be completed for DOH; all other State Agencies/Political Subdivisions should be listed together on a second form.</b>		
<b>Signature:</b>		\$	



**FUEL09 – Gasoline  
Specifications –Revised**

This is a request for quotation to supply unleaded gasoline to all West Virginia State Agencies and Political Subdivisions.

Unleaded Gasoline shall comply with the most recent ASTM D 4814-07a or the most current edition Standard Specifications for Automotive Gasoline.

The minimum anti-knock octane for:                    **Unleaded Gasoline:        87**

The State has been divided geographically into ten regions (which are the same as the ten DOH Districts) as follows:

Region I: Mason, Putnam, Kanawha, Clay and Boone counties.

Region II: Cabell, Wayne, Lincoln, Logan and Mingo counties.

Region III: Pleasants, Wood, Ritchie, Wirt, Calhoun, Roane, and Jackson counties.

Region IV: Doddridge, Harrison, Marion, Taylor, Monongalia, and Preston counties.

Region V: Grant, Hardy, Mineral, Hampshire, Morgan, Berkeley and Jefferson counties.

Region VI: Tyler, Wetzel, Marshall, Ohio, Brooke and Hancock counties.

Region VII: Gilmer, Barbour, Lewis, Braxton, Upshur and Webster counties.

Region VIII: Tucker, Randolph, Pendleton and Pocahontas counties.

Region IX: Nicholas, Fayette, Greenbrier, Summers and Monroe counties.

Region X: Raleigh, Wyoming, McDowell and Mercer counties.

**VENDOR ELIGIBILITY:**    **Vendors must be an established refiner, distributor or dealer** for a minimum of three (3) years and must provide to the Purchasing Division the locations of all facilities that will be delivering to any of the ten regions within West Virginia along with a list of equipment available to perform all the requirements of the contract. It is preferred the required information be submitted with the bid. Failure to provide the required information at the request of the Purchasing Division shall result in disqualification of the bid.

**FUEL09 – Gasoline  
Specifications –Revised**

**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 by the Division of Highways 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.

**PRICING:** The State of West Virginia will accept bids only by Region 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. All prices quoted shall be the delivered price to any location within the ten regions

**Pricing will be based on the Weekly OPIS on the DAY OF ORDER.  
The OPIS Weekly Average is posted every Friday morning.**

**FIRM FIXED MARK-UP PER GALLON:** Vendors shall bid only a firm fixed mark-up (percentages not acceptable) for business profit and expenses in supplying the product to the State Agencies and Political Subdivisions. 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 number (800)929-4824.

**Bids are requested for two pricing categories:** Tank-wagon (T/W) and Truck Transport (T/T). Vendor must indicate the minimum delivery quantity for truck transport (T/T) delivery pricing.

Irrespective of method of transport, the minimum delivery quantity shall be 800 gallons. The bid prices for one Region shall not be conditioned on the award of any other Region.

**FUEL09 – Gasoline  
Specifications –Revised**

If more than one terminal is bid, payment shall be the lowest price and proof of terminal shall be provided.

**PAYMENT:** Shall be made based on the terminal fuel is pulled from. If vendors bid multiple terminal sources, the invoice will be based on the lowest price, or vendor shall provide proof of terminal product is pulled from.

**TAXES:** The State of West Virginia agencies are exempt from the Federal Excise Tax, and the State Consumers 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 11.7/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

**AGENCY ORDERING PROCEDURE: All State Agencies and DOH districts shall be responsible for placing orders with awarded vendors.**

The Division of Highways, district locations shall place their orders with vendor via e-mail or telephone, when computers are unavailable.

**West Virginia State Agencies utilizing this contract must purchase an OPIS license allowing the agency access to OPIS weekly pricing. Contact OPIS at 888-301-2654.**

Orders shall be placed Monday through Friday and utilize the published preceding week OPIS average rack price. Pricing will be based on the Weekly OPIS on the DAY OF ORDER.

Refer to the attached map of West Virginia Division of Highway's District areas. The listing for Division of Highways District Office locations is as follows:

**FUEL09 – Gasoline  
Specifications – Revised**

WVDOH/DISTRICT 1  
1334 Smith St.  
Charleston, WV 25301

WVDOH/DISTRICT 2  
801 Madison Ave.  
Huntington, WV 25712

WVDOH/DISTRICT 3  
624 Depot St.  
Parkersburg, WV 26102

WVDOH/DISTRICT 4  
PO Box 4220  
Clarksburg, WV 26301

WVDOH/DISTRICT 5  
PO Box 99  
Burlington, WV 26710

WVDOH/DISTRICT 6  
1 DOT Drive  
Moundsville, WV 26041

WVDOH/DISTRICT 7  
PO Box 1728  
Weston, WV 26452

WVDOH/DISTRICT 8  
PO Box 1516  
Elkins, WV 26241

WVDOH/DISTRICT 9  
HC 82, Box 3-A  
Lewisburg, WV 24901

WVDOH/DISTRICT 10  
270 Hardwood Lane  
Princeton, WV 24740

**FUEL09 – Gasoline  
Specifications –Revised**

**VENDOR ACKNOWLEDGEMENT PROCEDURE:** The vendor must e-mail ordering agency upon receipt of order showing order received, and giving tentative delivery information.

Since the product pricing is subject to weekly changes, the state agency is to verify pricing information provided by OPIS. 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

**DELIVERIES:** The State has sole discretion to determine Method of Delivery, by tanker truck or tank wagon. Such Method of Delivery shall be specified at the time of order based on the order volume. Normal use requirements will be ordered three (3) working days in advance of the required delivery date. Vendors SHALL complete fuel deliveries within the three (3) working day period of order placement. Emergency requirements or situations which cannot be scheduled in advance will necessitate 24 hour delivery. Cost for 24 hour emergency delivery shall be at a fixed up-charge. Vendors should enter the fixed up-charge fee on the pricing page and submit with bid. Unless prior arrangements have been made, deliveries shall be made during normal work hours (7:30 am to 3:30 pm), Monday through Friday. Deliveries shall include a legible metered delivery ticket which has been processed through a meter certified and sealed by the State of West Virginia, Division of Weights and Measures, and stamped with quantities, location, time (a.m./p.m.) date, driver and product. When bulk deliveries are made the driver shall stick the tank before and after product is delivered and enter the readings onto the delivery ticket. A copy of the delivery ticket, signed by both the driver and a person from the receiving facility, shall be left, (on delivery date) at the location receiving the fuel. Emergency requirements or situations which cannot be scheduled in advance will require 24 hour delivery.

**FUEL09 – Gasoline  
Specifications –Revised**

Delivery tickets must include the location where delivery was made, the product(s) delivered, the blended percentages, the number of gallons delivered, and the rack price or prices for blended fuels.

Vendors must have the capability to deliver to above ground storage tanks utilizing a remote fill system on the tank.

**NOTE:** All fuel deliveries shall be metered at the point of delivery and shall issue a printed ticket, to meet the Division 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. A Bill of Lading from the terminal source locations is acceptable and shall contain quantities, location, time (a.m./p.m.) date, driver and product.

**DELAY OR FAILURE TO DELIVER:** The vendor 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. In the event the vendor is unable to drop fuel due to an error by the ordering agency, a flat fee of \$250.00 may be charged.

**INVOICING:** Vendors of DOH fuel deliveries are encouraged to utilize a paperless invoice process, submitting the following information via e-mail to the DOH ordering locations:

- A. Delivery ticket number(s) for fuel delivery, date and time of delivery and DOH location of the delivery.
- B. Fuel types, total quantities, unit prices, applicable taxes, total prices, and the terminal source of supply for all deliveries.
- C. It is the intent of the Division of Highways

**FUEL09 – Gasoline  
Specifications –Revised**

to utilize the State Purchasing Card for all vendor reimbursement of fuels purchased.

**NOTES:** Under no circumstances will the West Virginia Division of Highways accept, or pay for, quantities of fuel in excess of the quantity requested via the telephone or electronic order.

Government entities other than the WVDOH, utilizing this contract, must have the option of formulating their invoicing procedures with the successful vendors.

**REPORTING REQUIREMENTS:** Winning bidders **shall** be required to submit quarterly reports to the Equipment 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. This report **SHALL** also be sent to [jo.a.adkins@wv.gov](mailto:jo.a.adkins@wv.gov).

**AWARD:**

The award will be a single award per Region (1 through 10)/ per delivery method. Each Region will be split into tank transport and tank wagon pricing. Pricing will be from the source fuel was pulled from (terminal location).



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BLANKET RELEASE  
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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

VENDOR

\*709043621      304-277-3232  
 TRI STATE PETROLEUM CORPORATIO  
 PO BOX 4006  
 N 27TH & VANCE AVE  
 WHEELING WV 26003

SHIP TO

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

DATE PRINTED		TERMS OF SALE		FEIN/SSN		FUND	
09/29/2008		NET 30		550544468			
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:			FUEL09C	
LINE	CATNO	ITEM	DESCRIPTION			QTY	DATE
0001	405-15		GASOLINE			_____	_____
			SIGNATURE _____				DATE _____

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

TOTAL

BY \_\_\_\_\_  
 PURCHASING DIVISION AUTHORIZED SIGNATURE

APPROVED AS TO FORM BY  
 ASSISTANT ATTORNEY GENERAL