



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.  
**SBUS06B**

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

\*709035314      304-485-4410  
 MATHENY MOTOR TRUCK COMPANY  
 PO BOX 1304  
 PARKERSBURG WV      26102

SHIP TO

ALL STATE AGENCIES  
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 BY ORDER

DATE PRINTED		TERMS OF SALE		FEIN/SSN		FUND	
03/06/2006		NET 30		550320770			
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	03/31/2006 SCHOOL BUS	EA	065-17		0.00000		
<p>BLANKET OPEN-END STATEWIDE CONTRACT            TO SUPPLY SCHOOL BUSES TO ALL WEST VIRGINIA STATE            AGENCIES AND POLITICAL SUBDIVISIONS.            SEE THE ATTACHED CONTRACT PRICING SHEETS, DATED            3/6/06, 2 PAGES, FOR BUSES THAT MAY BE SUPPLIED            THROUGH THIS CONTRACT.            THIS AWARD IS PER THE FOLLOWING:</p> <ol style="list-style-type: none"> <li>REQUEST FOR QUOTATION DATED 10/9/05 AND ALL ADDENDA THERETO.</li> <li>WEST VIRGINIA MINIMUM REQUIREMENTS FOR DESIGN AND EQUIPMENT OF SCHOOL BUSES (4334)</li> <li>VENDOR'S BID DATED 12/12/05.</li> </ol>						<p>WV STATE PURCHASING DIVISION            ADMINISTRATION UNIT            CERTIFIED ENCUMBERED            MAR 17 2006  <i>Beverly Toler</i></p>	

IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE  1387 3-8-06

OPEN END  
 TOTAL

*Dan W. Wayfield*  
 APPROVED AS TO FORM BY  
 ASSISTANT ATTORNEY GENERAL

BETTY FRANCISCO      304-558-0468  
 BY *[Signature]*  
 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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LINE	QUANTITY	UOP	VENDOR ITEM NO.		UNIT PRICE	AMOUNT	
	DELIVERY DATE	CAT.NO.	ITEM NUMBER				
	<p>ALL SCHOOL BUS CHASSIS AND BODIES MUST BE IN ACCORDANCE WITH THE WEST VIRGINIA MINIMUM REQUIREMENTS FOR DESIGN AND EQUIPMENT OF SCHOOL BUSES. THIS PUBLICATION REGULATES THE CONSTRUCTION OF SCHOOL BUS CHASSIS, BODIES, AND INTEGRAL UNITS.</p> <p>AT THE TIME OF DELIVERY OF A CHASSIS TO A BODY PLANT, IT IS NECESSARY THAT A CERTIFICATION OR AFFIDAVIT FOR EACH UNIT BE FURNISHED TO THE RESPECTIVE COUNTY BOARDS OF EDUCATION GUARANTEEING THE CHASSIS BEING DELIVERED MEETS THE WV MINIMUM REQUIREMENTS FOR DESIGN AND EQUIPMENT OF SCHOOL BUSES, 2004 REVISION, EFFECTIVE 9/11/04.</p> <p>LOCAL BOARDS OF EDUCATION RESERVE THE RIGHT TO INSPECT ANY OR ALL CHASSIS AFTER DELIVERY IS MADE TO THE BODY PLANT TO DETERMINE THAT EACH UNIT MEETS ALL SPECIFICATIONS OF THIS DOCUMENT. BODY BIDDERS MUST QUOTE A COST OF DELIVERY OF COMPLETED UNITS TO CHARLESTON, WV (THIS DOES NOT MEAN THAT BUSES ARE TO BE DELIVERED TO CHARLESTON, BUT THIS FIGURE WILL BE THE BASIS OF NEGOTIATION BY COUNTIES WITH THE DEALER FOR THE EXERCISE OF COUNTY OPTION FOR DELIVERY OF</p>						

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TOTAL

BETTY FRANCISCO

304-558-0468

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

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	DELIVERY DATE	CAT.NO.	ITEM NUMBER		
	COMPLETED UNIT).				
	EXHIBIT 2				
	LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON MARCH 15, 2006 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 THIRTY (30) DAYS WRITTEN NOTICE.				
	UNLESS SPECIFIC PROVISIONS ARE STIPULATED 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, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30)				
IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE <input type="checkbox"/>					TOTAL

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LINE	QUANTITY	UOP	VENDOR ITEM NO.		UNIT PRICE	AMOUNT	
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	<p>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 WITH 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 SUPPLIES BY THE</p>						
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	<p>STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p> <p>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN EQUIPMENT CONTRACT ORDER (FORM NUMBER WV-35) FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL WV-35 MUST BE SENT TO THE PURCHASING DIVISION OF THE DEPARTMENT OF ADMINISTRATION. AFTER APPROVAL AND ENCUMBRANCE, ONE COPY OF THE P.O. WILL BE RETURNED TO THE SPENDING UNIT AND ONE COPY FORWARDED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT. NO ORDER IS VALID UNLESS APPROVED BY THE PURCHASING DIVISION AND ENCUMBERED BY THE BUDGET DIVISION.</p> <p>LOCAL SCHOOL BOARDS MAY SUBSTITUTE THEIR OWN PURCHASE ORDER AND REQUISITION FORM FOR THE STATE FORM. LOCAL SCHOOL BOARDS DO NOT REQUIRE THE APPROVAL OF STATE PURCHASING PRIOR TO ISSUING A PURCHASE ORDER TO THE VENDOR.</p>						
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LINE	QUANTITY	UOP	VENDOR ITEM NO.		UNIT PRICE	AMOUNT	
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	<b>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES            FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATI-            CALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER            ORDER.</b>						
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						TOTAL	

**BETTY FRANCISCO**

**304-558-0468**

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<b>SBUS06B - BID SPREADSHEET</b>	<b>MATHENY MOTOR</b>
<b>TRANSIT UNITS</b>	
<b>71 Passenger</b>	
210HP, FE, Automatic Transmission	\$ 63,798.00
230HP, FE, Automatic Transmission	\$ 64,458.00
230HP, RE, Automatic Transmission	\$ 70,168.00
Delivery to Charleston, WV	\$ 475.00
<b>77 Passenger</b>	
210HP, FE, Automatic Transmission	\$ 68,357.00
230HP, FE, Automatic Transmission	\$ 68,797.00
230HP, RE, Automatic Transmission	\$ 73,613.00
Delivery to Charleston, WV	\$ 475.00
<b>84 Passenger</b>	
250HP, FE, Automatic Transmission	\$ 70,332.00
250HP, RE, Automatic Transmission	\$ 74,246.00
Delivery to Charleston, WV	\$ 475.00
<b>89 Passenger</b>	
250HP, FE, Automatic Transmission	\$ 70,634.00
250HP, RE, Automatic Transmission	\$ 76,394.00
Delivery to Charleston, WV	\$ 475.00
<b>CONVENTIONAL UNITS</b>	
<b>24 Passenger</b>	
Type A1 – 130HP – Automatic Transmission	\$ 42,905.00
Delivery to Charleston, WV	\$ 475.00
<b>30 Passenger</b>	
Type A1 – 130HP – Automatic Transmission	\$ 43,517.00
Delivery to Charleston, WV	\$ 475.00
<b>35 Passenger</b>	
Regular - 175HP - Automatic Transmission	\$ 52,465.00
Sp. Education - 175HP - Automatic Transmission	\$ 56,905.00
Delivery To Charleston, WV	\$ 475.00
<b>47 Passenger</b>	
Regular - 190HP - Automatic Transmission	\$ 54,253.00



<b>SBUS06B - BID SPREADSHEET</b>	<b>MATHENY MOTOR</b>
Regular - 210HP - Automatic Transmission	\$ 54,581.00
Sp. Education - 190HP - Automatic Transmission	\$ 57,852.00
Delivery To Charleston, WV	\$ 475.00
<b>53 Passenger</b>	
Regular - 190HP - Automatic Transmission	\$ 55,186.00
Regular - 210HP - Automatic Transmission	\$ 55,515.00
Regular - 210HP - Manual Transmission	\$ 55,355.00
Sp. Education - 230HP - Automatic Transmission	\$ 60,210.00
Delivery To Charleston, WV	\$ 475.00
<b>59 Passenger</b>	
Regular - 190HP - Automatic Transmission	\$ 55,990.00
Regular - 210HP - Automatic Transmission	\$ 56,318.00
Sp. Education - 230HP - Automatic Transmission	\$ 60,880.00
Delivery To Charleston, WV	\$ 475.00
<b>65 Passenger</b>	
Regular - 210HP - Automatic Transmission	\$ 57,243.00
Regular - 230HP - Manual Transmission	\$ 61,041.00
Sp. Education - 230HP - Automatic Transmission	\$ 61,842.00
Delivery To Charleston, WV	\$ 475.00
<b>71 Passenger</b>	
Regular - 210HP - Automatic Transmission	\$ 57,592.00
Sp. Education - 230HP - Automatic Transmission	\$ 62,127.00
Delivery To Charleston, WV	\$ 475.00
<b>77 Passenger</b>	
Regular - 210HP - Automatic Transmission	\$ 61,082.00
Regular - 230HP - Automatic Transmission	\$ 61,792.00
Sp. Education - 230HP - Automatic Transmission	\$ 65,660.00
Delivery To Charleston, WV	\$ 475.00



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LINE	CATNO	ITEM	NUMBER	DESCRIPTION		QTY	DATE
0001	065-17			SCHOOL BUS		_____	_____
SIGNATURE _____						DATE _____	
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