



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.  
 WVRFJAN09

PAGE  
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 QUESTIONS CONCERNING THIS PUR-  
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CHANGE ORDER

SEE REVERSE SIDE FOR  
 TERMS AND CONDITIONS

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

## AGENCY COPY

\*709052549 304-766-4894  
 WV ASSOC OF REHAB FACILITIES  
 PO BOX 745  
 INSTITUTE WV 25112

ALL STATE AGENCIES  
 AND POLITICAL SUBDIVISIONS  
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DATE PRINTED	TERMS OF SALE	FEIN/SSN	FUND		
08/03/2009	NET 30	550633886			
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	08/30/2009	LS	910-39	.00000	
	JANITORIAL SERVICES				
	OPEN END				
	STATEWIDE CONTRACT				
THIS STATEWIDE CONTRACT COVERS JANITORIAL SERVICES OFFERED BY NON-PROFIT WORKSHOPS THROUGH THE WV ASSOCIATION OF REHABILITATION FACILITIES (WVARF) PER THE ATTACHED					
ORDERING PROCEDURES: SPENDING UNIT(S) SHALL ISSUE A WRITTEN EQUIPMENT CONTRACT ORDER (FORM NUMBER WV-35) FOR SERVICES COVERED BY THIS CONTRACT. THE ORIGINAL WV-35 MUST BE SENT TO THE PURCHASING DIVISION ALONG WITH THE SIGNED WVARF SERVICE AGREEMENT AND APPROVAL BY THE GOVERNORS COMMITTEE. THE PURCHASE ORDER WILL BE RETURNED TO THE SPENDING UNIT AND ONE COPY FORWARDED TO THE VENDOR AS AUTORIZATION FOR SHIPMENT.					

PURCHASING DIVISION  
 CERTIFIED ENCUMBERED

AUG 5 2009

*Beverly Toler*

APPROVED FOR ONE FISCAL YEAR  
*Lawrence Wayfield*

IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE  *8/3/09*

OPEN END  
 TOTAL

BY *JO ANN ADKINS* 304-558-8802

APPROVED AS TO FORM BY  
 ASSISTANT ATTORNEY GENERAL

PURCHASING DIVISION AUTHORIZED SIGNATURE

**GENERAL TERMS & CONDITIONS**  
**REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)**

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. All quotations are governed by the *West Virginia Code* and the *Legislative Rules* of the Purchasing Division.
4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
5. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, 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.
6. Payment may only be made after the delivery and acceptance of goods or services.
7. Interest may be paid for late payment in accordance with the *West Virginia Code*.
8. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
9. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
11. 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.
12. 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 may be deemed null and void, and 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 Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
15. **WEST VIRGINIA ALCOHOL & DRUG-FREE WORKPLACE ACT:** If this Contract constitutes a public improvement construction contract as set forth in Article 1D, Chapter 21 of the West Virginia Code ("The West Virginia Alcohol and Drug-Free Workplace Act"), then the following language shall hereby become part of this Contract: "The contractor and its subcontractors shall implement and maintain a written drug-free workplace policy in compliance with the West Virginia Alcohol and Drug-Free Workplace Act, as set forth in Article 1D, Chapter 21 of the West Virginia Code. The contractor and its subcontractors shall provide a sworn statement in writing, under the penalties of perjury, that they maintain a valid drug-free work place policy in compliance with the West Virginia and Drug-Free Workplace Act. It is understood and agreed that this Contract shall be cancelled by the awarding authority if the Contractor: 1) Fails to implement its drug-free workplace policy; 2) Fails to provide information regarding implementation of the contractor's drug-free workplace policy at the request of the public authority; or 3) Provides to the public authority false information regarding the contractor's drug-free workplace policy."

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**INSTRUCTIONS TO BIDDERS**

1. Use the quotation forms provided by the Purchasing Division.
2. **SPECIFICATIONS:** Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Complete all sections of the quotation form.
4. Unit prices shall prevail in case of discrepancy.
5. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
6. **BID SUBMISSION:** All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130



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NO ORDER IS VALID UNLESS APPROVED AND ENCUMBERED BY THE PURCHASING DIVISION.  ***** EXHIBIT 2  LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON AUGUST 1, 2009 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) 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.							

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

TOTAL

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

APPROVED AS TO FORM BY  
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<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 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 SERVICES COVERED BY THIS CONTRACT. THE ORIGINAL WV-35 MUST BE SENT TO THE PURCHASING DIVISION ALONG WITH THE SIGNED WVARF SERVICE AGREEMENT AND APPROVAL BY THE GOVERNORS COMMITTEE. THE PURCHASE ORDER WILL BE RETURNED TO THE SPENDING UNIT AND ONE COPY FOR-</p>					
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BY \_\_\_\_\_  
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<p>WARDED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT.            NO ORDER IS VALID UNLESS APPROVED AND ENCUMBERED            BY THE PURCHASING DIVISION.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES            FOR BANKRUPTCY PROTECTION, THE STATE MAY DEEM THE            CONTRACT NULL AND VOID, AND TERMINATE SUCH CONTRACT            WITHOUT FUTHER ORDER.</p> <p>REV. 5/2009            PURCHASING CARD ACCEPTANCE: THE STATE OF WEST VIRGINIA            CURRENTLY UTILIZES A VISA PURCHASING CARD PROGRAM WHICH            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.</p>							
						TOTAL	

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BY \_\_\_\_\_  
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JOE MANCHIN III  
GOVERNOR

STATE OF WEST VIRGINIA  
DEPARTMENT OF ADMINISTRATION  
PURCHASING DIVISION  
2019 WASHINGTON STREET, EAST  
P.O. BOX 50130  
CHARLESTON, WEST VIRGINIA 25305-0130

ROBERT W. FERGUSON, JR.  
CABINET SECRETARY

DAVID TINCHER  
DIRECTOR

MEMORANDUM

Date: July 29, 2009  
To: Greg Raber,  
WVARF  
From: Ron Price   
State Purchasing  
Subject: WVARF Janitorial Contract

Attached are the terms for the new WVARF Janitorial Contract. If you are in agreement with these terms, please sign below and date along with the attached Purchasing Affidavit and return them to me. We are trying to make this contract effective 8/1/09. So please return this as soon as possible.

Thank you.

  
Signature

7/30/09  
Date

STATEWIDE CONTRACT  
JANITORIAL SERVICES

§5A-3-10(e) allows the Director of Purchasing, without competitive bidding, to purchase commodities and services offered for sale by nonprofit workshops.

§5A-3A-2 establishes a central nonprofit agency approved by the Director of Rehabilitation Services for the purpose of coordinating purchases under the provisions of §5A-3-10 between the various "spending units" of the state and "non-profit workshops."

This statewide contract covers janitorial services offered by non-profit workshops through the West Virginia Association of Rehabilitation Facilities (WVARF). The cost for all services provided under this contract are to be established under Legislative Rule §186-1 for the determination of fair market price.

The following procedure is to be utilized in establishing the fair market price:

1. WVARF is to submit a copy of the fair market price to the state spending unit.
2. The spending unit is to notify WVARF of any objection within ten (10) working days.
3. Upon approval, by the spending unit, WVARF shall submit all costing information to the Governor's Committee for the Purchase of Commodities and Services for the handicapped for approval.
4. After approval of the fair market price by the Governor's Committee, the spending unit shall submit a WV-35, Purchasing Requisition, along with the WVARF Service Agreement with all the aforementioned approvals.
5. The Director of Purchasing or his designee shall then review the fair market price and issue the purchase order or return the requisition to the agency for further review.

3.1.5. The fair market price may include a reasonable charge for overhead and profit, however it may not be excessive or unreasonable.

Since WVARF has been the sole sources for janitorial services for the last seventeen years, there was no way to compare the cost of these services to other qualified in-state vendors. Therefore, the Committee relied on information based on the ISSA standards. The first step in this process is to work with the state agency to determine the scope of work to be done. The scope of work details how often the following items are done (daily, weekly, monthly, quarterly, etc.):

- Dusting
- Cleaning glass doors and hardware
- Vacuuming walk off mats
- Sweeping
- Vacuuming floors
- Emptying trash
- Cleaning and disinfecting restroom fixtures, restocking and trash removal
- Spot vacuuming
- Damp mopping floors
- Spray buffing
- Damp mopping stairs
- Cleaning windows
- Cleaning and disinfecting water fountains
- Vacuuming upholstered furniture
- High level dusting
- Cleaning perimeter windows

The second step is to do a building/office space audit to determine:

- Square footage of the building
- Square footage of carpet, resilient or ceramic flooring in the area
- Number of windows
- Number of external and internal doors
- Number of restrooms and fixtures in them
- Number of elevators and the square footage
- Number of fountains
- Number of trash cans
- Number stairwells, stair width and length
- Number of walkout mats

Once these numbers are determined they are placed into a work loading spreadsheet developed from the ISSA standards which breaks down the total estimated time it will take to clean the building. This number is then used to figure direct and indirect labor costs and benefits. The cost of supplies is based upon past history of working in the building or one similar to it. Equipment is broken into major and minor equipment, depending on cost and usage and its useful life is based on its warranty or past experience using the equipment. Floor care such as carpet cleaning or stripping and waxing is based upon industrial standards.





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