



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

# Request for Quotation

RFQ NUMBER  
**DNR70214**

PAGE  
**1**

ADDRESS CORRESPONDENCE TO ATTENTION OF:  
**BUYER 32**  
**304-558-0492**

VENDOR

\*A02104039      952-445-5800  
 AMERICAN COLOR GRAPHICS INC  
 5101 VALLEY IND BLVD S  
 SHAKOPEE MN 55379

SHIP TO

DIVISION OF NATURAL RESOURCES  
 PROCUREMENT OFFICE  
 CAPITOL COMPLEX  
 BUILDING 3, ROOM 630  
 CHARLESTON, WV  
 25305      304-558-3397

DATE PRINTED <b>06/04/2006</b>	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: **06/21/2006**      BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
REQUEST FOR QUOTATION  THE PURCHASING DIVISION IS SOLICITING BIDS FOR THE DEPARTMENT OF NATURAL RESOURCES TO PROVIDE PRINTING SERVICES OF THE 2006-07 WEST VIRGINIA HUNTING AND FISHING REGULATIONS.  ATTACHMENTS: 1. SPECIFICATIONS 2. BID FORM 3. AFFIDAVIT  NOTE: THE ATTACHED BID FORM IS REQUIRED. ANY OTHER FORM OF BID, METHOD, ETC. WILL AUTOMATICALLY DISQUALIFY THE VENDOR.  QUESTIONS: QUESTIONS MAY BE DIRECTED TO: JOHN ABBOTT, SENIOR BUYER EMAIL: JABBOTT@WVADMIN.GOV (PREFERRED) MAIL: STATE CAPITOL COMPLEX, PURCHASING DIVISION 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305						
0001	1	LS		966-50	<del>41,684.00</del> 21,732.00	63,416.00
				2006-07 WV HUNTING AND FISHING REGULATIONS	1-800-752-9906	

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Chris Her</i>	TELEPHONE 952-445-5800	DATE 6/14/06
TITLE Acct Rep.	FEIN 16-1003976	ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



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BID OPENING DATE: <b>06/21/2006</b>		BID OPENING TIME <b>01:30PM</b>		

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON ..... 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 (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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Cody Stewart</i>	TELEPHONE <i>952-445-5800</i>	DATE <i>6-14-06</i>
TITLE <i>Acct Rep.</i>	FEIN <i>16-1003976</i>	ADDRESS CHANGES TO BE NOTED ABOVE

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DATE PRINTED <b>06/04/2006</b>	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
BID OPENING DATE: <b>06/21/2006</b> BID OPENING TIME <b>01:30PM</b>				

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<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 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>VENDOR PREFERENCE CERTIFICATE</p> <p>CERTIFICATION AND APPLICATION* IS HEREBY MADE FOR PREFERENCE IN ACCORDANCE WITH WEST VIRGINIA CODE,</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]* TELEPHONE: **952-445-5800** DATE: **6/14/06**

TITLE: **Acct. Rep.** FEIN: **16-1003976** ADDRESS CHANGES TO BE NOTED ABOVE

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DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
06/04/2006				

BID OPENING DATE: 06/21/2006      BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
5A-3-37				(DOES NOT APPLY TO CONSTRUCTION CONTRACTS).		
A. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED: <input type="checkbox"/> BIDDER IS AN INDIVIDUAL RESIDENT VENDOR AND HAS RESIDED CONTINUOUSLY IN WEST VIRGINIA FOR FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION; OR <input type="checkbox"/> BIDDER IS A PARTNERSHIP, ASSOCIATION OR CORPORATION RESIDENT VENDOR AND HAS MAINTAINED ITS HEAD-QUARTERS OR PRINCIPAL PLACE OF BUSINESS CONTINUOUSLY IN WEST VIRGINIA FOR FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION; OR 80% OF THE OWNERSHIP INTEREST OF BIDDER IS HELD BY ANOTHER INDIVIDUAL, PARTNERSHIP, ASSOCIATION OR CORPORATION RESIDENT VENDOR WHO HAS MAINTAINED ITS HEADQUARTERS OR PRINCIPAL PLACE OF BUSINESS CONTINUOUSLY IN WEST VIRGINIA FOR FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION; OR <input type="checkbox"/> BIDDER IS A CORPORATION NONRESIDENT VENDOR WHICH HAS AN AFFILIATE OR SUBSIDIARY WHICH EMPLOYS A MINIMUM OF ONE HUNDRED STATE RESIDENTS AND WHICH HAS MAINTAINED ITS HEADQUARTERS OR PRINCIPAL PLACE OF BUSINESS WITHIN WEST VIRGINIA CONTINUOUSLY FOR THE FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION.						
B. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED: <input type="checkbox"/> BIDDER IS A RESIDENT VENDOR WHO CERTIFIES THAT, DURING THE LIFE OF THE CONTRACT, ON AVERAGE AT LEAST 75% OF THE EMPLOYEES WORKING ON THE PROJECT BEING BID						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>[Signature]</i>	TELEPHONE 952-445-5800	DATE 6/14/06
TITLE Acct Rep.	FEIN 16-1003976	ADDRESS CHANGES TO BE NOTED ABOVE

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**5101 VALLEY IND BLVD S**  
  
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DATE PRINTED <b>06/04/2006</b>	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>ARE RESIDENTS OF WEST VIRGINIA WHO HAVE RESIDED IN THE STATE CONTINUOUSLY FOR THE TWO YEARS IMMEDIATELY PRECEDING SUBMISSION OF THIS BID;            OR            ( ) BIDDER IS A NONRESIDENT VENDOR EMPLOYING A MINIMUM OF ONE HUNDRED STATE RESIDENTS OR IS A NONRESIDENT VENDOR WITH AN AFFILIATE OR SUBSIDIARY WHICH MAINTAINS ITS HEADQUARTERS OR PRINCIPAL PLACE OF BUSINESS WITHIN WEST VIRGINIA EMPLOYING A MINIMUM OF ONE HUNDRED STATE RESIDENTS WHO CERTIFIES THAT, DURING THE LIFE OF THE CONTRACT, ON AVERAGE AT LEAST 75% OF THE EMPLOYEES OR BIDDERS' AFFILIATE'S OR SUBSIDIARY'S EMPLOYEES ARE RESIDENTS OF WEST VIRGINIA WHO HAVE RESIDED IN THE STATE CONTINUOUSLY FOR THE TWO YEARS IMMEDIATELY PRECEDING SUBMISSION OF THIS BID.</p> <p>BIDDER UNDERSTANDS IF THE SECRETARY OF TAX &amp; REVENUE DETERMINES THAT A BIDDER RECEIVING PREFERENCE HAS FAILED TO CONTINUE TO MEET THE REQUIREMENTS FOR SUCH PREFERENCE, THE SECRETARY MAY ORDER THE DIRECTOR OF PURCHASING TO: (A) RESCIND THE CONTRACT OR PURCHASE ORDER ISSUED; OR (B) ASSESS A PENALTY AGAINST SUCH BIDDER IN AN AMOUNT NOT TO EXCEED 5% OF THE BID AMOUNT AND THAT SUCH PENALTY WILL BE PAID TO THE CONTRACTING AGENCY OR DEDUCTED FROM ANY UNPAID BALANCE ON THE CONTRACT OR PURCHASE ORDER.</p> <p>BY SUBMISSION OF THIS CERTIFICATE, BIDDER AGREES TO DISCLOSE ANY REASONABLY REQUESTED INFORMATION TO THE PURCHASING DIVISION AND AUTHORIZES THE DEPARTMENT OF TAX AND REVENUE TO DISCLOSE TO THE DIRECTOR OF PURCHASING APPROPRIATE INFORMATION VERIFYING THAT BIDDER HAS PAID THE REQUIRED BUSINESS TAXES, PROVIDED THAT SUCH INFORMATION DOES NOT CONTAIN THE AMOUNTS OF TAXES PAID NOR ANY OTHER INFORMATION DEEMED BY THE TAX COMMISSIONER TO BE CONFIDENTIAL.</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>[Signature]</i>	TELEPHONE <b>952-445-5800</b>	DATE <b>6/14/06</b>
TITLE <b>Acct. Rep.</b>	FEIN <b>6-1003974</b>	ADDRESS CHANGES TO BE NOTED ABOVE

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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>UNDER PENALTY OF LAW FOR FALSE SWEARING (WEST VIRGINIA CODE 61-5-3), BIDDER HEREBY CERTIFIES THAT THIS CERTIFICATE IS TRUE AND ACCURATE IN ALL RESPECTS; AND THAT IF A CONTRACT IS ISSUED TO BIDDER AND IF ANYTHING CONTAINED WITHIN THIS CERTIFICATE CHANGES DURING THE TERM OF THE CONTRACT, BIDDER WILL NOTIFY THE PURCHASING DIVISION IN WRITING IMMEDIATELY.</p> <p>BIDDER: -----</p> <p>DATE: -----</p> <p>SIGNED: -----</p> <p>TITLE: -----</p> <p>* CHECK ANY COMBINATION OF PREFERENCE CONSIDERATION(S) IN EITHER "A" OR "B", OR BOTH "A" AND "B" WHICH YOU ARE ENTITLED TO RECEIVE. YOU MAY REQUEST UP TO THE MAXIMUM 5% PREFERENCE FOR BOTH "A" AND "B".</p> <p>NOTICE</p> <p>AN ORIGINAL, SIGNED BID MUST BE SUBMITTED TO:</p> <p>DEPARTMENT OF ADMINISTRATION          PURCHASING DIVISION          BUILDING 15          2019 WASHINGTON STREET, EAST          CHARLESTON, WV 25305-0130</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>[Signature]</i>	TELEPHONE <b>952-445-5800</b>	DATE <b>6/14/06</b>
TITLE <b>Acct Rep.</b>	FEIN <b>16-1003976</b>	ADDRESS CHANGES TO BE NOTED ABOVE

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BID OPENING DATE: <b>06/21/2006</b> BID OPENING TIME <b>01:30PM</b>				

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
SEALED BID						
BUYER:-----BETTY FRANCISCO-----						
RFQ. NO.:-----DNR70214-----						
BID OPENING DATE:                      JUNE 21, 2006-----						
BID OPENING TIME:                      1:30 PM-----						
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:						
-----						
CONTACT PERSON (PLEASE PRINT CLEARLY):						
-----						
***** THIS IS THE END OF RFQ      DNR70214 ***** TOTAL:						<u>63,416<sup>00</sup></u>

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: [Signature]      TELEPHONE: 452-445-5800      DATE: 6/14/06

TITLE: Acct Rep.      FEIN: 16-1003976      ADDRESS CHANGES TO BE NOTED ABOVE

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## **2006-07 West Virginia Hunting & Fishing Regulations (DNR702314) SPECIFICATIONS**

**This is a request for quotation to print, deliver, and mail the 2006-2007 West Virginia Hunting and Fishing Regulations to authorized dealers and agencies across the State of West Virginia.**

DNR will furnish the successful bidder with a PC format computerized layout of the publication in Adobe InDesign CS software on CD Rom. All necessary fonts and artwork will be included. A inkjet color mockup will accompany computer files. Vendor is responsible for accurate platform conversion of files if needed. CD provided to vendor by June 5, 2006 for hunting regulations; by November 6, 2006 for fishing regulations.

### **Description:**

#### **2006-2007 West Virginia Hunting Regulations**

- A booklet containing 40 pages (including self cover). Collated, folded, saddle-stitched or glue-bound, 8-3/8" by 10-7/8" trimmed size
- Price per thousand for additional copies printed at later date – Estimated order quantity is 20,000 copies  
(See Pricing Page)

#### **2007 West Virginia Fishing Regulations**

### **Description:**

- A booklet containing 24 pages (including self cover). Collated, folded, saddle-stitched or glue-bound, 8-3/8" by 10-7/8" trimmed size
- Price per thousand for additional copies printed at later date – Estimated order quantity is 20,000 copies  
(See Pricing Page)

### **DNR Responsibility:**

DNR will furnish the successful vendor with a PC format computerized layout of the publication in Adobe InDesign CS Software on CD Rom. All necessary fonts and artwork will be included. An inkjet mock-up will accompany the computer files. The vendor is responsible for accurate platform conversion of the files if needed. A CD will be provided to the vendor by July 3, 2006 for the hunting regulations; and by November 6, 2006 for the fishing regulations.



**Paper:**

30# recycled newsprint

**Artwork:**

All photos and four-color illustrations provided in hi-resolution digital files.

**Printing:**

Front and back cover is four-color process. Other pages are two-color (black ink plus one PMS color specified at time of printing).

**Proof:**

Three composite laser proofs (intermediate proof) of booklet, and a color-match, chromalin, or color-key proof of covers.

**Packaging:**

Booklets should be bundled and tied in two directions in groups of 50, turned every 25; 200 per box for hunting, 350 per box for fishing. Box dimensions must be 11-1/4" X 9-1/2" x 13-1/2". Each box dimension may vary 1/4". Boxes should be labeled "WV 2006-07 Hunting Regulations" or "WV 2007 Fishing Regulations" and the quantity within. Booklets must be packed tightly in boxes and stuffed with filler if necessary so that boxes will sustain weight of boxes stacked on top. Pallets must be shrink-wrapped and stacked evenly so that they can be double stacked for months without the boxes breaking. Wooden pallets required.

**Shipping:**

Vendor will ship three boxes of hunting regulations to approximately 150 license agents and one box to approximately 225 license agents throughout West Virginia by August 1, 2006. Remaining boxes of regulations will be delivered by August 7, 2006 to Division of Tourism office, 90 McCorkle Avenue, SW, South Charleston, WV 25303 (directions provided at time of delivery). Vendor will ship one box of fishing regulations to approximately 375 agents throughout WV by December 4, 2006. Remaining fishing regulations will be delivered to Division of Tourism office (address above) by December 18, 2006. Boxes must be shipped directly from location of printing to license agents via UPS. Zip codes for license agents are available from spending unit. Spending unit will supply addresses of license agents electronically as an Excel file.

**ALL SHIPPING COSTS TO BE INCLUDED IN BID.**

**Delivery**

Division of Tourism office has loading dock at storage level. Pallets will be unloaded from truck with fork lift by agency staff. Vendor must notify spending unit of delivery date at least two working days in advance by calling Charleston office at 304-558-2771.

Failure to meet printing quality, materials or specifications, etc. is justification for cancellation or refusal of the order.

INQUIRIES REGARDING TECHNICAL SPECIFICATIONS SHOULD BE MADE TO ART SHOMO 304-558-2771

SAMPLES OF SIMILAR PUBLICATIONS PRINTED BY VENDOR MUST BE SUPPLIED PRIOR TO AWARD.

DNR70214 - WEST VIRGINIA HUNTING & FISHING REGULATIONS - Bids Due June 21, 2006			
	Description		
<b>Order Quantity</b>	<b>WV Hunting Regulations</b>	<b>Price Per 1000</b>	<b>Total</b>
400,000 Ea.	30# Recycled Newsprint	\$ 104.21	\$ 41,684. <sup>00</sup>
<b>Est. Future Order Quantity</b>		<b>Price Per 1000</b>	
20,000	30# Recycled Newsprint printed in future	\$ 100.40	\$ 2,008. <sup>00</sup>
<b>Order Quantity</b>	<b>WV Fishing Regulations</b>	<b>Price Per 1000</b>	<b>Total</b>
300,000 Ea.	30# Recycled Newsprint	\$ 72.44	\$ 21,732
<b>Est. Future Order Quantity</b>		<b>Price Per 1000</b>	
20,000	30# Recycled Newsprint printed in future	\$ 69.23	\$ 1,385
<b>GRAND TOTAL</b>			<b>\$ 66,809.<sup>00</sup></b>

**VENDOR / BIDDER INFORMATION**

VENDOR: American Color Graphics INC

Signature: [Handwritten Signature]

Date: 6-15-06

**CONTRACT COORDINATOR INFORMATION**

Name: Jody Hellmann Acct Rep.

Address: 5101 Valley Indest Blvd S.  
Shakopee MN 55379

Phone Number: 952-445-5800 OR 1-800-752-9906

Email Address: jody.hellmann@american Fax#: 952-445-5809  
color.com

1,025

68,479.23

# AFFIDAVIT

**West Virginia Code §5A-3-10a states:**

No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owned is an amount greater than one thousand dollars in the aggregate.

**DEFINITIONS:**

"Debt" means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions.

"Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities.

"Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceed five percent of the total contract amount.

**EXCEPTION:**

The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

**LICENSING:**

The vendor must be licensed in accordance with any and all state requirements to do business with the state of West Virginia.

**CONFIDENTIALITY:**

The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures and rules. Vendors should visit [www.state.wv.us/admin/purchase/privacy](http://www.state.wv.us/admin/purchase/privacy) for the Notice of Agency Confidentiality Policies.

Under penalty of law for false swearing (West Virginia Code, §61-5-3), it is hereby certified that the vendor acknowledges the information in this said affidavit and are in compliance with the requirements as stated.

Vendor's Name: American Coal Graphics, Inc

Authorized Signature: [Signature] Date: 6-15-06