



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  
**667C0020**

PAGE  
**1**

ADDRESS CORRESPONDENCE TO ATTENTION OF:  
**JOHN JOHNSTON**  
**304-558-2402**

**\*709002547 301-223-6910**  
**MACCAFERRI INC**  
**10303 GOVERNOR LANE BLVD**  
**WILLIAMSPORT MD 21795**

**DIVISION OF HIGHWAYS**  
**VARIOUS LOCALES AS INDICATED**  
**BY ORDER**

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
03/22/2007				

BID OPENING DATE: **04/18/2007** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		570-68		
<p>TWISTED OR WELDED WIRE MESH GABIONS AND TIE WIRE</p> <p>OPEN END CONTRACT</p> <p>TO FURNISH TWISTED WIRE MESH OR WELDED WIRE MESH GABION AND TIE WIRE TO THE WEST VIRGINIA DIVISION OF HIGHWAYS AT THE LOCATIONS AND ESTIMATED QUANTITIES SPECIFIED HEREINAFTER.</p> <p>SEE ATTACHED</p> <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</p>						

RECEIVED

2007 APR 17 P 12:10

PURCHASING DIVISION  
 STATE OF W. VA. **1 LBS**

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE *William Helms* TELEPHONE 301-223-6910 DATE 4/5/07

TITLE Area Manager FEIN 13-1208793 ADDRESS CHANGES TO BE NOTED ABOVE

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



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<p>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 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 AUTOMATI-</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>William Schell</i>	TELEPHONE 301-223-6910	DATE 4/5/07
TITLE Area Manager	FEIN 13-1208793	ADDRESS CHANGES TO BE NOTED ABOVE

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<p>CALLY 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>REV. 04/11/2001</p> <p>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 FOR ORDERS THAT ARE LESS THAN \$2,500 AS A CONDITION OF AWARD.</p> <p style="text-align: center;">VENDOR PREFERENCE CERTIFICATE</p> <p>CERTIFICATION AND APPLICATION* IS HEREBY MADE FOR PREFERENCE IN ACCORDANCE WITH WEST VIRGINIA CODE, 5A-3-37 (DOES NOT APPLY TO CONSTRUCTION CONTRACTS).</p> <p>A. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED:</p> <p>( ) 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</p> <p>( ) BIDDER IS A PARTNERSHIP, ASSOCIATION OR CORPORA-</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>William H. Schuler</i>	TELEPHONE 301-223-6910	DATE 4/5/07
TITLE Area Manager	FEIN 13-1208793	ADDRESS CHANGES TO BE NOTED ABOVE

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				<p>TION 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 VENDO            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</p> <p>( ) 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.</p> <p>B. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE            REASON CHECKED:</p> <p>( ) 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            ARE RESIDENTS OF WEST VIRGINIA WHO HAVE RESIDED IN            THE STATE CONTINUOUSLY FOR THE TWO YEARS IMMEDIATELY            PRECEDING SUBMISSION OF THIS BID;            OR</p> <p>( ) 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</p>		

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>John Schell</i>	TELEPHONE 301-223-6910	DATE 4/5/07
OFFICE Area Manager	FEIN 13-1208793	ADDRESS CHANGES TO BE NOTED ABOVE

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V E N D O R	*709002547      301-223-6910
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S H I P T O	DIVISION OF HIGHWAYS
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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
	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.					
	BIDDER UNDERSTANDS IF THE SECRETARY OF TAX & 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.					
	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.					
	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.					
	BIDDER: -----					

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE 	TELEPHONE 301-223-6910	DATE 4/5/07	
TITLE Area Manager	FAX 13-1208793	ADDRESS CHANGES TO BE NOTED ABOVE	

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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
DATE: -----						
SIGNED: -----						
TITLE: -----						
* CHECK ANY COMBINATION OF PREFERENCE CONSIDERATION(S) IN EITHER "A" OR "B", OR BOTH "A" AND "B" WHICH YOU AR ENTITLED TO RECEIVE. YOU MAY REQUEST UP TO THE MAXIMUM 5% PREFERENCE FOR BOTH "A" AND "B". (REV. 12/00)						
NOTICE						
A SIGNED BID MUST BE SUBMITTED TO:						
DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130						
THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:						
SEALED BID						
BUYER:    33						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>William Schell</i>	TELEPHONE 301-223-6910	DATE 4/5/07
TITLE Area Manager	FERN 13-1208793	ADDRESS CHANGES TO BE NOTED ABOVE

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				RFQ. NO.: 667C0020		
				BID OPENING DATE AND TIME		
				PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: 301-223-5365		
				CONTACT PERSON (PLEASE PRINT CLEARLY): William Schelling		
				***** THIS IS THE END OF RFQ 667C0020 ***** TOTAL:		

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>William Schelling</i>	TELEPHONE 301-223-6910	DATE 4/5/07
TITLE Area Manager	FEIN 13-1208793	ADDRESS CHANGES TO BE NOTED ABOVE

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**SPECIFICATIONS:** THE FOLLOWING SECTIONS OF THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS STANDARD SPECIFICATION ROADS AND BRIDGES ADOPTED 2000, AS AMENDED BY THE CURRENT SUPPLEMENTAL SPECIFICATIONS AT THE TIME OF BID OPENING SHALL APPLY TO THE ADMINISTRATION OF THIS CONTRACT: SECTIONS 715.23.1, 715.23.2, 715.23.4, 715.23.4.1, 715.23.4.1, 715.23.5, 715.23.5.1, AND 715.23.5.2.

THE TERMS "CONTRACTOR" AND "VENDOR" USED IN THE ABOVE SPECIFICATIONS OF THIS CONTRACT ARE INTERCHANGEABLE. CONTRACTOR SHALL MEAN VENDOR AND VENDOR SHALL MEAN CONTRACTOR.

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS STANDARD SPECIFICATION ROADS AND BRIDGES, ADOPTED 2000, AND THE CURRENT SUPPLEMENTAL SPECIFICATIONS AT TIME OF BID OPENING MAY BE OBTAINED FROM:

CONTRACT ADMINISTRATION DIVISION  
WEST VIRGINIA DIVISION OF HIGHWAYS  
1900 KANAWHA BOULEVARD, EAST  
BUILDING 5, ROOM 737  
CHARLESTON, WEST VIRGINIA 25305-0430

ELECTRONIC COPIES MAY BE OBTAINED VIA THE INTERNET AT [WWW.WVDOT.COM](http://WWW.WVDOT.COM)

**DELIVERY:** VENDOR WILL DELIVER ORDERS OF 100 GABIONS OR MORE FOBTO SPECIFIED DELIVERY SITES STATEWIDE. THE VENDOR MAY ADD SHIPPING CHARGES FOR ORDERS OF LESS THAN 100 GABIONS PER DELIVERY SITE.

VENDOR SHALL COMPLETE DELIVERY OF GABIONS TO THE SPECIFIED DELIVERY SITES WITHIN 60 CALENDAR DAYS OF RECEIPT OF THE STATE CONTRACT ORDER (SCO).

GABIONS FURNISHED BY THE VENDOR SHALL BE OF A UNIFORM SIZE AND DELIVERED FLAT.

A DELIVERY DOCUMENT SHOWING ITEMS DELIVERED AND THE ACTUAL OR CALCULATED GROSS VEHICULAR WEIGHT OF THE DELIVERY VEHICLE SHALL ACCOMPANY EACH LOAD. THE TOTAL NUMBER OF DELIVERY VEHICLE AXLES SHALL BE RECORDED ON THE DELIVERY DOCUMENT.



THE VENDOR SHALL NOTIFY THE DISTRICT COMPTROLLER 24 HOURS IN ADVANCE OF DELIVERY TO ENSURE PERSONNEL ARE AVAILABLE FOR UNLOADING.

CONTACT IS TO BE MADE WITH THE BELOW NAMED INDIVIDUALS OR THEIR REPRESENTATIVE AT THE TELEPHONE NUMBER GIVEN.

<u>LOCATION</u>	<u>COMPTROLLER</u>	<u>TELEPHONE</u>
DISTRICT ONE, CHARLESTON	MELISSA MULLINS	304-558-3047
DISTRICT TWO, HUNTINGTON	KEITH CHAPMAN	304-528-5615
DISTRICT THREE, PARKERSBURG	MARK KIMES	304-420-4666
DISTRICT FOUR, CLARKSBURG	JOHN BARTLETT	304-842-1570
DISTRICT FIVE, BURLINGTON	PATRICIA BROADHURST	304-289-3521
DISTRICT SIX, TRIADDELPHIA	CAROL RYAN	304-843-4011
DISTRICT SEVEN, WESTON	MELISSA JORDAN	304-269-0407
DISTRICT EIGHT, ELKINS	DEBBIE BARNETT	304-637-0215
DISTRICT NINE, LEWISBURG	KEITH BROWN	304-647-7450
DISTRICT TEN, PRINCETON	TOM CAMDEN	304-487-5222

LATE DELIVERY

THE WEST VIRGINIA DIVISION OF HIGHWAYS MAY ASSESS A LATE DELIVERY CHARGE AGAINST THE VENDOR FOR EACH CALENDAR DAY THAT DELIVERY IS DELAYED BEYOND THE ABOVE STATED SCHEDULE. THE LATE DELIVERY CHARGE WILL BE CALCULATED AT A RATE OF ONE-TENTH OF ONE PERCENT (0.1%) OF THE STATE CONTRACT ORDER AMOUNT PER DAY.

**BID SHEET GABIONS**

DESCRIPTION	ESTIMATED USAGE	DISTRICT	DISTRICT	DISTRICT	DISTRICT	DISTRICT
		ONE	TWO	THREE	FOUR	FIVE
6'X3'X3'	500 PER DISTRICT	39.18	39.18	39.18	39.18	39.18
9'X3'X3'	500 PER DISTRICT	56.64	56.64	56.64	56.64	56.64
12'X3'X3'	250 PER DISTRICT	70.80	70.80	70.80	70.80	70.80

DESCRIPTION	ESTIMATED USAGE	DISTRICT	DISTRICT	DISTRICT	DISTRICT	DISTRICT
		SIX	SEVEN	EIGHT	NINE	TEN
6'X3'X3'	500 PER DISTRICT	39.18	39.18	39.18	39.18	39.18
9'X3'X3'	500 PER DISTRICT	56.64	56.64	56.64	56.64	56.64
12'X3'X3'	250 PER DISTRICT	70.80	70.80	70.80	70.80	70.80

715.23.4.2 TIE WIRE PER ROLL     \$81.50

**DISTRICT ADDRESSES**

**District One**  
1334 Smith Street  
Charleston, West Virginia 25301-1492

**District Six**  
1 DOT Drive  
Moundsville, West Virginia 26041-1605

**District Two**  
801 Madison Avenue  
Huntington, West Virginia 25712-0880

**District Seven**  
255 Depot Street  
Weston, West Virginia 26452-1228

**District Three**  
624 Depot Street  
Parkersburg, West Virginia 26102-0308

**District Eight**  
US 219 North  
Elkins, West Virginia 26241-1516

**District Four**  
I-79 & Meadowbrook Road  
Clarksburg, West Virginia 26302-2570

**District Nine**  
103 1/2 Church Street  
Lewisburg, West Virginia 24901

**District Five**  
US Route 50  
Post Office Box 99  
Burlington, West Virginia 26710-0099

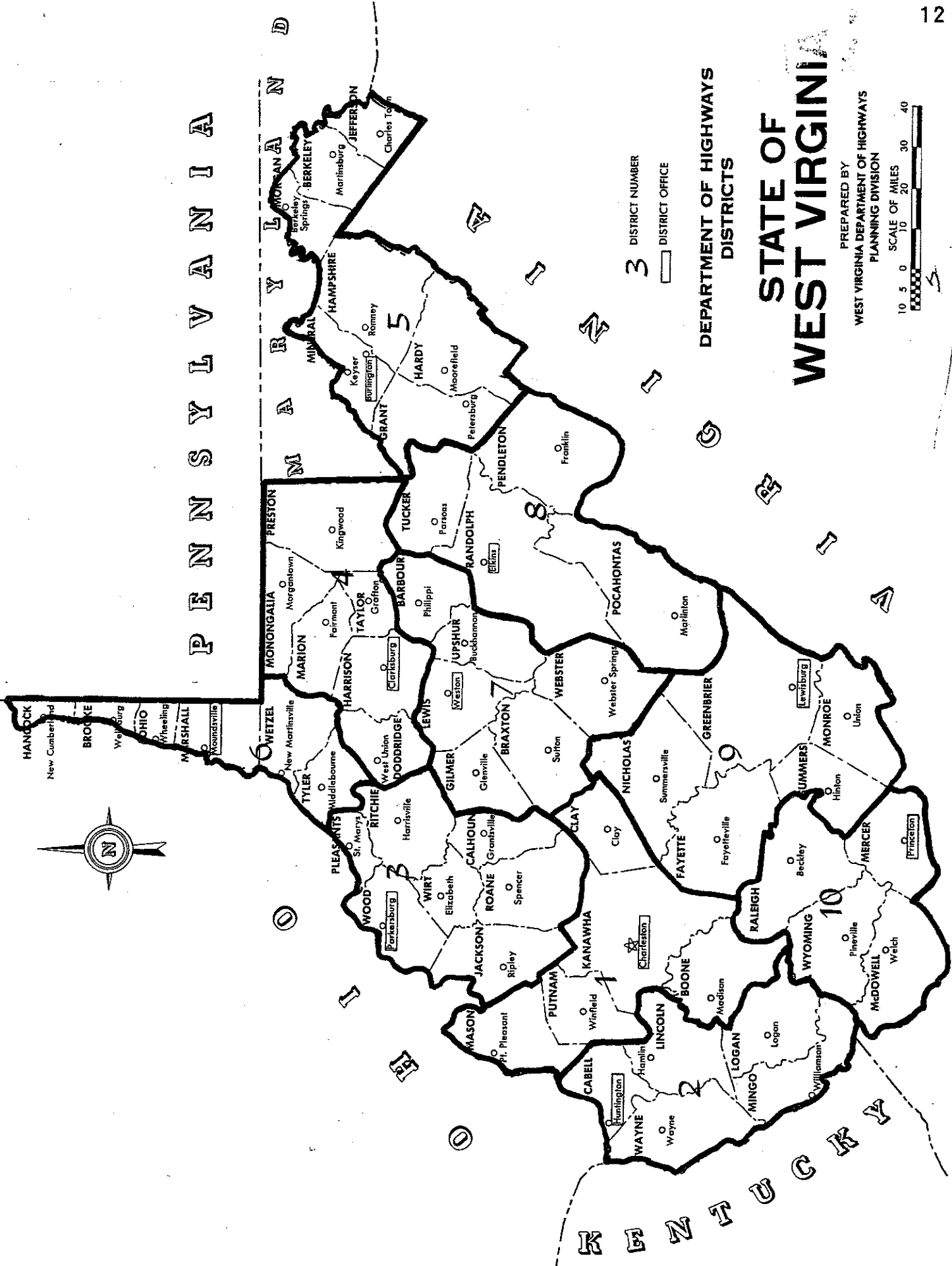
**District Ten**  
270 Hardwood Lane  
Princeton, West Virginia 24740-2737

P E N N S Y L V A N I A

# STATE OF WEST VIRGINIA

DEPARTMENT OF HIGHWAYS  
DISTRICTS

PREPARED BY  
WEST VIRGINIA DEPARTMENT OF HIGHWAYS  
PLANNING DIVISION



# A F F I D A V I T

**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:**

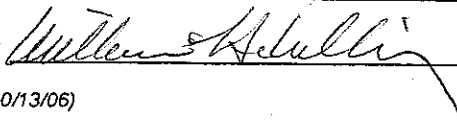
Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, or any other state agencies or political subdivision. Furthermore, the vendor must provide all necessary releases to obtain information to enable the Director or spending unit to verify that the vendor is licensed and in good standing with the above entities.

**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: Maccaferri Inc.

Authorized Signature:  Date: 4/5/07