



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

Request for Quotation

RFO NUMBER
667C0020

PAGE
1

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

BIDDING

*110095155 304-766-7404
JOHNSTON MOREHOUSE DICKEY CD
6242 MACCORKLE AVE
SAINT ALBANS WV 25177-2331

SHIPPING

DIVISION OF HIGHWAYS
VARIOUS LOCALES AS INDICATED
BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
03/22/2007				

BID OPENING DATE	04/18/2007	BID OPENING TIME	01:30PM
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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 16 A 9:44
(1-800-742-5877) or

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
	304-766-7404	4/13/07
TITLE	FEN	
VICE PRESIDENT	25-0578730	

ADDRESS CHANGES TO BE NOTED ABOVE
WHEN RESPONDING TO RFO, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



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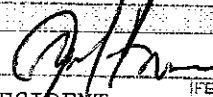
ADDRESS CORRESPONDENCE TO ATTENTION OF
JOHN JOHNSTON 304-558-2402

*110095155 304-766-7404
 JOHNSTON MOREHOUSE DICKEY CO
 6242 MACCORKLE AVE
 SAINT ALBANS WV 25177-2331

DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
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04/18/2007		01:30PM		

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<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>						

SIGNATURE				SEE REVERSE SIDE FOR TERMS AND CONDITIONS	
 VICE PRESIDENT		TELEPHONE	DATE		
		304-766-7404	4/13/07		
TITLE		ADDRESS CHANGES TO BE NOTED ABOVE			
25-0578730					

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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>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 	TELEPHONE 304-766-7404	DATE 4/13/07
TITLE VICE PRESIDENT	FAX 25-0578730	ADDRESS CHANGES TO BE NOTED ABOVE

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*110095155 304-766-7404
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SUPPLIER

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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 HEAQUARTERS 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

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TITLE VICE PRESIDENT	FAX 25-0578730	ADDRESS CHANGES TO BE NOTED ABOVE

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SHIP TO

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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: JOHNSTON-MOREHOUSE-DICKEY CO.

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE 	TELEPHONE 304-766-7404	DATE 4/13/07
TITLE VICE PRESIDENT	FERN 25-0578730	ADDRESS CHANGES TO BE NOTED ABOVE

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6

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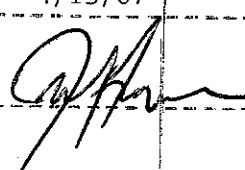
ROBERT V. BOYER

*110095155 304-766-7404
JOHNSTON MOREHOUSE DICKEY CO
6242 MACCORKLE AVE
SAINT ALBANS WV 25177-2331

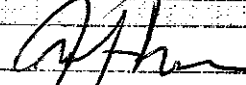
STATE OF WEST VIRGINIA

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

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<p>DATE: 4/13/07</p> <p>SIGNED: </p> <p>TITLE: VICE PRESIDENT</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". (REV. 12/00)</p> <p>NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p>DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER: 33</p>						

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ADDRESS CORRESPONDENCE TO A MENTION OF
**JOHN JOHNSTON
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VENDOR FOR

*110095155 304-766-7404
JOHNSTON MOREHOUSE DICKEY CO
6242 MACCORKLE AVE
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VENDOR FOR

DIVISION OF HIGHWAYS
VARIOUS LOCALES AS INDICATED
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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: 304-766-7406						
CONTACT PERSON (PLEASE PRINT CLEARLY): DAN KELLY						
***** THIS IS THE END OF RFQ 667C0020 ***** TOTAL: _____						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE 	TELEPHONE 304-766-7404	DATE 4/13/07
TITLE VICE PRESIDENT	FAX 25-0578730	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

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, TRIADELPHIA	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 ONE	DISTRICT TWO	DISTRICT THREE	DISTRICT FOUR	DISTRICT FIVE
6'X3'X3'	500 PER DISTRICT	31.25	31.25	31.25	31.25	31.90
9'X3'X3'	500 PER DISTRICT	47.25	47.25	47.25	47.25	48.20
12'X3'X3'	250 PER DISTRICT	59.50	59.50	59.50	59.50	60.70

DESCRIPTION	ESTIMATED USAGE	DISTRICT SIX	DISTRICT SEVEN	DISTRICT EIGHT	DISTRICT NINE	DISTRICT TEN
6'X3'X3'	500 PER DISTRICT	31.25	31.25	31.25	31.25	31.25
9'X3'X3'	500 PER DISTRICT	47.25	47.25	47.25	47.25	47.25
12'X3'X3'	250 PER DISTRICT	59.50	59.50	59.50	59.50	59.50

715.23.4.2 TIE WIRE PER ROLL N/C

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

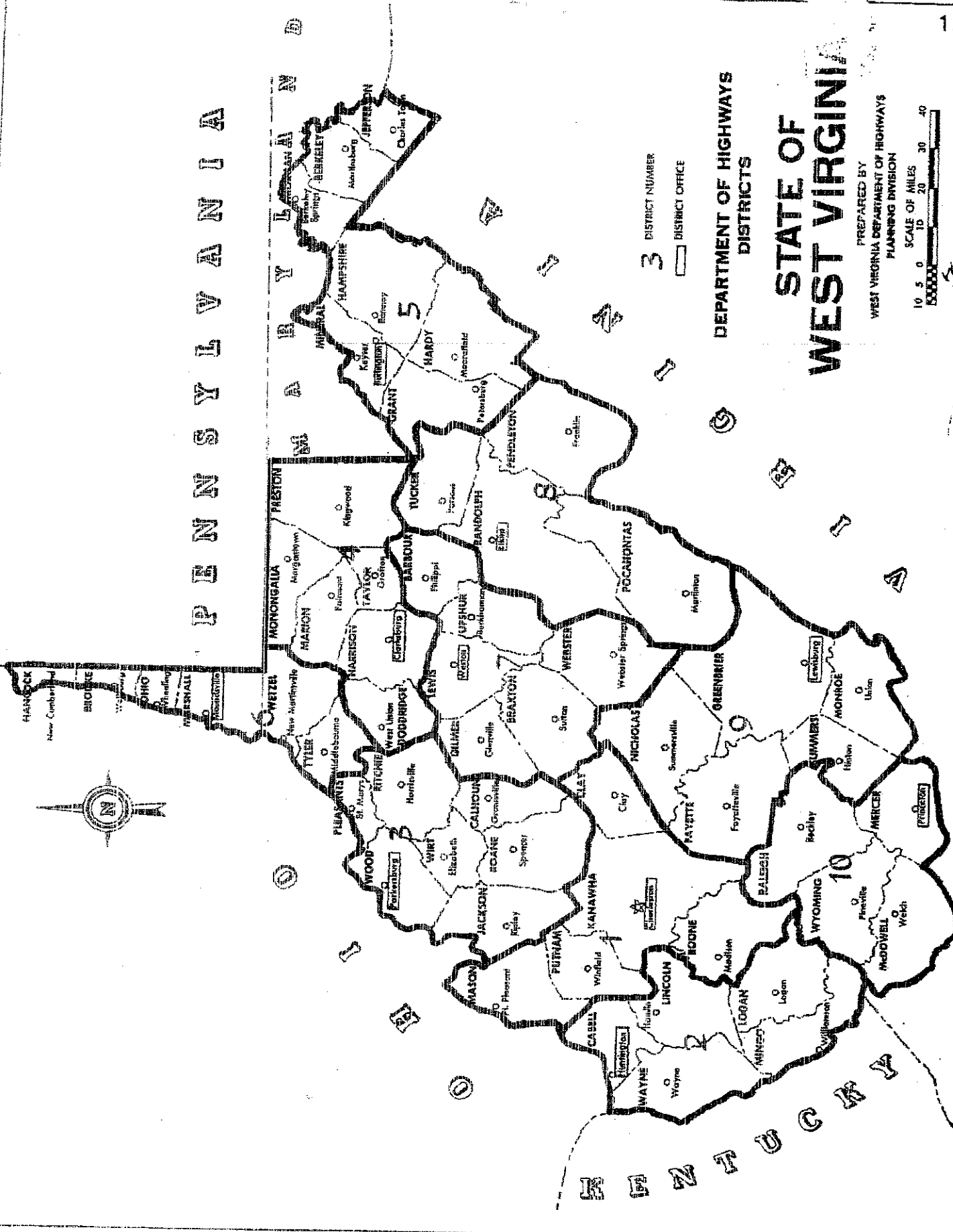
District Nine
103 1/2 Church Street
Lewisburg, West Virginia 24901

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

K E N T U C K Y



DEPARTMENT OF HIGHWAYS
DISTRICTS

STATE OF WEST VIRGINIA

PREPARED BY
WEST VIRGINIA DEPARTMENT OF HIGHWAYS
PLANNING DIVISION



DISTRICT NUMBER
3
DISTRICT OFFICE

RFQ No. 66700020

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:

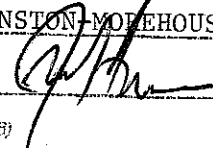
Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, 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 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: JOHNSTON MOREHOUSE-DICKEY COMPANY

Authorized Signature: 

Date: 4/13/07