



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
667C0023

PAGE
1

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

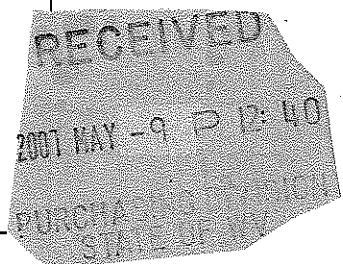
***717094953 614-443-8170**
TOM BROWN INC
1740 C HARMON AVE
COLUMBUS OH 43223

DIVISION OF HIGHWAYS
VARIOUS LOCALES AS INDICATED
BY ORDER

DATE PRINTED 04/17/2007	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: **05/09/2007** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA		745-56		
<p>EXPANSION JOINT SYSTEM</p> <p>OPEN END CONTRACT</p> <p>TO FURNISH COMPONENTS OF THE X.J.S. EXPANSION JOINT SYSTEM BY SILICONE SPECIALITIES INC. (PPG METALHIDE ONE-PAC INORGANIC ZINC RICH PRIMER 97-676 SERIES, DOW CORNING P5200 ADHESION PROMOTER, SILSPEC 900 POLYMER NOSING SYSTEM MATERIAL, AND DOW CORNING 902 SILICONE SEALANT), SOFT TYPE BACKER ROD BY NOMANCO INC., OR "APPROVED EQUALS" FOR USE BY THE WEST VIRGINIA DIVISION OF HIGHWAYS.</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</p>						



SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]* TELEPHONE: **614-554-1528** DATE: **5/9/2007**

TITLE: **Sales Mgr** FEIN: **25-0916837** ADDRESS CHANGES TO BE NOTED ABOVE

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



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<p>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 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>						

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<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>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</p>						

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<p>CERTIFICATION; OR</p> <p>() 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</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;</p> <p>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</p>						

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<p>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 & 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> <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>						

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BIDDER: <i>Roger Burris</i> DATE: <i>5/9/07</i> SIGNED: <i>[Signature]</i> TITLE: <i>Sales Manager</i>						
* 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)						
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						

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BUYER: 33 RFQ. NO.: 667C0023 BID OPENING DATE AND TIME PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: <i>ROGER BURRIS (614) 559-6598</i> CONTACT PERSON (PLEASE PRINT CLEARLY): ----- ***** THIS IS THE END OF RFQ 667C0023 ***** TOTAL: _____						

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1. **SPECIFICATIONS**

The following sections of the West Virginia Department of Transportation, Division of Highways Standard Specifications, Roads and Bridges, adopted 2000, as modified by the current Supplemental Specifications at time of bid opening shall apply to the administration of this contract: Sections 101, 102.4, 102.5, 105.1, 105.3, 105.4, 105.10, 105.11, 105.12, 105.13, 106.3, 106.4, 106.5, 106.6, 106.7, 106.9, 107.1, 107.2, 107.3, 107.14, 107.19, 107.20, 108.8, 109.1, 109.2 and 109.20.

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 Specifications Roads and Bridges, adopted 2000, and the current Supplemental Specifications at time of bid opening may be obtained from:

West Virginia Department of Transportation
Division of Highways, Building 5, Room A729
1900 Kanawha Blvd., East
Charleston, West Virginia 25305

1.1 **COMPONENTS OF X.J.S. EXPANSION JOINT SYSTEM or "Approved Equal"**

- A. PPG MetalHide® One-Pac Inorganic Zinc Rich Primer (97-676 Series) for priming of plain carbon steel and weathering steel. The material shall have the following physical properties:

Color: Gray
Gloss: Matte
VOC: 3.83 lbs/gal
Coverage: 207 to 276 sq ft/gal
Volume Solids: 51.7% ± 2%
Weight Solids: 73.8% ± 2%
Flash Point: 40° F
Packaging: 1-Gal
Drying Time @ 77° F; 50% relative humidity:
Touch 1 hour
Handle 4 hours
Recoat 16 hours

Surface Temperature and relative humidity for application:
Temperature: 0° F to 140° F
Relative Humidity: 30% to 85%

- B. Dow Corning® 5200 Adhesion Promoter Coat for priming plain carbon steel and concrete substrates. Shelf life of unopened material shall be one and one-half (1.5) years when stored between 50° F and 90° F. The material shall have the following physical properties:

Color: Clear
Low VOC: 43 g/L
Flash Point: 88° F
Dry Time: 30 min cold conditions
10 min warm conditions

C. SSI Silspec® 900 Polymer Nosing System

The polymer material shall be a three-component (polymer resin, curing agent, engineered blend of graded aggregates), rapid curing liquid polymer that cures to a dense, semi-flexible, weather, abrasion, and impact resistant polymer mortar. The polymer material shall cure sufficiently to accept traffic in four (4) hours at a substrate temperature of 70° F. Shelf life of unopened material shall be two (2) years when stored between 50° F and 90° F. The material shall have the following physical properties:

Mixed Epoxy Without Aggregate:

Mixing Ratio:	1:1 by Volume	
Color:	Black	
Tensile Strength:	900 PSI min.	ASTM D 638*
Elongation at Break:	45% min.	ASTM D 638*
Shore D Hardness:	45-75 (at 77° F)	ASTM D 2240
Gel Time:	20-60 minutes	AAASHTO M200

*Molded Specimens, 0.25 in Thickness

Mixed Epoxy With Aggregate:

Compressive Strength:	2500 PSI min	ASTM C 579 Method B @ 24 Hours
Bond Shear Strength:	700 PSI min	ASTM C 882
Abrasion Resistance:	1.0 max	ASTM C 501, Taber H22
Resilience:	70% min	OKLA Test Procedure OHD L6
Thermal Compatibility	PASS	ASTM C 884

Aggregate: Supplied by the manufacturer. It shall be well graded, clean and dry.

D. Dow Corning 902 Silicone Sealant

The silicone sealant shall be a cold-applied, self leveling, ultra-low-modulus, two-part, rapid curing, 100 percent, silicone rubber sealant. The silicone sealant shall cure sufficiently to accept traffic within one (1) hour. Shelf life of unopened material shall be one (1) year when stored between 32° F and 90° F. Sealant shall meet the following physical requirements:

As Supplied	Parts A & B	
Flow	Self Leveling	ASTM C 639 Type I
Extrusion Rate	200-550 grams/min	MIL-S-8802
Specific Gravity	1.25 to 1.34	ASTM D 792 Method A

As Cured (at 77° F & 50% Relative Humidity)

Mixing Ratio:	1:1 by Volume	
Color:	Gray	
Skin-Over Time:	20 min max	MIL-S-8802
Tack-Free Time:	90 min max	
Elongation	600 % min	ASTM D 3583, Sec 14 Mod
Modulus @ 100%	3 to 12 PSI	ASTM D 3583, Sec 14 Mod

1.2 SOFT TYPE BACKER ROD as Manufactured by Nomaco Inc., and Industrial Thermo Polymers or "Approved Equal".

Backer rod shall be non-exuding, chemically inert extruded polyolefin foam with a non-absorbing outer skin and a resilient interior network of open and closed cells, which does not out-gas when ruptured. The material shall have the following physical properties:

Water Absorption:	0.5% (by volume % max)	ASTM D 5249
Density:	6 lb/ft ³ max	ASTM D 1622
Outgassing:	<1 (No. of bubbles)	ASTM C 1253
Comp. Recovery:	90% min	ASTM D 5249
25% Compression		
deflection force:	15 psi max	ASTM D 5249
Tensile Strength:	20 psi min	ASTM D 1623
Temp. Limits:	-45° F to 160° F	

2. CONTRACT REQUIREMENTS

The purpose of this contract is to establish unit prices for following Items; Items 1, 2, 3, 4 and 5 which are to be used as the basis for requisitioning components of the X.J.S. Expansion Joint System, (zinc primer, adhesion promoter, polymer nosing material, silicone sealant), for use in the repair and construction of sealed bridge expansion joints. All components bid as equal, must be part of a complete expansion joint system approved as equal to the X.J.S. Expansion Joint System and not a single component approved as an equal to a component of the X.J.S. Expansion Joint System.

Item 6 which is to be used as the basis for requisitioning soft type backer rod material for use in bridge expansion joints.

Bid price for Items 1 thru 6 shall be "F.O.B." Division of Highways storage sites as indicated on the Approved State Contract Purchase Order (SCO). Refer to bid schedule for a listing of the Division of Highways storage sites.

Vendor may bid any or all items on the bid schedule. However, the amount bid on any one item may be conditioned on the acceptance of the bid on any other item.

Any qualification of bids or modification of the specification or conditions governing the bid may be cause to reject bids.

3. CONTRACT AWARD

Contract shall be awarded on any individual item basis.

In the event a Vendor fails to conform to the requirements of this contract document or the governing specifications the contract may be canceled and re-awarded to the next lowest bidder.

4. DELIVERY

Upon receipt of a State Contract Order (SCO) the requested item(s) shall be delivered or available for Division of Highways pick-up within fifteen (15) calendar days.

Estimated District Material Needs for Purchase Order Contract

DIST	PPG MetalHide	Dow Corning® 5200	SOF®ROD	Silspec® 900		Dow Corning 902
	Gallon	12 oz Can	LF	Unit	30 Unit	320 OZ
1	0	6	1500	25		25
2	0	5	300		3	6
3	0	0	0	0	0	0
4	0	0	0	0	0	0
5	0	5	800	10	1	8
6	0	3	150	0	3	3
7	0	2	120	0	3	3
8	0	2	0		3	3
9	3	6	1075	3	3	12
10	0	10	700	10	1	20
CHMD	0	12	700	0	3	12
TOTALS	3	51	5345	48	20	92

5. VENDOR'S INVOICE

Vendor's invoice must be submitted in original and one (1) copy and contain the following:

- a. Division of Highways' State Contract Order (SCO) Number and this contract number.
- b. Total quantity and unit price with the extended total cost of each item purchased.

Under no circumstances will the West Virginia Division of Highways accept, or pay for quantities in excess of the quantities stated on the State Contract Order.

6. BID SCHEDULE

Division of Highways Storage Sites
Districts 1-10 & Maintenance Div.

ITEM/UNIT PRICE

- 1. PPG Metal Hide Primer (97-676 Series) or "Approved Equal" 89.50 per 1 Gallon
- 2. Dow Corning® P5200 Adhesion Promoter or "Approved Equal" 31.00 per 12 oz Can
- 3. Silspec® 900 Polymer Nosing System or "Approved Equal" 190.00 per Unit*
- 4. Silspec® 900 Polymer Nosing System or "Approved Equal" 5475.00 per 30 Unit* Lot
- 5. Dow Corning 902 RCS Silicone Sealant (Package With 8 part A tubes & 8 Part B Tubes. Total 320 ounces) 297.75 per Package

6. Soft Type Backer Rod or "Approved Equal"

BACKER ROD DIAMETER								
3/8" per L.F.	5/8" per L.F.	7/8" per L.F.	1 1/8" per L.F.	1 1/2" per L.F.	2" per L.F.	2 1/2" per L.F.	3" per L.F.	4" per L.F.
.027	.039	.069	.11	.18	.37	.583	.86	1.60

* Unit equals 1 cubic foot

Division of Highways Storage Sites

District One
1334 Smith Street
Charleston, WV 25301

District Two
P.O. Box 880
Huntington, WV 25712

District Three
624 Depot Street
Parkersburg, WV 26101

District Four
P. O. Box 4220
Clarksburg, WV 26302-4220

District Five
P.O. Box 99 (US Route 50)
Burlington, WV 26710

District Six
1 DOT Drive
Moundsville, WV 26041

District Seven
P.O. Box 1228
Weston, WV 26452

District Eight
US Route 219 North
P.O. Box 1516
Elkins, WV 26241

District Nine
103 1/2 Church Street
Lewisburg, WV 24901

District Ten
270 Hardwood Lane
Princeton, WV 24740

Maintenance Division
I-79 Exit 57
Coon Knob, WV 26601

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

M A R Y L A N D

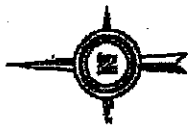
DEPARTMENT OF HIGHWAYS
DISTRICTS

STATE OF WEST VIRGINIA

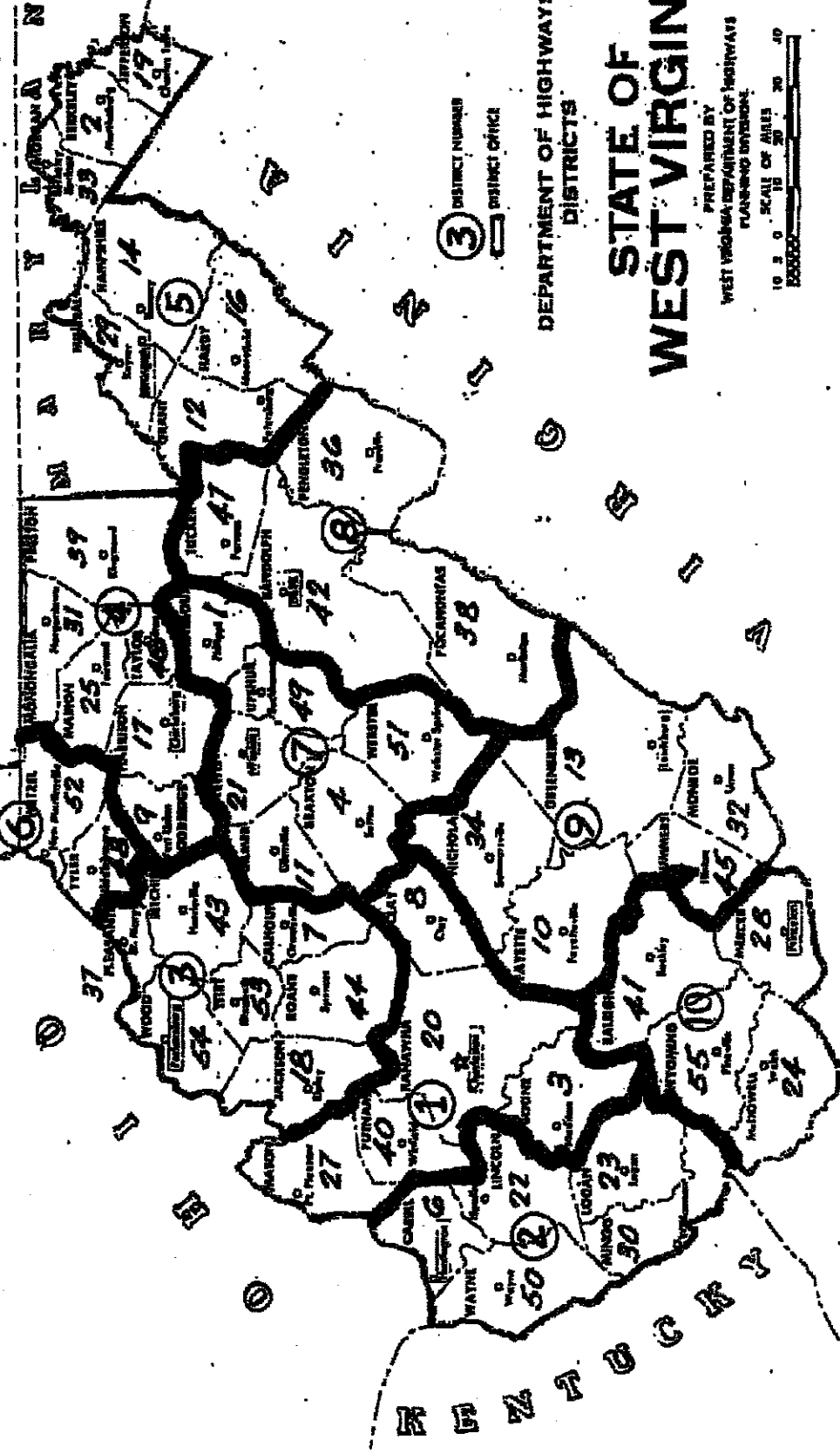
PREPARED BY
WEST VIRGINIA DEPARTMENT OF HIGHWAYS
PLANNING DIVISION

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1:250,000

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15
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HARRISBURG
New Cumberland
BROOKS
WHEELING
CANTON
MARTINSBURG
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W E S T V I R G I N I A

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:

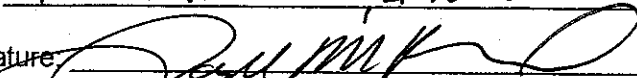
Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission,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

Authorized Signature:  Date: 05/09/2007