



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
DEFK7054

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
CHUCK BOWMAN 304-558-2157

RFQ COPY

VENDOR

*Middle town Tractor Sales  
 2032 Fairmont Ave  
 Fairmont, W.V. 26564*

SHIP TO

DIV ENGINEERING & FACILITIES  
 ARMORY BOARD SECTION

1707 COONSKIN DRIVE  
 CHARLESTON, WV  
 25311-1099 341-6368

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
08/16/2006				

BID OPENING DATE: **09/12/2006** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA		765-87		33,209 <sup>00</sup>
<p><i>we are Bidding a John Deere 110 TAB (see following)</i></p> <p>TRACTOR-LOADER-BACKHOE</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, ON BEHALF OF THE AGENCY, THE WEST VIRGINIA OFFICE OF THE ADJUTANT GENERAL'S DIVISION OF ENGINEERING AND FACILITIES, IS SOLICITING BIDS FOR ONE (1) 4-WHEEL DRIVE TRACTOR-LOADER-BACKHOE COMBINATION PIECE OF EQUIPMENT FOR DELIVERY TO THE ENVIRONMENTAL OFFICE OF THE CHARLESTON GUARD HEADQUARTERS LOCATED AT 1703 COONSKIN DRIVE WITHIN FORTY-FIVE (45) DAYS OF THE ISSUANCE OF THE PURCHASE ORDER.</p> <p>EQUIPMENT SPECIFICATION IS BASED ON THE KUBOTA L48 (OR EQUAL) PER THE ATTACHED. PLEASE NOTE THAT THE MINIMUM SPECIFICATIONS HAVE BEEN CALCULATED AND DETERMINED BY THE AGENCY AND ARE NOT THE EXACT PERFORMANCE DATA AS PROVIDED BY THE MANUFACTURER FOR THE MODEL SELECTED AS THE BASIS OF THE SPECIFICATION. THE DATA NOTED REPRESENTS THE 'MINIMUM' ACCEPTABLE PERFORMANCE DATA THAT THE AGENCY WILL CONSIDER WHEN EVALUATING AND DETERMINING THE RECOMMENDATION FOR AWARD.</p> <p>THE OVERALL DIMENSIONS NOTED ARE NOT NEGOTIABLE. SIZE LIMITATIONS EXIST DUE TO AVAILABLE TRAILER OPTIONS OF THE AGENCY FOR TRANSPORTATION PURPOSES.</p> <p>VENDOR PRICE TO BE INCLUSIVE OF ALL DELIVERY CHARGES. FREIGHT AND DELIVERY MAY BE NOTED AS A SEPARATE LINE ITEM ON THE VENDOR'S QUOTE, BUT BE INFORMED THAT A SEPARATE FREIGHT INVOICE IN AN AMOUNT NOT INDICATED ON THE VENDOR'S INITIAL QUOTE WILL NOT BE ACCEPTED OR</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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**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 \$125.00 registration fee.
5. All services performed or goods delivered under State Purchase Orders/Contracts are to be continued for the term of the Purchase Order/Contract, 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 is automatically null and void, and is 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 Covered Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.

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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 cases 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.

**SIGNED BID TO:**

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



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PAGE  
**2**

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 TYPE NAME/ADDRESS HERE

SHIP TO

**DIV ENGINEERING & FACILITIES**  
**ARMORY BOARD SECTION**  
  
**1707 COONSKIN DRIVE**  
**CHARLESTON, WV**  
**25311-1099 341-6368**

DATE PRINTED <b>08/16/2006</b>	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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<p>PAID.</p> <p>THE MODEL/BRAND/SPECIFICATIONS NAMED HEREIN ESTABLISH THE ACCEPTABLE LEVEL OF QUALITY ONLY AND ARE NOT INTENDED TO REFLECT A PREFERENCE OR FAVOR ANY PARTICULAR BRAND OR VENDOR. VENDORS WHO ARE BIDDING ALTERNATES SHOULD SO STATE AND INCLUDE PERTINENT LITERATURE AND SPECIFICATIONS. FAILURE TO PROVIDE INFORMATION FOR ANY ALTERNATES MAY BE GROUNDS FOR REJECTION OF THE BID. THE STATE RESERVES THE RIGHT TO WAIVE MINOR IRREGULARITIES IN BIDS OR SPECIFICATION IN ACCORDANCE WITH SECTION 148-1-4(F) OF THE WEST VIRGINIA LEGISLATIVE RULES AND REGULATIONS.</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 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</p>						

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<p>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 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</p>						

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<p>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> <p>BIDDER: <i>Middle town Tentpole Sales</i></p> <p>DATE: <i>9/06/06</i></p> <p>SIGNED: <i>Dale A. Nelson</i></p>						

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PAGE
5

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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
				TITLE: <i>Sales Consultant</i>		
<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: CB-23</p> <p>RFQ. NO.: DEFK7054</p> <p>BID OPENING DATE: 09/12/06</p> <p>BID OPENING TIME: 1:30 PM</p>						

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PAGE  
**6**

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PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- <b>(304) 366-4698</b> -----  CONTACT PERSON (PLEASE PRINT CLEARLY): ----- <b>Dale A. Nelson</b> -----   ***** THIS IS THE END OF RFQ DEFK7054 ***** TOTAL: <b>\$ 33,209<sup>00</sup></b>						

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**SPECIFICATIONS FOR A 4 WHEEL DRIVE TRACTOR - LOADER - BACKHOE  
 EQUAL TO OR BETTER THAN A KUBOTA L48**

<b>FEATURE</b>	<b>MINIMUM SPECIFICATION</b>
<b>TRACTOR UNIT</b>	<b>4 WHEEL DRIVE, DIESEL ENGINE</b>
Loader Integrated Main Frame	Yes
Gross Eng. HP @ Rated Speed	48 @ 2600
Net Eng. HP @ Rated Speed	46 @ 2600
PTO Output HP @ Engine Speed	37 @ 2436
Cylinders/Displacement, cu. in.	4 / 148.5
Rated Speed, rpm	2600
Fuel Tank Capacity, U.S. gallons	13
Volts/Alternator	12V/40 Amp
Concealed muffler and spark arrestor	Yes
Hydraulic System Type	Open Center
Number of Pumps	3
Total Flow, gpm	25
Hydraulic System Pressure, psi	2775
Transmission Type	Hydrostatic Drive
Transmission Ranges/Speeds	3 / Infinite
Clutch; Wet/Dry	Dry Single Stage
Direction Control	Treadle Pedal
Brake Type	Wet Disk
Parking Brakes	Yes
Rear Axle Final Drives	Inboard Planetary
Differential Lock	Yes
Front Axle Type (4WD)	Bevel Gear
Steering Type	Hydrostatic Power
Steering Control	Tilt
PTO Type	Live, Continuous Running
PTO, Standard, rpm	Rear @ 540
PTO Control	Transmission Driven
PTO Engagement	Gear
Front Tires	10x16.5, 8 PR
Rear Tires	17.5Lx24, 6 PR
3-Point Hitch	Category I
Hitch Lift Capacity @ 24" behind lift point	3300 lbs
Hitch Lift Capacity @ lift points	3570 lbs
Instrumentation Location	Front Cowl
Seat Type	Common Use, Swivel, Walk-around Access
Canopy Type / Material	Flat Steel
Rollover Protective Structure (ROPS)	4-Post OSHA 1926, 1002/1003 to 9370 lb.
Falling Object Protective Structure (FOPS)	OSHA 1926, 1003 Canopy Sheet
Running Lighting	2 Canopy Mounted Head and Tail Lights
Warning Lights	Fender Mounted
Work Lights	Front and Rear
Turn Signals w/ 4-way Flashers	Yes
Safety Alarm	Back-up Alarm
Slow Moving Vehicle Sign	Yes
Horn	Yes
Engine Block Heater	Yes
Grill Guard	Yes



<b>Loader Unit</b>	
Loader Control Type	Single Lever Tractor Mount
Auto Hydraulic Loader Leveling System	Yes
Auxiliary Front Hydraulics	Installed
Bucket Coupler	Skid Steer Loader Type
Standard Bucket Spec	72", Heavy Duty, Round Back, Bolt-on Cutting Edge
Anti-Rollback Device	Hydraulic Self Leveling
Lift Height to Pivot Pin	116 inches
Reach at Max. Lift Height	22 inches
Max. Dump & Rollback Angle	45 degrees
Digging Depth	5.9 inches
Lift Capacity to Max Height / Pivot Pin	3000 lbs
Lift Capacity to Max. Height	2540 lbs
Breakout Force @ Pivot Pins	3400 lbs
<b>Backhoe Unit</b>	
Quick Attach Mounting	Yes
Boom Type	Straight, Open
Stabilizer Feet	Steel, Reversible
Stabilizer Pads	Rubber
Bucket Linkage	Standard 4-Bar
Bucket Coupler	Quick Mount Attach-Detach Capable
Bucket(s) to be Included	12" and 24", with Bolt-on Teeth
Max. Digging Depth	134 inches
Digging Depth / 2 Ft. Flat Bottom	133 inches
Truck Loading Height	114 inches
Reach from Swing Pivot	172 inches
Boom Swing Arc	180 degrees
Bucket Rotation Arc	180 degrees
Stabilizer Spread-Operating	98 inches
Leveling Angle	11 degrees
Digging Force-Crowd Cylinder	3950 lbs
Digging Force-Bucket Cylinder	5900 lbs
Boom Lift Capacity - Boom Cylinder	1074 lbs
Boom Lift Capacity - Dipperstick Level	2040 lbs
Engine Throttle Control from Backhoe position	Yes
Engine Start Switch from Backhoe position	Yes
<b>Overall Dimensions</b>	
Tractor Wheelbase	74 in.
Transport Height - Backhoe Folded	115 in. or less
Transport Length - Backhoe Folded	245 in. or less
Transport Width - Including Front Bucket	No greater than 77 in.
Operating Weight w / Backhoe, lb.	No greater than 8000 lbs
Warranty	12 Months - Overall; 24 Months / 1500 hrs - Powertrain

# AFFIDAVIT

009

**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 exceeds 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: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_