



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  
 10800098

PAGE  
 1

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

VENDOR  
 \*709054056 304-345-2851  
 VALLEY AIR INC  
 PO BOX 6516  
 CHARLESTON WV 25362

SHIP TO  
 DIVISION OF HIGHWAYS  
 DISTRICT TEN  
 270 HARDWOOD LANE  
 PRINCETON, WV  
 24740 304-487-5243

| DATE PRINTED                 | TERMS OF SALE | SHIP VIA                 | F.O.B.       | FREIGHT TERMS |
|------------------------------|---------------|--------------------------|--------------|---------------|
| 10/30/2007                   | NET 30        | Best Way                 | Princeton WV | Pre-Paid      |
| BID OPENING DATE: 11/13/2007 |               | BID OPENING TIME 01:30PM |              |               |

| LINE   | QUANTITY    | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT     |
|--|-------------|-----|--------|-------------|------------|------------|
| 0001   | 362880<br>1 | LB  |        | 570-56      | .457       | 165,836.16 |
| HP 10 X 42 STEEL PILING/216 PIECES @40' LONG   |             |     |        |             |            |            |
| VENDOR TO QUOTE PRICE PER POUND DELIVERED.   |             |     |        |             |            |            |
| EXHIBIT 10   |             |     |        |             |            |            |
| REQUISITION NO.: .....   |             |     |        |             |            |            |
| ADDENDUM ACKNOWLEDGEMENT   |             |     |        |             |            |            |
| I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC. |             |     |        |             |            |            |
| ADDENDUM NO.'S:  |             |     |        |             |            |            |
| NO. 1 .....  |             |     |        |             |            |            |
| NO. 2 .....  |             |     |        |             |            |            |
| NO. 3 .....  |             |     |        |             |            |            |
| NO. 4 .....  |             |     |        |             |            |            |
| NO. 5 .....  |             |     |        |             |            |            |
| I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.  |             |     |        |             |            |            |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]* TELEPHONE: 304-345-2851 DATE: 11-12-2007

TITLE: Account Representative FEIN: 55 065 9314 001 ADDRESS CHANGES TO BE NOTED ABOVE

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



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| <p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p style="text-align: center;"> <br/>           .....<br/>           SIGNATURE<br/>           Valley Air Inc.<br/>           .....<br/>           COMPANY<br/>           11-12-2007<br/>           .....<br/>           DATE         </p> <p>REV. 11/96</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 CORPORATION RESIDENT VENDOR AND HAS MAINTAINED ITS HEAD-</p> |          |     |          |             |            |        |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

|                              |                        |                                   |
|------------------------------|------------------------|-----------------------------------|
| SIGNATURE                    | TELEPHONE 304-345-2851 | DATE 11-12-2007                   |
| TITLE Account Representative | FEIN 55 005 9314 001   | ADDRESS CHANGES TO BE NOTED ABOVE |

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**3**

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

VENDOR FOR

\*709054056      304-345-2851  
**VALLEY AIR INC**  
**PO BOX 6516**  
  
**CHARLESTON WV 25362**

SHIP TO

**DIVISION OF HIGHWAYS**  
**DISTRICT TEN**  
  
**270 HARDWOOD LANE**  
**PRINCETON, WV**  
**24740**      **304-487-5243**

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|---|----------|-----|---------|-------------|------------|--------|
|   |          |     |         |             |            |        |
| <p>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 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</p> |          |     |         |             |            |        |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

|                                      |                           |                                   |
|--------------------------------------|---------------------------|-----------------------------------|
| SIGNATURE<br><i>John H. Johnston</i> | TELEPHONE<br>304-345-2851 | DATE<br>11-12-2007                |
| TITLE<br>Account Representative      | FEIN<br>55 065 9314 001   | ADDRESS CHANGES TO BE NOTED ABOVE |

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**JOHN JOHNSTON  
 304-558-2402**

**\*709054056 304-345-2851**  
**VALLEY AIR INC**  
**PO BOX 6516**  
**CHARLESTON WV 25362**

**DIVISION OF HIGHWAYS**  
**DISTRICT TEN**  
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**24740 304-487-5243**

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| LINE  | QUANTITY | UOP | CAT NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|---------|-------------|------------|--------|
| <p>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> <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>John H. Silb... (Valley Air Inc.)</i></p> |          |     |         |             |            |        |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *John H. Silb...* TELEPHONE: 304-345-2851 DATE: 11-12-2007

TITLE: Account Representative FEIN: 55 065 9314 001 ADDRESS CHANGES TO BE NOTED ABOVE

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 304-558-2402**

RODNEY WOOD

\*709054056      304-345-2851  
**VALLEY AIR INC  
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|--|----------|-----|--------|------------------------------------|------------|--------|
|  |          |     |        | DATE: 11-12-2007                   |            |        |
|  |          |     |        | SIGNED: <i>John H. Sibbald Jr.</i> |            |        |
|  |          |     |        | TITLE: Account Representative      |            |        |
| <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<br/>         PURCHASING DIVISION<br/>         BUILDING 15<br/>         2019 WASHINGTON STREET, EAST<br/>         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> <p>RFQ. NO.: 10800098</p> |          |     |        |                                    |            |        |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

|                                       |                         |                                   |
|---------------------------------------|-------------------------|-----------------------------------|
| SIGNATURE: <i>John H. Sibbald Jr.</i> | TELEPHONE: 304-345-2851 | DATE: 11-12-2007                  |
| TITLE: Account Representative         | FEIN: 55 065 9314 001   | ADDRESS CHANGES TO BE NOTED ABOVE |

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|--|----------|-----|---------|-------------|------------|-------------------|
| BID OPENING DATE:  |          |     |         | 11/13/2007  |            |                   |
| BID OPENING TIME:  |          |     |         | 1:30 PM     |            |                   |
| PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: |          |     |         |             |            |                   |
| -----<br>304-345-2856<br>-----   |          |     |         |             |            |                   |
| CONTACT PERSON (PLEASE PRINT CLEARLY):   |          |     |         |             |            |                   |
| -----<br>John Sibold<br>-----  |          |     |         |             |            |                   |
| ***** THIS IS THE END OF RFQ 10800098 ***** TOTAL:                                     |          |     |         |             |            | <u>165,836.16</u> |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

|                                    |                           |                                   |
|------------------------------------|---------------------------|-----------------------------------|
| SIGNATURE<br><i>John H. Sibold</i> | TELEPHONE<br>304-345-2851 | DATE<br>11-12-2007                |
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**STATE OF WEST VIRGINIA  
PURCHASE CONTINUATION SHEET**

|                       |            |                                      |
|-----------------------|------------|--------------------------------------|
| Buyer:                | Page:<br>7 | Requisition or P.O. No.:<br>10800098 |
| Spending Unit:<br>DOH |            |                                      |

Steel shall meet the requirements for "HP" Shape Structural Steel AASHTO M270 Grade 50 as per section 709.12 of the West Virginia Department of Transportation, Division of Highways, Standard Specifications for Roads and Bridges Adopted 2000, as modified by the January 1, 2003 Supplemental Specifications.

**DELIVERY:** The HP Steel is to be delivered to the DOH storage lot located 270 Hardwood Lane, Princeton, WV. Exit 14 off I-77.

Notification is required 24 hours prior to delivery @ 304-487-5243. Failure to provide proper notification may result in a delay in acceptance of the material. All deliveries shall have proper mill certifications included with the bill of lading.

The requirements of the West Virginia Department of Transportation, Division of Highways Standard Specifications for Roads and Bridges, Section 109.20 Price Adjustment FOR LOAD LIMIT VIOLATIONS shall apply to all materials supplied under this order.

Copies of the Standard Specifications may be obtained from:

Contract Administration Division  
West Virginia Division fo Highways  
Building 5, Room A-737  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0430

**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 as a condition of award.

STATE OF WEST VIRGINIA  
Purchasing Division

**PURCHASING 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 owed 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.

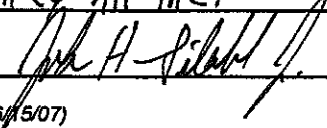
**EXCEPTION:** The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into 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: Valley Air Inc.

Authorized Signature:  Date: 11-12-2007