



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
BCF80575

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
ROBERTA WAGNER 304-558-0067

VENDOR

\*423132115      304-746-4434  
 POMEROY COMPUTER RESOURCES SAL  
 4013 WASHINGTON STREET WEST  
  
 CHARLESTON WV 25313

SHIP TO

HEALTH AND HUMAN RESOURCES  
 VARIOUS LOCATIONS  
 AS INDICATED BELOW

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
12/13/2007	Net 30	Best Ground	Destination	See Below Item 3
BID OPENING DATE: 01/17/2008		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	38	EA		205-43	4425. <sup>00</sup>	168150. <sup>00</sup>
	#2200-22650-001 - POLYCOM VSX 7000'S OR EQUAL  (INCLUDES VSX-7000S, ONE MICROPHONE ARRAY, ENGLISH REMOTE).					
0002	38	EA		205-43	542. <sup>00</sup>	20596. <sup>00</sup>
	#4870-00001-106 - PREMIER EXTENDED SERVICE, ONE YEAR  FOR VSX7000 SERIES OR EQUAL. (PARTS SHIPPED PRIORITY LEVEL SAME BUSINESS DAY, TELEPHONE TECH SUPPORT DURING BUSINESS HOURS, SOFTWARE UPDATES & UPGRADES.)					
0003	38	EA		205-43	75. <sup>00</sup>	2850. <sup>00</sup>
	SHIPPING AND HANDLING (INSIDE DELIVERY, SEE ATTACHED FOR SHIPPING LOCATIONS).  DELIVERY MUST BE WITHIN SIXTY (60) DAYS OF ISSUANCE OF PURCHASE ORDER BY THE SUCCESSFUL LOW BIDDER.  SUCCESSFUL VENDOR MUST BE CERTIFIED BY POLYCOM AS A					

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
<i>Michael A. ...</i>	746-4434 X114	1-17-08
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
Sr. Account Exec.	61-1352158	

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

**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 may be deemed null and void, and 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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12/13/2007				

BID OPENING DATE: **01/17/2008**      BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>"CERTIFIED RESELLER", FOR THE LISTED PRODUCTS. "OR EQUAL" BIDS FOR EQUIPMENT OTHER THAN POLYCOM, MUST BE COMPATIBLE WITH EXISTING EQUIPMENT. VENDORS BIDDING ALTERNATE EQUIPMENT SHOULD PROVIDE DOCUMENTATION TO VERIFY COMPATIBILITY WITH EXISTING POLYCOM EQUIPMENT, SITE LOCATIONS OF INSTALLATION(S), AND CONTACT NAME &amp; TELEPHONE NUMBER OF CLIENTS FOR WHOM IT WAS INSTALLED.</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>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>INQUIRIES            WRITTEN QUESTIONS SHALL BE ACCEPTED THROUGH CLOSE OF BUSINESS ON 1/2/2008. QUESTIONS MAY BE SENT VIA USPS, FAX, COURIER OR E-MAIL. IN ORDER TO ASSURE NO VENDOR RECEIVES AN UNFAIR ADVANTAGE, NO SUBSTANTIVE QUESTIONS WILL BE ANSWERED ORALLY. IF POSSIBLE, E-MAIL QUESTIONS ARE PREFERRED. ADDRESS INQUIRIES TO:             ROBERTA WAGNER            DEPARTMENT OF ADMINISTRATION            PURCHASING DIVISION            2019 WASHINGTON STREET, EAST            CHARLESTON, WV 25311</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE	TELEPHONE	DATE	
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<p>FAX: 304-558-4115            E-MAIL: RWAGNER@WVADMIN.GOV</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 SPECIFICATIONS 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 CORPORA-</p>						

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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><input checked="" type="checkbox"/> 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><input type="checkbox"/> 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><input checked="" type="checkbox"/> 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>						

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<p>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 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: <u>PomeroY</u></p>						

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<p>DATE: <u>1-17-08</u></p> <p>SIGNED: <u>Michael A. Finari</u></p> <p>TITLE: <u>Sr. Account Executive</u></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>PLEASE NOTE: A CONVENIENCE COPY WOULD BE APPRECIATED.</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: -----RW/FILE 22-----</p>						

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RFQ. NO.:-----BCF80575-----						
BID OPENING DATE:-----1/17/2008-----						
BID OPENING TIME:-----1:30 PM-----						
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:						
-----304 746-4439-----						
CONTACT PERSON (PLEASE PRINT CLEARLY):						
-----Michael A Ferrari-----						
***** THIS IS THE END OF RFQ BCF80575 ***** TOTAL:						\$ 191596. <sup>00</sup>

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Berkeley County DHHR  
 Attn: Kathryn Boylan  
 433 Mid-Atlantic Parkway  
 Martinsburg WV 25402  
 304-267-0100  
 1 Video Conference Unit

Boone County DHHR  
 Attn: Daniel Holstein  
 156 Resource Lane  
 Danville WV 25053  
 304-369-7802  
 1 Video Conference Unit

Braxton County DHHR  
 Attn: Arwana Burroughs  
 1920 Sutton Lane  
 Sutton WV 26601  
 304-765-7344  
 1 Video Conference Unit

Cabell County DHHR  
 Attn: Gary McMullen  
 2699 Park Avenue - Suite  
 100,  
 Huntington WV 25704  
 304-528-5800  
 1 Video Conference Unit

Calhoun County DHHR  
 Attn: Richard Westfall  
 404 Main Street  
 Grantsville WV 26147  
 304-354-6118  
 1 Video Conference Unit

Fayette County DHHR  
 Attn: Skip Jennings  
 1400 Virginia Street,  
 Oak Hill WV 25901  
 304-465-9613  
 1 Video Conference Unit

Grant County DHHR  
 Attn: James N. Gilmore  
 15 Grant Street, Suite 1,  
 Petersburg WV 26847  
 304-257-4211  
 1 Video Conference Unit

Greenbrier County DHHR  
 Attn: Janet Turner  
 150 Maplewood Avenue,  
 Lewisburg WV 24901  
 304-647-7476  
 1 Video Conference Unit

Hampshire County DHHR  
 Attn: Charles Willard  
 HC 64, Box 3622  
 Romney WV 26757  
 304-822-3841  
 1 Video Conference Unit

Hancock County DHHR  
 Attn: Micki Hall  
 100 Municipal Plaza, Ste 600  
 Weirton WV 26062  
 304-794-3060  
 1 Video Conference Unit

Harrison County DHHR  
 Attn: Linda Morrison  
 633 West Pike Street  
 Clarksburg WV 26302  
 304-627-2295  
 1 Video Conference Unit

Jackson County DHHR  
 Attn: John Grass  
 2139 Cedar Lakes Road,  
 Ripley WV 25271  
 304-372-7885  
 1 Video Conference Unit

Kanawha County DHHR  
 Attn: Anita Adkins  
 4190 W. Washington St.,  
 Charleston WV 25313  
 304-746-2360  
 1 Video Conference Unit

Lewis County DHHR  
 Attn: Mary Austin  
 91 Arnold Avenue  
 Weston WV 26452  
 304-269-6820  
 1 Video Conference Unit

Lincoln County DHHR  
 Attn: Cheryl Salamacha  
 8209 Court Avenue  
 Hamlin WV 25523  
 304-824-5811  
 1 Video Conference Unit

Logan County DHHR  
 Attn: Darlene Ables  
 195 Dingess Street,  
 Logan WV 25601  
 304-792-7095  
 1 Video Conference Unit

Marion County DHHR  
 Attn: Paula Taylor, Interim  
 107-109 Adams Street  
 Fairmont WV 26555  
 304-363-3261  
 1 Video Conference Unit

Marshall County DHHR  
 Attn: Mary Jo Dombrowski  
 400 Teletech Drive, Suite 2,  
 Moundsville WV 26041  
 304-843-4120  
 1 Video Conference Unit

Mason County DHHR  
 Attn: John Grass  
 710 Viand Street,  
 Pt. Pleasant WV 25550  
 304-675-0880  
 1 Video Conference Unit

Mercer County DHHR  
 Attn: James Bradley  
 200 Davis Street,  
 Princeton WV 24740  
 304-425-8738  
 1 Video Conference Unit

Mingo County DHHR  
 Attn: Carolyn Sansom  
 203 East Third Avenue  
 Williamson WV 25661  
 304-235-3400  
 1 Video Conference Unit

Monongalia County DHHR  
 Attn: Paula Taylor, Interim  
 114 South High Street  
 Morgantown WV 26507  
 304-285-3175  
 1 Video Conference Unit

McDowell County DHHR  
 Attn: Linda Beach  
 840 Virginia Avenue,  
 Welch WV 24801  
 304-436-8302  
 1 Video Conference Unit

Nicholas County DHHR  
 Attn: William Adamy  
 1073 Arbuckle Road,  
 Summersville WV 26651  
 304-872-0803  
 1 Video Conference Unit

Ohio County DHHR  
 Attn: Micki Hall  
 407 Main Street  
 Wheeling WV 26003  
 304-232-4411  
 1 Video Conference Unit

Putnam County DHHR  
 Attn: Lance Whaley  
 3979 Teays Valley Road,  
 Hurricane WV 25526  
 304-757-7843  
 1 Video Conference Unit

Raleigh County DHHR  
 Attn: Nancy Forsberg  
 407 Neville Street,  
 Beckley WV 25801  
 304-256-6930  
 1 Video Conference Unit

Randolph County DHHR  
 Attn: Sharon Bedford  
 1027 N. Randolph Avenue,  
 Elkins WV 26241  
 304-637-0333  
 1 Video Conference Unit

Ritchie County DHHR  
 Attn: William Wince Jr.  
 220 W. Main Street,  
 Harrisville WV 26362  
 304-643-2934  
 1 Video Conference Unit

Roane County DHHR  
 Attn: John Grass  
 677 Ripley Road, Suite 3,  
 Spencer WV 25276  
 304-927-0956  
 1 Video Conference Unit

Taylor County DHHR  
 Attn: Nancy Exline  
 235 Barrett Street,  
 Grafton WV 26354  
 304-265-6103  
 1 Video Conference Unit

Wayne County DHHR  
 Attn: David Maynard  
 Route 2, Box 2532,  
 Wayne WV 25570  
 304-272-6311  
 1 Video Conference Unit

Wood County DHHR  
 Attn: Delbert Casto  
 400 5th Street  
 Parkersburg WV 26102  
 304-304-420-2560  
 1 Video Conference Unit

Wyoming County DHHR  
 Attn: Joe Bullington  
 Rt. 97  
 Pineville WV 24874  
 304-732-6900  
 1 Video Conference Unit

WV Children's Home  
 Attn: Carson Markley  
 230 Heavner Ave.  
 Elkins, WV 26241  
 304-637-0274  
 1 Video Conference Unit

WV DHHR BCF  
 Attn: George Montgomery  
 350 Capitol St., Rm 730  
 Charleston, WV 25301  
 304-558-4682  
**3 Video Conference  
 Units**

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 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: Pomeroy IT solutions

Authorized Signature: [Signature] Date: 1-17-08