



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
669C0032

PAGE
1

ADDRESS: CORRESPONDENCE TO ATTENTION OF:
MICHAEL AUSTIN 304-558-2402

*112155317 02 570-459-5048
 ALENZA
 100 NORTH CONAHAN
 HAZLETON PA 18201

MURDOCK

SHIP TO

DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
04/02/2009				

BID OPENING DATE: 04/28/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1			675-90		
<p>HERBICIDES</p> <p>OPEN END CONTRACT</p> <p>TO PROVIDE THE MATERIALS NECESSARY FOR HERBICIDES FOR THE WEST VIRGINIA DIVISION OF HIGHWAYS TO BE USED IN ALL (10) TEN DISTRICTS PER THE ATTACHED SPECIFICATIONS</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>THERE WILL BE A MANDATORY PRE-BID CONFERENCE AT THE STATE CAPITAL COMPLEX, BUILDING 15, PURCHASING DIVISION CONFERENCE ROOM, AT 10:00 AM ON 04/13/09. FAILURE TO ATTEND THE PRE-BID WILL RESULT IN BID DISQUALIFICATION.</p> <p>QUESTIONS: MUST BE RECEIVED BY CLOSE OF BUSINESS ON FRIDAY 04/10/2009 (5:00 PM, EST) NO FURTHER QUESTIONS WILL BE ACCEPTED AFTER THE DATE STATED.</p>						

RECEIVED
 2009 APR 22 A 10:20
 PURCHASING DIVISION
 STATE OF WV

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TITLE	FEIN	TELEPHONE	DATE
<i>Todd Hagen</i>	Chemical Sales Manager	23-2332783	570-459-5048	4/21/09

ADDRESS CHANGES TO BE NOTED ABOVE

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 fee.
5. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, 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 Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
15. **WEST VIRGINIA ALCOHOL & DRUG-FREE WORKPLACE ACT:** If this Contract constitutes a public improvement construction contract as set forth in Article 1D, Chapter 21 of the West Virginia Code ("The West Virginia Alcohol and Drug-Free Workplace Act"), then the following language shall hereby become part of this Contract: "The contractor and its subcontractors shall implement and maintain a written drug-free workplace policy in compliance with the West Virginia Alcohol and Drug-Free Workplace Act, as set forth in Article 1D, Chapter 21 of the West Virginia Code. The contractor and its subcontractors shall provide a sworn statement in writing, under the penalties of perjury, that they maintain a valid drug-free work place policy in compliance with the West Virginia and Drug-Free Workplace Act. It is understood and agreed that this Contract shall be cancelled by the awarding authority if the Contractor: 1) Fails to implement its drug-free workplace policy; 2) Fails to provide information regarding implementation of the contractor's drug-free workplace policy at the request of the public authority; or 3) Provides to the public authority false information regarding the contractor's drug-free workplace policy."

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 case 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: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130



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DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

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04/02/2009				

BID OPENING DATE: 04/28/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>SEND YOUR QUESTIONS TO: PURCHASING DIVISION ATTENTION MICHAEL AUSTIN 2019 WASHINGTON STREET. EAST CHARLESTON, WV 25305</p> <p>QUESTIONS MAY BE SENT VIA FAX, E-MAIL, OR REGULAR MAIL. E-MAIL: MICHAEL.D.AUSTIN@WV.GOV FAX: 304-558-4115</p> <p>IT IS THE VENDORS RESPONSIBILITY TO VERIFY THAT THEIR QUESTIONS HAVE BEEN RECEIVED BY CALLING 304-558-2402.</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 "REASONABL 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 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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Todd Hag</i>	TELEPHONE 570-459-5048	DATE 4/21/09
TITLE Chemical Sales Manager	FEIN 23-2332783	ADDRESS CHANGES TO BE NOTED ABOVE

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



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

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<p>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 AS A CONDITION OF AWARD.</p> <p>EXHIBIT 6</p> <p>PRICE ADJUSTMENT PROVISION: THE STATE OF WEST VIRGINIA WILL CONSIDER BIDS THAT CONTAIN PROVISIONS FOR PRICE ADJUSTMENTS PRIOR TO THE ORIGINAL EXPIRATION OF THE CONTRACT, PROVIDED THAT SUCH PRICE ADJUSTMENT COVERS BOTH UPWARD AND DOWNWARD MOVEMENT OF THE COMMODITY PRICE, AND THAT ADJUSTMENT IS BASED ON THE "PASS THROUGH" INCREASE OR DECREASE OF RAW MATERIALS AND/OR LABOR, WHICH MAKE UP ALL OR A SUBSTANTIAL PART OF A PRODUCT. ADJUSTMENTS ARE TO BE BASED UPON AN ACTUAL DOLLAR FIGURE, NOT A PERCENTAGE. ALL PRICE ADJUSTMENT REQUESTS MUST BE SUBSTANTIATED IN A MANNER ACCEPTABLE TO THE DIRECTOR PURCHASING, E.G. GOVERNMENTAL BENCH MARKS, GENERAL MARKET INCREASE, PUBLISHED PRICE LISTS. SUCH REQUESTS FOR AND INCREASE SHOULD BE RECEIVED IN WRITING BY THE DIRECTOR OF PURCHASING AT LEAST 30 DAYS IN ADVANCE OF THE EFFECTIV</p>						

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<p>DATE OF THE INCREASE. ANY TIME THE VENDOR REQUESTS A PRICE ADJUSTMENT, THE PURCHASING DIVISION MAY EITHER ACCEPT THE PRICE ADJUSTMENT AND AMEND THE CONTRACT ACCORDINGLY OR REJECT THE ADJUSTMENT IN ITS ENTIRETY AND CANCEL THE CONTRACT.</p> <p>EXHIBIT 4</p> <p>LOCAL GOVERNMENT BODIES: UNLESS THE VENDOR INDICATES IN THE BID HIS REFUSAL TO EXTEND THE PRICES, TERMS, AND CONDITIONS OF THE BID TO COUNTY, SCHOOL, MUNICIPAL AND OTHER LOCAL GOVERNMENT BODIES, THE BID SHALL EXTEND TO POLITICAL SUBDIVISIONS OF THE STATE OF WEST VIRGINIA. IF THE VENDOR DOES NOT WISH TO EXTEND THE PRICES, TERMS, AND CONDITIONS OF THE BID TO ALL POLITICAL SUBDIVISIONS OF THE STATE, THE VENDOR MUST CLEARLY INDICATE SUCH REFUSAL IN HIS BID. SUCH REFUSAL SHALL NOT PREJUDICE THE AWARD OF THIS CONTRACT IN ANY MANNER.</p> <p>REV. 3/88</p> <p>EXHIBIT 10</p> <p>REQUISITION NO.:</p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.</p> <p>ADDENDUM NO.'S:</p>						

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SIGNATURE <i>Todd Hagan</i>	TELEPHONE 570-459-5048	DATE 4/21/09
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	NO. 1					
	NO. 2					
	NO. 3					
	NO. 4					
	NO. 5					
<p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</p> <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>..... SIGNATURE</p> <p>..... COMPANY</p> <p>..... DATE</p>						
	REV. 11/96					
NOTICE						

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SIGNATURE <i>Todd Hag</i>	TELEPHONE 570-459-5048	DATE 4/21/09
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<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> <p>RFQ. NO.: 669C0032</p> <p>BID OPENING DATE: -----</p> <p>BID OPENING TIME: -----</p> <p>PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- 570 459-5500</p> <p>CONTACT PERSON (PLEASE PRINT CLEARLY): ----- Todd Hagenbuch</p>						

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***** THIS IS THE END OF RFQ 669C0032 ***** TOTAL:						

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<i>Todd Hag</i>	570-459-5048	4/21/09
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
Chemical Sales Manager	23-2332783	

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1. SPECIFICATIONS

9

The following sections of the West Virginia Department of Transportation, Division of Highways Standard Specification Roads and Bridges, adopted 2000, as modified by the current Supplemental Specifications shall apply to the administration of this Contract: 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 or 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 may be obtained from:

Office of the Director of Contract Administration Division
Room A-729
West Virginia Division of Highways
State Capitol Complex, Building 5
Charleston, West Virginia 25305

Herbicide furnished under this contract shall conform to the physical and chemical properties set out in the EPA Registration of the product provided by the Vendor.

2. BIDDING INSTRUCTIONS

Vendors may quote on any or all of the chemical products listed herein.

It is the intent to award a Statewide Contract for each chemical product listed herein. The contract will be awarded to the lowest compliant bidder for each item. The award for each item will be based on the bid price per gallon, pound or ounce and not the lot or container amount.

The vendor shall list the trade name and EPA Registration Number, where applicable, on the Bidding Schedule for each chemical product bid. Failure to list this information may result in the disqualification of the vendor's bid on that product.

Vendors shall not qualify bids. Any qualification of bids or any modification of the specifications or conditions governing the bids may be cause to reject bids.

The successful vendor shall furnish two product labels, for each product awarded, to the West Virginia Division of Highways. The labels shall provide pertinent information regarding product storage and handling or this information shall otherwise be provided with each shipment.

Equivalency where requested as, chemical name or equivalent, shall mean equal and not necessarily identical. Prior to award of low bid the Division of Highways may require samples for evaluation to determine equivalency when applicable. Product specifications and technical information should be submitted with bid and may also be used to determine equivalency. The final determination of equivalency will be made by the Division of Highways and award will be based upon the item providing the intended service or result and unit price.

3. CONTRACT AWARD

Qualified vendors who submit a valid low bid will be awarded a contract for those items for which their bid is low.

The State of West Virginia reserves the right to make multiple awards on this contract when it is in the best interest of the State to do so.

104. **ACCEPTANCE PLAN**

With each delivery of herbicide products to the Division, the vendor shall certify that the products so delivered do conform to the properties described in the EPA Registration.

Material failing to comply with the quality requirement will not be accepted.

5. **TESTING PROCEDURES**

Upon award of contract, the successful vendor shall supply the Division of Highways, Materials Control, Soil and Testing Division, 312 Michigan Avenue, Charleston, West Virginia 25311, the proper testing procedures to determine the presence and concentration of the Herbicide in flowing water.

6. **BID QUANTITIES**

Vendor should base quotation on estimated herbicide use as follows:

DOH-1H	3,000	gallons
DOH-2H	6,000	gallons
DOH-3H	100	pounds
DOH-4H	250	gallons
DOH-5H	150	gallons
DOH-6H	600	gallons
DOH-7H	500	gallons
DOH-8H	250	gallons
DOH-9H	2000	pounds
DOH-10H	100	gallons
DOH-11H	25	gallons
DOH-12H	50	gallons
DOH-13H	50	gallons
DOH-14H	150	pounds
DOH-15H	25	cases
DOH-16H	10	pounds
DOH-17H	100	gallons
DOH-18H	50	pounds
DOH-19H	25	gallons
DOH-20H	50	gallons
DOH-21H	300	gallons
DOH-22H	300	gallons
DOH-23H	100	gallons
DOH-24H	50	pounds
DOH-25H	100	pounds
DOH-26H	16	gallons
DOH-27H	16	gallons
DOH-28H	50	pounds
DOH-29H	400	ounces
DOH-30H	50	gallons
DOH-31H	100	gallons
DOH-32H	100	pounds
DOH-33H	100	pounds
DOH-34H	400	pounds
DOH-35H	50	pounds
DOH-36H	100	gallons
DOH-37H	100	gallons
DOH-38H	100	pounds

Vendors are cautioned that the above quantities are estimates only. Actual orders will be for the required needs of the Division of Highways.

7. DELIVERY

Materials under this contract are to be shipped prepaid F.O.B. delivery to West Virginia Division of Highways District Storerooms as follows:

District One	Charleston
District Two	Huntington
District Three	Parkersburg
District Four	Clarksburg
District Five	Burlington
District Six	Moundsville
District Seven	Weston
District Eight	Elkins
District Nine	Lewisburg
District Ten	Princeton

Materials should be shipped to the location and in the quantity specified in State Contract Purchase Orders (SCOs) within 20 days after the SCO is issued by the Division of Highways.

8. VENDOR'S INVOICES

Vendor's invoices must be submitted in original and four copies and contain the following:

- a. Division of Highways State Contract Order (SCO) Numbers, and this Contract Number.
- b. Total quantity and unit price with the total cost of each type of material furnished.

Note: Under no circumstance will the West Virginia Division of Highways accept, or pay for, quantities of material in excess of the quantity stated on the State Contract Purchase Order.

9. RESTRICTED AND NON-RESTRICTED HERBICIDES

Herbicide products which have been declared RESTRICTED in their use by the Environmental Protection Agency (EPA) must be applied under the supervision of a licensed herbicide applicator. The Department reserves the right to disallow the use of RESTRICTED herbicides when non-restricted herbicides are available to achieve the same objective.

10. TRAINING AND TECHNICAL ASSISTANCE

In order to bid on and be awarded items on this contract the vendor must have a competent representative available to provide training and technical assistance as required or upon request by WVDOH personnel, including but not limited to, an annual West Virginia Division of Highways Vegetation Management Seminar and attend the mandatory prebid meeting. Each bidder should submit name and telephone number of representative with bid. The representative shall have a valid Category 7 certification in West Virginia and the company shall have a valid Category 12 certification in West Virginia. Copies of these certifications should be submitted with the bid.

Failure to comply will result in awarding that vendor's items to the next lowest compliant bidder.

<u>NAME OF REPRESENTATIVE</u>	<u>PHONE NUMBER</u>	<u>ADDRESS</u>
Todd Hagenbuch	570-459-5048	100 N. Conahan Drive Hazleton, PA 18201

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11.

LIST OF APPROVED HERBICIDES

The Product Trade Name shown is the approved herbicide to be bid. No substitutes will be accepted.

12.

ADJUVANTS, SAFETY EQUIPMENT AND MISCELLANEOUS

Unless a Product Trade Name is requested these items will be awarded based on the lowest unit price bid for acceptable performance. Lowest unit price bid will be determined by comparing minimum label recommendations per 100 gallons of spray solution and unit price. Acceptable performance will be determined by District personnel assessment of desired results and may include, but is not limited to, field test evaluations.

13.

MANDATORY PRE-BID

There will be a mandatory pre-bid meeting on April 13, 2009, at 10:00 AM.

Location:

Purchasing Division Conference Room
2019 Washington Street, East, Building 15
Charleston, WV 25305

NOTE: Vendor should type bid price

HERBICIDESCHEMICAL FORMULATIONPercent Concentration/
Pounds per Gallon
of Active IngredientsDOH-1H WATER SOLUBLE EMULSIFIABLE CONCENTRATE CONTAINING:
Ammonium Salt of Fosamine with Surfactant 4 lbs/gallonProduct Trade Name Krenite SEPA Registration Number 352-395

Supplied in 2 1/2 gallon containers in lots of 5 gallons.

A) @ \$ 59.45 per gallon (i.e. \$ 297.25 per lot)

Supplied in 15 gallon returnable/refillable containers.

B) @ \$ 60.25 per gallon (i.e. \$ 903.75 per lot)DOH-2H WATER SOLUBLE EMULSIFIABLE CONCENTRATE CONTAINING:
Isopropylamine Salt of Glyphosate 50.2%
Phosphate Ester SurfactantProduct Trade Name Roundup Pro ConcentrateEPA Registration Number 524-529

Supplied in 30 gallon plastic returnable drums.

A) @ \$ 47.95 per gallon (i.e. \$ 1438.50 per drum)

Supplied in 2.5 gallon containers in lots of 5 gallons.

B) @ \$ 48.65 per gallon (i.e. \$ 243.25 per lot)

Supplied in 15 gallon returnable/refillable containers.

C) @ \$ 49.15 per gallon (i.e. \$ 737.25 per lot)

Supplied in 150 gallon returnable/refillable shuttle.

D) @ \$ 49.00 per gallon (i.e. \$ 7350.00 per shuttle)

The "Bid Schedule" is available for download on Purchasing's Web site at
www.state.wv.us/admin/purchase

DOH-3H DISPERSIBLE GRANULES CONTAINING:
Sulfometuron Methyl 75%

Product Trade Name Oust XP

EPA Registration Number 352-601

Supplied in 3 pound containers in lots of 24 pounds.

A) @ \$ 72.45 per pound (i.e. \$ 1738.80 per lot)

B) Supplied in 3 pound jug

@ \$ 74.95 per pound (i.e. \$ 224.85 per jug)

DOH-4H WATER SOLUBLE AQUEOUS SUSPENSION CONTAINING:
Oryzalin 4 lbs/gallon

Product Trade Name Oryzalin 4 Pro

EPA Registration Number 72167-15-73220

Supplied in 2.5 gallon containers in lots of 5 gallons.

A) @ \$ 60.45 per gallon (i.e. \$ 302.25 per lot)

DOH-5H AQUEOUS SOLUTION CONTAINING:
Imazapyr 2 lbs/gallon

Product Trade Name Arsenal Powerline

EPA Registration Number _____

Supplied in 1 quart containers in lots of 4 quarts

A) @ \$ No bid per quart (i.e. \$ _____ per lot)

Supplied in 2.5 gallon containers in lots of 5 gallons

B) @ \$ No bid per gallon (i.e. \$ _____ per lot)

Supplied in 15 gallon drums

C) @ \$ No bid per gallon (i.e. \$ _____ per drum)

14. BIDDING SCHEDULE CON'TDOH-6H AQUEOUS CARRIER CONTAINING:

Pendimethalin

3.8 lbs/gallon

Product Trade Name Pendulum AquaCapEPA Registration Number 241-416

Supplied in 2.5 gallon container in lots of 5 gallons

A) @ \$ 52.95 per gallon (i.e. \$ 264.75 per lot)DOH-7H WATER SOLUBLE CONCENTRATE CONTAINING:

Triclopyr

3 lbs/gallon

Product Trade Name Garlon 3AEPA Registration Number 62719-37

Supplied in 2.5 gallon containers in lots of 5 gallons

A) @ \$ 74.95 per gallon (i.e. \$ 374.75 per lot)

Supplied in 30 gallon containers

B) @ \$ 73.25 per gallon (i.e. \$ 2197.50 per container)

Supplied in 15 gallon continuum returnable/refillable containers in pallets of 9 containers

C) @ \$ 72.45 per gallon (i.e. \$ 9780.75 per pallet)DOH-8H WATER SOLUBLE CONCENTRATE CONTAINING:

Triclopyr

4 lbs/gallon

Product Trade Name Garlon 4 UltraEPA Registration Number 62719-527

Supplied in 2.5 gallon containers in lots of 5 gallons

A) @ \$ 92.95 per gallon (i.e. \$ 464.75 per lot)

Supplied in 30 gallon containers

B) @ \$ 91.45 per gallon (i.e. \$ 2743.50 per container)

Supplied in 15 gallon continuum returnable/refillable containers in pallets of 9 containers

C) @ \$ 90.90 per gallon (i.e. \$ 12271.50 per pallet)

14. BIDDING SCHEDULE CONT

- DOH-9H **A WATER SOLUBLE DISPERSIBLE GRANULE CONTAINING:**
 Diuron 80.0%
- Product Trade Name Karmex XP
- EPA Registration Number 352-692
- Supplied in 5 pound bags in lots of 10 bags
- A) @ \$ 4.45 per pound (i.e. \$ 222.50 per lot)
- Supplied in 25 pound bags
- B) @ \$ 4.40 per pound (i.e. \$ 110.00 per bag)
-
- DOH-10H **WATER SOLUBLE LIQUID CONTAINING:**
 Dimethylamine Salt of 2, 4-D acid 3.8 lbs/gallon
- Product Trade Name DM A4
- EPA Registration Number 62719-3
- Supplied in 2.5 gallon containers in lots of 5 gallons
- A) @ \$ 13.95 per gallon (i.e. \$ 69.75 per lot)
- Supplied in 30 gallon drums
- B) @ \$ 13.85 per gallon (i.e. \$ 415.50 per drum)
- C) Supplied in 15 gallon returnable/refillable containers in pallets of 9 containers
- @ \$ 14.10 per gallon (i.e. \$ 1903.50 per lot)
-
- DOH-11H **WATER SOLUBLE LIQUID CONTAINING:**
 Diethanolamine Salt of Mefluidide 21.45%
 Ammonium Salt of Imazethapyr 4.09%
 Ammonium Salt of Imazapyr 0.15%
- Product Trade Name Stronghold
- EPA Registration Number _____
- Supplied in 1 gallon containers in lots of 4 gallons
- A) @ \$ No bid per gallon (i.e. \$ _____ per lot)

14. BIDDING SCHEDULE CON'T

DOH-12H WATER SOLUBLE LIQUID CONTAINING:
Ammonium Salt of imazapic 23.6%

Product Trade Name Plateau

EPA Registration Number _____

Supplied in 1 gallon containers in lots of 2 gallons

A) @\$ No bid per gallon (i.e. \$ _____ per lot)

Supplied in 2.5 gallon containers in lots of 5 gallons

B) @\$ No bid per gallon (i.e. \$ _____ per lot)

Supplied in 1.44 oz packets 14 packets per lot

C) @\$ No bid per packet (i.e. \$ _____ per lot)

Supplied in 1 qt containers 4 qts per lot

D) @\$ No bid per qt (i.e. \$ _____ per lot)

E) Supplied in 15 gallon containers

@\$ No bid per gallon (i.e. \$ _____ per lot)

DOH-13H A DISPERSIBLE LIQUID CONTAINING:
Hexazinone 2 lbs/gallon

Product Trade Name Velpar L

EPA Registration Number 352-392

Supplied in 2 ½ gallon containers in lots of 5 gallons

A) @\$ 62.95 per gallon (i.e. \$ 314.75 per container)

14. BIDDING SCHEDULE CONT

DOH-14H DRY FLOWABLE CONTAINING:
Metsulfuron Methyl 60%

Product Trade Name Escort XP

EPA Registration Number 352-439

Supplied in 16 oz. containers in lots of 8 lbs. (8-16 oz. ctrs.)

A) @ \$ 9.65 per oz. (i.e. \$ 1235.20 per lot)

Supplied in 16 oz. jug

B) @ \$ 10.25 per oz (i.e. \$ 164.00 per jug)

C) Supplied in 64 oz Jug returnable/refillable

@ \$ 11.50 per oz (i.e. \$ 736.00 per jug)

DOH-15H WATER SOLUBLE GRANULE HERBICIDE CONTAINING:
Ammonium Salt of Glyphosate 71.4%

Product Trade Name Roundup Pro dry

EPA Registration Name _____

A) Supplied in 23.25 lb. box

@ \$ No bid 23.25 lb. box (i.e. \$ _____ per lb.)

DOH-16H DRY FLOWABLE CONTAINING:
Chlorsulfuron 75%

Product Trade Name Telar XP

EPA Registration Number 352-654

Supplied in 8 x 16 ounce containers to a case

A) @ \$ 17.85 per ounce (i.e. \$ 2284.80 per container)

14. BIDDING SCHEDULE CONT

- DOH-17H A LIQUID SOLUTION CONTAINING:
 Isooctyl ester of 2,4 Dichlorophenoxyacetic Acid 32.48%
 2-ethylhexyl ester of +R-2-(2,4-Dichlorophenoxy)
 Propionic Acid 15.90%
 Dicamba (3, 6-Dichloro-o-anisic Acid) 5.38%
 Product Trade Name BK-800
 EPA Registration Number _____
 Supplied in 2.5 gallon containers in lots of 5 gallons
 A) @ \$ No bid per gallon (i.e. \$ _____ per lot)
 Supplied in 30 gallon drums
 B) @ \$ No bid per gallon (i.e. \$ _____ per drum)
- DOH-18H DRY FLOWABLE CONTAINING:
 Tebuthiuron 80%
 Product Trade Name Spike 80 DF
 EPA Registration Number _____
 Supplied in 4 pound bags in lots of 24 pounds
 A) @ \$ No bid per pound (i.e. \$ _____ per lot)
 Supplied in 25 pound bags
 B) @ \$ No bid per pound (i.e. \$ _____ per lot)
- DOH-19H A WATER SOLUBLE EMULSIFIABLE CONCENTRATE CONTAINING:
 Clopyralid 3 lbs/gallon
 Product Trade Name Transline
 EPA Registration Number 62719-259
 Supplied in 2.5 gallon containers in lots of 5 gallons
 A) @ \$ 315.95 per gallon (i.e. \$ 1579.75 per lot)
 B) Supplied in .5 gallon containers in lots of 2 gallons
 @ \$ 321.95 per gallon (i.e. \$ 643.90 per lot)

14. BIDDING SCHEDULE CON'T

- DOH-20H AQUEOUS SOLUTION CONTAINING:
Isopropylamine Salt of Imazapyr 27.6%
- Product Trade Name Stalker
- EPA Registration Number _____
- Supplied in 1 quart containers in lots of 4 quarts
- A) @ \$ No bid per quart (i.e. \$ _____ per lot)
- DOH-21H AQUEOUS SOLUTION CONTAINING:
Diglycolamine Salt of 3, 6-Dichloro-0-Anisic Acid 4 lbs/gallon
- Product Trade Name Vanquish
- EPA Registration Number 228-397
- Supplied in 2.5 gallon containers in lots of 5 gallons
- A) @ \$ 63.95 per gallon (i.e. \$ 319.75 per lot)
- Supplied in 15 gallon returnable/refillable containers in pallets of 9 containers
- B) @ \$ 64.95 per gallon (i.e. \$ 8768.25 per pallet)
- DOH-22H AQUEOUS SOLUTION CONTAINING:
Triclopyr .75 lbs/gallon
- Product Trade Name Pathfinder II
- EPA Registration Number 62719-176
- Supplied in 2.5 gallon containers in lots of 5 gallons
- A) @ \$ 38.45 per gallon (i.e. \$ 192.25 per lot)
- DOH-23H WATER SOLUBLE EMULSIFIABLE CONCENTRATE CONTAINING:
Isopropylamine Salt of Glyphosate 53.8%
- Product Trade Name Rodeo
- EPA Registration Number _____
- Supplied in 2.5 gallon containers in lots of 5 gallons
- A) @ \$ No bid per gallon (i.e. \$ _____ per lot)
- Supplied in 30 gallon plastic returnable drums
- B) @ \$ No bid per gallon (i.e. \$ _____ per drum)

DOH-24H A LIQUID CONTAINING:
Aminopyralid 40.6%

Product Trade Name Milestone VM

EPA Registration Number 62719-537

Supplied in 1 quart containers 12 containers per lot

A) @ \$ 71.25 per quart (i.e. \$ 855.00 per lot)

Supplied in 2.5 gallon containers 5 gallons per lot

B) @ \$ 275.95 per gallon (i.e. \$ 1379.75 per lot)

DOH-25H WATER DISPERSIBLE GRANULAR MATERIAL CONTAINING:
Prodiamine 65%

Product Trade Name Endurance

EPA Registration Number 228-398

Supplied in 10 pound containers 50 pounds per lot

A) @ \$ 25.65 per pound (i.e. \$ 1282.50 per lot)

DOH-26H EMULSIFIABLE CONCENTRATE CONTAINING:
Quizalofop P-Ethyl 0.88 lbs/gallon

Product Trade Name Assure II

EPA Registration Number _____

Supplied in 1 gallon containers in lots of 4 gallons

A) @ \$ No bid per gallon (i.e. \$ _____ per lot)

DOH-27H EMULSIFIABLE CONCENTRATE CONTAINING:
Fluazifop-P-butyl 6.75%

Product Trade Name Ornamec

EPA Registration Number _____

Supplied in 1 gallon containers in lots of 4 gallons

A) @ \$ No bid per gallon (i.e. \$ _____ per lot)

14. BIDDING SCHEDULE CONT

- DOH-32H WETTABLE GRANULE FORMULATION CONTAINING
 Sodium salt of diflufenzopy: 2-[1-({3.5-difluorophenylamino} carbonyl)]
 hydrazono} ethyl)-3-pyridinecarboxylic acid, sodium
 Sodium salt of 3.6-dichloro-p-anisic acid
 21.4%
 55.0%
- Product Trade Name Overdrive
- EPA Registration Number 7969-150
- Supplied in 7 ½ lb. jugs. 30 lbs. per case
- A) @ \$ 36.50 per lb. (i.e. \$ 1095.00 per case)
- DOH-33H DISPERSIBLE GRANULES CONTAINING
 Sulfometuron Methyl
 Chlorsulfuron
 56.25%
 18.75%
- Product Trade Name Landmark XP
- EPA Registration Number 352-645
- Supplied in 4 lb. jugs in lots of 32 lbs.
- A) @ \$ 138.25 per lb. (i.e. \$ 4424.00 per case)
- Supplied in 64 oz jug returnable/refillable
- B) @ \$ 139.25 per oz. (i.e. \$ 8912.00 per jug)
- DOH-34H DISPERSIBLE GRANULES CONTAINING
 Sulfometuron Methyl
 Metsulfuron Methyl
 56.25%
 15.00%
- Product Trade Name Oust Extra
- EPA Registration Number 352-622
- Supplied in 4 lb. jugs in lots of 32 lbs.
- A) @ \$ 77.50 per lb. (i.e. \$ 2480.00 per lot)
- Supplied in 64 oz. returnable/refillable
- B) @ \$ 76.50 per oz. (i.e. \$ 4896.00 per jug)
- Supplied in 12 lb. jugs
- C) @ \$ 85.95 per lb. (i.e. \$ 1031.40 per jug)

14. BIDDING SCHEDULE CON'T

DOH-35H A DRY FLOWABLE GRANULE CONTAINING:
 Bromacil 40%
 Diuron 40%

Product Trade Name Krovar I DF
 EPA Registration Number 352-505

Supplied in 6 lb containers in lots of 8 containers

A) @ \$ 10.95 per lb (i.e. \$ 525.60 per lot)

DOH-36H A LIQUID CONTAINING:
 Imazapic 8.13%
 Glyphosate 21.94%

Product Trade Name Journey
 EPA Registration Number _____

Supplied in 7 1/2 lb. jugs. 30 lbs. per case

EPA Registration Number _____

Supplied in 2.5 gallon containers in lots of 5 gallons

A) @ \$ No bid per gallon (i.e. \$ _____ per lot)

DOH-37H A LIQUID CONTAINING:
 Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 24.58%
 Dimethylamine Salt of Dicamba (3,6-Dichloro-o-Anisic Acid) 12.82%

Product Trade Name Veteran 720
 EPA Registration Number 228-295

Supplied in 2.5 gallon containers in lots of 5 gallons

A) @ \$ 27.65 per gallon (i.e. \$ 138.25 per lot)

Supplied in 30 gallon drums

B) @ \$ 27.45 per gallon (i.e. \$ 823.50 per drum)

DOH-38H DISPERSIBLE GRANULES CONTAINING
 Chlorsulfuron 9%
 Sulfometuron Methyl 18%
 Sulfentrazone 48%

Product Trade Name Throttle XP
 EPA Registration Number 352-725

Supplied in 3.9 lb. containers, 8 containers per case

A) @ \$ 106.95 per lb (i.e. \$ 3336.84 per case)

14. BIDDING SCHEDULE CONTADJUVANTSDOH-1A A WATER SOLUBLE BLUE LIQUID SPRAY PATTERN INDICATORProduct Trade Name BullseyeSupplied in 2.5 gallon containers in lots of 5 gallonsA) @\$ No bid per gallon (i.e. \$ _____ per lot)DOH-2A A MISCIBLE-DISPERSIBLE LIQUID DEFOAMER (30% Active Ingredient)

Product Trade Name _____

Supplied in _____ containers in lots of _____

A) @\$ No bid per _____ (i.e. \$ _____ per lot)DOH-3A A DILUENT WITH EMULSIFIERSProduct Trade Name Hygrade EC or Arborchem Basal Oil or Bark Oil EC
Or Alenza Basal Oil or Penevator

Supplied in _____ containers in lots of _____ gallons

A) @\$ No bid per gallon (i.e. \$ _____ per lot)DOH-4A NON-IONIC SURFACTANT (90% Active Ingredient)

Product Trade Name _____

Supplied in _____ containers in lots of _____ gallons

A) @\$ No bid per gallon (i.e. \$ _____ per lot)DOH-5A A GRANULAR/FLAKE DRIFT CONTROL AGENT

Product Trade Name _____

Supplied in _____ containers in lots of _____ containers

A) @\$ No bid per _____ (i.e. \$ _____ per lot)DOH-6A A LIQUID DRIFT CONTROL AGENT

Product Trade Name _____

Supplied in _____ containers in lots of _____

A) @\$ No bid per _____ (i.e. \$ _____ per lot)

14. BIDDING SCHEDULE CONTDOH-7A AQUATIC SURFACTANT

Product Trade Name _____

Supplied in _____ containers in lots of _____ gallons

A) @\$ No bid per gallon (i.e. \$ _____ per lot)DOH-8A A WATER SOLUBLE LIQUID SPRAY PATTERN INDICATORProduct Trade Name Blueprint PlusSupplied in 2.5 gallon containers in lots of 5 gallonsA) @\$ No bid per gallon (i.e. \$ _____ per lot)DOH-10A A NON-IONIC STICKER SPREADERProduct Trade Name Nu-Film-IRSupplied in 2 ½ gallon containers in lots of 5 gallonsA) @\$ 28.15 per gallon (i.e. \$ 140.75 per lot)DOH-11A A READY TO USE FORMULA CONTAINING PARFFINIC OIL EMULSIFIERSProduct Trade Name Thinvert RTU

Supplied in 2 ½ gallon jugs. 5 gallon per case

A) @\$ No bid per gallon (i.e. \$ _____ per case)

Supplied in 15 gallon drum

B) @\$ No bid per gallon

DOH-12A A CONCENTRATE FORMULA CONTAINING PARFINNK OIL EMULSIFIERS
AND SURFACTANTS

Product Trade Name Thinvert Concentrate

Supplied in 2 ½ gallon jugs. 5 gallon per case

A) @ \$ No bid per gallon (i.e. \$ _____ per case)

Supplied in 15 gallon drum

B) @ \$ No bid per gallon

SAFETY EQUIPMENTDOH-1S EMERGENCY SPILL KIT CONTAINING:

15 Universal Plus Sorbent Pads
 3 Cobra Coils
 1 Pair Safety Goggles
 1 Pair Latex Gloves
 1 Large Refuse Bag
 1 List of Environmental Compliance Telephone Numbers
 18" x 18" x 4"
 Vacuum Packed in Puncture Resistant Foil

Product Trade Name _____

A) @\$ No bid per each

DOH-2S A GRANULAR/FLAKE SPILL ABSORBENT

Product Trade Name _____

Supplied in _____ containers in lots of _____ containers

A) @\$ No bid per pound (i.e. \$ _____ per lot)

DOH-3S 3 LAYER FABRIC COVERALLS (ALL SIZES)

Product Trade Name Kleen Guard

Supplied in 12 ea/case

A) @\$ No bid per each (i.e. \$ _____ per case)

DOH-4S DISPOSABLE COVERALLS

Product Trade Name Tyvek

Supplied in 25 ea/case

A) @\$ No bid per each (i.e. \$ _____ per case)

DOH-5S 32 OZ. EYE WASH BOTTLE

Product Trade Name _____

Supplied per each

A) @\$ No bid per each

MISCELLANEOUSDOH-1M PRESSURE RINSERProduct Trade Name Easy Rinse

Supplied per each

A) @ \$ No bid per eachDOH-2M HAND SOAP WITH CITRUS OILProduct Trade Name Zep

Supplied in 32 oz. containers in lots of 20 containers per case

A) @ \$ No bid per container (i.e. \$ _____ per case)DOH-3M A BIOSTIMULANT CONTAINING:

Soluble Potash	1.00%
Iron	0.36%

Manure Extract	79.30%
Humic and Fulvic Acid Extract	9.00%
Kelp Extract	1.20%
Organo-Modified Silaxane Surfactant	0.36%

Product Trade Name Launch

Supplied in 2.5 gallon containers in lots of 5 gallons

A) @ \$ No bid per gallon (i.e. \$ _____ per lot)DOH-4M A WORK BOOTProduct Trade Name Iron Duke

Compliance EPA 40 CFR 170

Supplied per pair

A) @ Size (6-11) \$ No bid per pairB) @ Size (12+) \$ No bid per pair

14. BIDDING SCHEDULE CONT

DOH-5M RUBBER BOOT/SHOE COVERS

Compliance EPA 40 CFR 170

Supplied per pair

- A) @ Size M (8-9) \$ No bid per pair
- B) @ Size L (10-11) \$ No bid per pair
- C) @ Size XL (12-13) \$ No bid per pair

DOH-6M SAFETY GOGGLES – indirect vent

Meets ANS1 287.1-1989

- A) @ \$ No bid per each

DOH-7M FACE SHIELD – positive lock headgear

Meets ANS1 287.1-1989 and
CAN1CSA-294 3-92 Specifications

@ \$ No bid per each

DOH-8M A 5-GALLON BACKPACK SPRAYER

Product Trade Name Birchmeier

- A) @ \$ No bid per sprayer

Gasket Set For Sprayer Pump

- B) @ \$ No bid per set

Hose Valve & Wand Repair Kit

- C) @ \$ No bid per kit

14. BIDDING SCHEDULE CON'T

DOH-9M NITRI-SOLVE 100% NITRILE GLOVES
15 mil 13" Nitrile Gloves

Compliance EPA 40 CFR 170

Sizes S, M, L, XL, or 2XL

A) @\$ No bid per pair

DOH-10M 2-QUART HANDHELD PRESSURE SPRAYER

Product Trade Name Toico

A) @\$ No bid per sprayer

DOH-11M CLOSED SYSTEM BACKPACK SPRAYER

Product Trade Name Birchmier BCS

A) @\$ No bid per sprayer

Gasket set for sprayer pump

B) @\$ No bid per set

Hose Valve & Wand repair kit

A) @\$ No bid per kit

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FOR USE ONLY IN CATEGORIES ABOVE

WEST VIRGINIA CERTIFICATION

Expires: 12/31/09 C04443

Commercial Applicator

Todd Hagenbuch

DeAngelo Brothers Inc.

100 N. Conahan Drive

Hazleton, PA 18201



NOT
TRANSFERABLE

AUTHORIZED REPRESENTATIVE

VENDOR PREFERENCE CERTIFICATE

Certification and application* is hereby made for Preference in accordance with West Virginia Code, §5A-3-37. (Does not apply to construction contracts). West Virginia Code, §5A-3-37, provides an opportunity for qualifying vendors to request (at the time of bid) preference for their residency status. Such preference is an evaluation method only and will be applied only to the cost bid in accordance with the West Virginia Code. This certificate for application is to be used to request such preference. The Purchasing Division will make the determination of the Resident Vendor Preference, if applicable.

- 1. Application is made for 2.5% resident vendor preference for the reason checked: 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, Bidder is a partnership, association or corporation resident vendor and 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 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, Bidder is a 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; or,
2. Application is made for 2.5% resident vendor preference for the reason checked: 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,
3. Application is made for 2.5% resident vendor preference for the reason checked: 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 Bidder's 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; or,
4. Application is made for 5% resident vendor preference for the reason checked: Bidder meets either the requirement of both subdivisions (1) and (2) or subdivision (1) and (3) as stated above; or,
5. Application is made for 3.5% resident vendor preference who is a veteran for the reason checked: Bidder is an individual resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted; or,
6. Application is made for 3.5% resident vendor preference who is a veteran for the reason checked: Bidder is a resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years.

Bidder understands if the Secretary of 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) reject the bid; 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 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: _____ Signed: _____

Date: _____ Title: _____

*Check any combination of preference consideration(s) indicated above, which you are entitled to receive.

STATE OF WEST VIRGINIA
Purchasing Division**PURCHASING AFFIDAVIT****VENDOR OWING A DEBT TO THE STATE:**

West Virginia Code §5A-3-10a provides that: 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.

PUBLIC IMPROVEMENT CONTRACTS & DRUG-FREE WORKPLACE ACT:

If this is a solicitation for a public improvement construction contract, the vendor, by its signature below, affirms that it has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the *West Virginia Code*. The vendor **must** make said affirmation with its bid submission. Further, public improvement construction contract may not be awarded to a vendor who does not have a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the *West Virginia Code* and who has not submitted that plan to the appropriate contracting authority in timely fashion. For a vendor who is a subcontractor, compliance with Section 5, Article 1D, Chapter 21 of the *West Virginia Code* may take place before their work on the public improvement is begun.

ANTITRUST:

In submitting a bid to any agency for the state of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the state of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the state of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the state of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership or person or entity submitting a bid for the same materials, supplies, equipment or services and is in all respects fair and without collusion or fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.

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. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.

Under penalty of law for false swearing (*West Virginia Code* §61-5-3), it is hereby certified that the vendor affirms and acknowledges the information in this affidavit and is in compliance with the requirements as stated.

Vendor's Name: Alenza
Authorized Signature: Todd Hager Date: 4-15-09