



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
709EC006

PAGE
1

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

RFQ COPY



MH Equipment Co.
 126 Lakeview Drive
 Charleston, WV 25313

**DIVISION OF HIGHWAYS
 EQUIPMENT DIVISION
 ROUTE 33
 BRUSHY FORK ROAD
 BUCKHANNON, WV
 26201 304-472-1750**

DATE PRINTED 09/23/2008	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
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BID OPENING DATE: **10/22/2008** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA		968-39	106,985	106,985
<p>HYDRAULIC TRACK EXCAVATOR</p> <p>OPEN END CONTRACT</p> <p>TO PROVIDE HYDRAULIC TRACK EXCAVATOR FOR THE WEST VIRGINIA DIVISION OF HIGHWAYS PER THE ATTACHED SPECIFICATIONS.</p> <p>THERE WILL BE A MANDATORY PRE-BID CONFERENCE AT THE EQUIPMENT DIVISION IN BUCKHANNON, WEST VIRGINIA AT 10:00 AM ON 10/09/2008. FAILURE TO ATTEND THE PRE-BID WILL RESULT IN BID DISQUALIFICATION.</p> <p>QUESTIONS: WRITTEN QUESTIONS MUST BE RECEIVED BY CLOSE OF BUSINESS (5:00 PM EST.) ON FRIDAY, 10/03/08. 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 2</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON AND EXTENDS FOR A PERIOD OF ONE (1)</p>						

RECEIVED

2008 NOV 12 A 8:30

PURCHASING DIVISION
 STATE OF WV

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]* TELEPHONE: 304-741-3569 DATE: 11-10-08

TITLE: SALES FEIN: ADDRESS CHANGES TO BE NOTED ABOVE

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



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MA EQUIPMENT

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<p>YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING THIRTY (30) DAYS WRITTEN NOTICE.</p> <p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED 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 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 WITH 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 SUPPLIES BY TH</p>						

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<p>STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p> <p>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN EQUIPMENT CONTRACT ORDER (FORM NUMBER WV-35) FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL WV-35 MUST BE SENT TO THE PURCHASING DIVISION OF THE DEPARTMENT OF ADMINISTRATION. AFTER APPROVAL AND ENCUMBRANCE, ONE COPY OF THE PURCHASE ORDER WILL BE RETURNED TO THE SPENDING UNIT AND ONE COPY FORWARDED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT. NO ORDER IS VALID UNLESS APPROVED AND ENCUMBERED BY THE PURCHASING DIVISION.</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>REV. 9/98</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</p>						

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MH EQUIPMENT CO.

SHIP TO

**DIVISION OF HIGHWAYS
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<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> <p>NO. 1 ..T.S....</p> <p>NO. 2 ..T.S....</p> <p>NO. 3 ..T.S....</p> <p>NO. 4</p> <p>NO. 5</p> <p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF TH 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 M.H. EQUIPMENT COMPANY 11-10-08 DATE</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE 	TELEPHONE 304-741-3569	DATE 11-10-08
TITLE SALES	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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	MH EQUIPMENT

SUPPLIER	DIVISION OF HIGHWAYS EQUIPMENT DIVISION ROUTE 33 BRUSHY FORK ROAD BUCKHANNON, WV 26201	304-472-1750
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<p>REV. 11/96</p> <p style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p style="text-align: center;">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.: 709EC006</p> <p>BID OPENING DATE: 11-12-08</p> <p>BID OPENING TIME: 1:30 PM</p> <p>PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:</p> <p style="text-align: center;">304-776-6966</p>						

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		11-10-08
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 126 Lakeview Drive
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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
CONTACT PERSON (PLEASE PRINT CLEARLY):						
----- TONY JONES -----						
***** THIS IS THE END OF RFQ 709EC006 ***** TOTAL:						<u>106985</u>

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE 	TELEPHONE 304-741-3569	DATE 11-10-08
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WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
EQUIPMENT DIVISION

BIDDER'S EVALUATION REPORT

PROCUREMENT SPECIFICATIONS FOR OPEN END CONTRACT
NO. 310-1-D

HYDRAULIC TRACK EXCAVATOR

NOTE TO BIDDER: Procurement Specification No. 310-1-D, Paragraph 2.0 recommends the completion and submittal of this Report with your bid. Purpose of this Report is to enable the West Virginia Division of Highways Evaluation Committee to make full and fair evaluation of the bid. Addendums in order, along with a summary of exception as a separate attachment, should be with Bidder's Evaluation Report. FAILURE TO SUBMIT THIS REPORT, COMPLETE IN ITS ENTIRETY, MAY SUBJECT THE BIDDER TO DISQUALIFICATION.

Reference Requisition No.: 709EC006

Bidder's Name: MH EQUIPMENT

Address: 126 LAKEVIEW DR. CHARLESTON WV 25313

Telephone Number: 304-776-6900

Years Bidder has been registered to do business with the State of West Virginia: 40+ YRS.

Years Company has been an authorized dealer for proposed unit: 2+ YRS.

X3.2 Have you complied with all mandatory specifications? YES NO

X4.2 DELIVERY:

X4.2.1 Delivery date of completed representative unit: 45 Calendar Days After
Receipt of Purchase Agreement

X4.2.2 Delivery date of balance of completed units: 120 Calendar Days After Receipt of
Purchase Agreement

X5.0 AWARD CRITERIA;

X5.1 Prices for units:

1-10	<u>106,985</u> per unit
11-20	<u>102,963</u> per unit
21 and over	<u>102,963</u> per unit

X6.0 SPECIFICATIONS - GENERAL

X6.1 Manufacturer, model, series, and date of manufacture of proposed unit:

JCB JZ140 2008/2009
 Is descriptive literature, fully describing proposed unit attached to your bid? YES NO

If not, why? _____

X6.2 Will the required number of service manuals, and complete parts list be delivered to the Equipment Division at Buckhannon upon completion of delivery of total units?

YES NO

Will the required Equipment Preventive Maintenance Form (Section X6.2 of Bidders Evaluation Report) be provided upon inspection of the pilot unit? YES NO

X6.2
2-10-00

EQUIPMENT PREVENTATIVE MAINTENANCE QUESTIONNAIRE

THIS FORM MUST BE COMPLETED IN ITS ENTIRETY BY SUCCESSFUL BIDDER OR MANUFACTURER'S TECHNICAL REPRESENTATIVE PRIOR TO DELIVERY OF PILOT MODEL TO THE WVDOH

DESCRIPTION: _____ MAKE: _____

MODEL: _____ YEAR: _____ PURCHASE AMOUNT: _____

ENGINE: MAKE: _____ MODEL: _____ FUEL TYPE: _____

HORSEPOWER: _____ CYLINDER: _____ ENGINE SERIAL: _____

COOLING SYSTEM CAPACITY: _____

BELTS: DESCRIPTION: _____ PART NUMBERS: _____

GVW: _____ AXLE CAPACITY: FRONT: _____ REAR: _____

TIRES: FRONT MAKE & SIZE: _____

REAR MAKE & SIZE: _____

DIMENSIONS OF UNIT: LENGTH: _____ WIDTH: _____ LENGTH: _____

VENDOR CONTACT PERSON: _____ PHONE: _____

PARTS:

BATTERY MAKE: _____ MODEL: _____ CCA: _____

TOP OR SIDE POST: _____ DIMENSIONS: LENGTH _____ WIDTH _____ HEIGHT _____

SPARK PLUGS OR FUEL INJECTORS MAKE: _____ PART #: _____

FUEL PUMP OR INJECTION PUMP MAKE: _____ MODEL: _____

ALTERNATOR MAKE: _____ PART #: _____

STARTER MAKE: _____ PART #: _____

TURBO CHARGER MAKE: _____ PART #: _____

TRANS. MAKE: _____ MODEL: _____ AUTO/MANUAL: _____

HYDRAULIC PUMP MAKE: _____ MODEL: _____

FILTERS	MAKE	PART NO.	LUBRICANT	MANUFACTURER TYPE
---------	------	----------	-----------	-------------------

OIL	_____	_____	ENGINE	_____
AIR INNER	_____	_____	TRANSMISSION	_____
AIR OUTER	_____	_____	POWER STEERING	_____
FUEL PRIMARY	_____	_____	HYDRAULIC	_____
FUEL SECONDARY	_____	_____	DIFFERENTIALS	_____
COOLANT	_____	_____	BRAKE FLUID	_____
HYDRAULIC	_____	_____	COOLANT	_____
OTHER	_____	_____	OTHER	_____

X6.3 TRAINING:

Will training seminar be conducted on Preventive Maintenance, Operator and Mechanic Training YES ___ NO

Will you conduct training with each purchase order against this open end contract? YES ___ NO

Will training be conducted within 2 working days from the delivery of the pilot unit on the individual purchase order? YES ___ NO

If NO, explain time frame _____

Will an Operator's Manual be furnished directly to Training Academy prior to the delivery of the pilot? YES ___ NO

X6.4 If you are the successful vendor, will you furnish all training aids, i.e., videos, projectors, required in conducting the training? YES ___ NO

X6.4.1 Will all manuals, booklets, etc. explaining preventive maintenance, operator procedures, and service schedule be delivered with each unit? YES ___ NO
 If NO, explain _____

X6.5 WARRANTY AND SERVICE POLICY

Will the warranty and service you provide comply with all areas as stated in Section 6.5 of specifications YES ___ NO

Is warranty literature attached? YES ___ NO

Is a minimum two (2) year bumper to bumper basic parts and labor warranty excluding abuse and normal wear items included? YES ___ NO

Describe:

X6.5 WARRANTY AND SERVICE POLICY QUESTIONNAIRE
THIS FORM MUST BE COMPLETED IN ITS ENTIRETY AND SUBMITTED WITH YOUR BID.

(If additional lines are needed, make copies of form.)

1. Define the terms of the standard warranty. If not offered, so state. (Attach copy)

2 YEAR STANDARD, 1ST YEAR UNLIMITED HOURS
2ND YEAR UP TO 2000 HRS.
3 YEAR STRUCTURAL (SEE ATTACHMENT)

2. Define warranty service to be performed at DOH facilities and warranty service to be performed at manufacturer's representative facility. List name and location of manufacturer's representative.

ALL REPAIRS WILL BE DONE IN FIELD, MAJOR
BREAKDOWN REPAIRS WILL BE PREFERABLY DONE
AT OUR CHARLSTON WV FACILITY / HR. MAX TRAVEL CHARGE.

3. List locations for parts inventories that are within the State of West Virginia. Also, list availability levels, if known.

126 CAKEVIEW DR, CHARLESTON, WV
24 HOUR AVAILABILITY ON PARTS IN STOCK
48 HOUR ON FACTORY NEXT DAY ORDERS SAVANNAH, GA.

4. During the term of warranty, list the guarantee discount to manufacturer's published list price for parts that bidder will sell the parts to owner.

- A. Terms: Net 30 Manufacturer's published list price less: 10 % discount
- B. Terms: Net 60 Manufacturer's published list price less: 10 % discount
- C. Terms: Net 90 Manufacturer's published list price less: 10 % discount

5 During the term of warranty, will all manufacturers or engineering improvements be submitted to Division of Highways? X YES ___ NO

6. During the term of warranty, list the guaranteed rates charged for repair to the unit.

- A. Shop Rate \$ 70 per mechanic hour
- B. Travel Time Charge \$ 70 per mechanic hour
 (Specify if one-way) _____; port to port _____
- C. Mileage Charge \$ NONE per vehicle mile
 (Specify if one-way) _____; port to port _____
- D. Field Mechanic Rate \$ 75 per mechanic hour
- E. Specify period of time that prices are in effect: 1 YR FROM DATE OF P.O.
- F. Surcharge for miscellaneous items: 10 %

X6.6 EVALUATION COMMITTEE REQUIREMENTS

Is all component specifications, product literature, component models provided for Evaluation Committee bid determination? YES NO

X6.7 Will all parts, equipment, accessories, material, design and performance characteristics not specified herein, but which are necessary to provide a complete unit, be furnished with the unit and conform in strength, quality of material, and quality of workmanship to those which are advertised and provided to the market in general by the unit industry? YES NO

X6.7.1 Are all parts and accessories adequate and regularly supplied as standard to be included except those which may be duplications of specifications herein, and except these by specification are not to be furnished? YES NO

X6.7.2 Are all standard safety features that are required by Federal and State statutes of law included? YES NO

X7.0 SPECIFICATIONS OF THE QUOTED UNIT:

The bidder should complete the following schedule in order for the Division to compare the actual bid unit to the specifications. Should the bidder except a requirement, then such exception may be only on the basis that such feature is not offered by the manufacturer. The Division will have the sole discretion as to whether the bidder's substitution meets the requirements of the specification.

Manufacturer: JCB Model: J2140

X7.1 Specify operating weight 32890 **pounds.**

X7.2 Engine:

X7.2.1 Specify engine 97 **HP.**

X7.2.2 Is engine turbocharged diesel? YES NO

X7.2.3 Is pressurized liquid cooling system w/thermostat, filled with manufacturers approved extended life permanent type anti-freeze that provides freeze protection to at least -30° F? YES NO

ADD: To Bidder's Evaluation Report

X7.2.4 Is air cleaner, double element with auto dust evacuation? YES NO

X7.2.5 Is fuel filtering system manufacturers heaviest duty available? YES NO

X7.2.6 Is dust proof net for radiator and oil cooler provided? YES NO

X7.2.7 Will Manufacturers heaviest duty electrical system be provided? YES NO

X7.3 Hydraulic System:

X7.3.1 Will proposed hydraulic system maintain manufacturers recommended safe oil temperature within recommended operating range during continuous operation under maximum working combinations? YES NO

X7.3.2 Does system provide manufacturer heaviest variable capacity piston type pumps With load sensing for maximum efficiency? YES NO

X7.3.3 Is boom controlled by two (2) hydraulic cylinders? YES NO
Specify boom length 15' 5" feet

X7.3.4 Is arm controlled by one (1) hydraulic cylinder/equipped with multi function hydraulic with piping to the end of arm with foot controls? YES NO
Specify arm length 8' 2" feet

X7.3.5 Is shut off valve at end of piping? YES NO

X7.3.5.1 Is unit equipped with a hydraulic thumb? YES NO
Specify size 18 inches x 47 inches

X7.3.5.2 Tine thickness of thumb 1.25 inch with a pin diameter 2 inch

X7.3.6 Bucket - 61 cubic yard with teeth and side cutters YES NO
Controlled by one (1) hydraulic cylinder YES NO

X7.3.7 Is drive hydrostatic design with independent track control? YES NO

ADD: To Bidder's Evaluation Report

X7.3.8 Does unit have wet multiple disk brakes that automatically releases while propelling and applies when stationary? YES ___ NO

X7.3.9 Is unit swing capable of 360 degrees? YES ___ NO

X7.3.10 Specify swing speed 12.8 R.P.M.

X7.3.11 Is swing brake SAHR for safety? YES ___ NO

If not specify: _____

X7.3.12 Is unit joystick controlled with one (1) additional actuator for auxiliary hydraulics? YES ___ NO

X7.4 Undercarriage:

X7.4.1 Is undercarriage frame manufacturers standard for model bid? YES ___ NO

X7.4.2 Does unit have sealed type track YES ___ NO

X7.4.3 Does unit have a minimum of one (1) top carrier roller each side for proper track support YES ___ NO

X7.4.4 Are track guides provided to prevent track misalignment YES ___ NO

X7.4.5 Is track adjustment of hydraulic design YES ___ NO

X7.4.6 Does unit have manufacturers triple grouser shoes? YES ___ NO

X7.4.7 Specify track length 11 feet 8 inches

X7.4.8 Tail Swing including manufacturers needed weight(s): 4.7 feet

X7.5 Cab:

X7.5.1 Is proposed cab all weather steel isolation mounted? YES ___ NO

X7.5.2 Does proposed unit have a deep cushioned fully adjustable seat with padded arm rests? YES ___ NO

X7.5.3 Is cab equipped with manufacturers heater and air condition system? YES ___ NO

X7.5.4 Is cold weather starting aid provided? YES ___ NO

- X7.5.5 Is cab equipped with front windshield wiper/washer with intermittent features? YES NO
- X7.5.6 Is manufacturers vandalism protection package provided?** YES NO
- X7.5.7 Is unit provided with interior cab light? YES NO
- X7.5.8 Are work lights provided at boom and cab adequate for night shift operations? YES NO
- X7.5.9 Is tinted safety glass provided at all locations? YES NO
- X7.5.10 Is AM/FM radio with antenna provided? YES NO
- X7.6 Paint:
- X7.6.1 Will unit be painted manufacturers standard color?** YES NO
- X7.6.2 Does painting procedures for cleaning, degreasing, preparing, priming/painting meet manufacturers standard requirement for painting unit? YES NO
- X7.7 Does unit meet OSHA requirements as specified?** YES NO
- X7.8 Does unit meet advertising guidelines as specified? YES NO

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:

West Virginia Code §21-1D-5 provides that: Any solicitation for a public improvement construction contract shall require each vendor that submits a bid for the work to submit at the same time an affidavit that the vendor has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the West Virginia Code. A 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. Vendors should visit www.state.wv.us/admin/purchase/privacy for the Notice of Agency Confidentiality Policies.

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

Vendor's Name: MH EQUIPMENT

Authorized Signature:  Date: 11-10-08

709EC006
PRE BID ADDENDUM #3

HYDRAULIC TRACK EXCAVATOR

CHANGES TO BIDDER'S EVALUATION REPORT:

X4.2.1 – NO CHANGES REQUIRED

Delivery date of completed representative unit: 45 calendar days after receipt of Purchase agreement

FROM:

X7.1 Specify operating weight _____ pounds

TO:

X7.1 Specify operating weight 32890 pounds including fuel, thumb, and bucket attached.

X7.4.8 – NO CHANGES REQUIRED

Tail swing including manufacturers needed weight(s): 4.7 feet

FROM:

X7.5.6 Is manufacturers vandalism protection package provided? YES ___ NO

TO:

X7.5.6 Is manufacturers vandalism protection package provided? YES ___ NO

Does it include locking cab doors, locking compartments for the engine and hydraulic components, locking fuel and radiator access and electrical cut-off switch, and all locks except master switch are keyed alike YES ___ NO



126 Lakeview Drive
Charleston, WV 25313

304-776-6900
(304) 776-6966 (Fax)

November 10, 2008

Division of Highways
Equipment Division
Rte. 33 Brushy Fork Rd.
Buckhannon, WV 26201

Thank you for the opportunity to provide this quote for a new JCB JZ140 Hydraulic Excavator. Below you will find specifications and pricing.

ENGINE Isuzu model A4BGIT-S1, 97.6 Net HP at 2200 RPM. Four-cylinder water cooled direct injection diesel with glow plugs for cold starting. Low emission engine designed to comply with US EPA emission standard. Dual element air cleaner. Cooling via large capacity combined engine and hydraulic single faced cooler with hydraulically powered fan.

HYDRAULICS Variable flow load sensing system with on demand and servo operated multi function open center control. Independent servo gear pump. Two main axial piston pumps yield combined flow of 68 GPM. Servo pump flow: 5.5 GPM.

OPERATOR'S AREA Pressed steel cab, noise and vibration isolated by six hydraulically damped resilient mountings. All safety glass windows with opening front window and overhead stowage of both upper and lower windows. Full opening door window. Fan forced fresh air ventilation, air conditioning and heater with defogger and washer/wiper. Fully adjustable suspension seat with seatbelt, headrest, armrests, and backrest recline. Cigarette lighter and ashtray.

CONTROLS Excavator controls are ISO pattern, servo operated, with in cab change over switch to SAE. Tracks are individually operated by foot pedal or hand lever. Speed selection via joystick operated switch. Control isolation by gate lock lever at cab entrance and a console mounted switch.

UPPER Monoboam with choice of dipper arms to suit dig depth requirements. No reinforcing required for hammer operations. Boom: 15' 5" Dippers: 8' 2".

UNDERCARRIAGE The undercarriage gives excellent stability, is a fully welded X-frame type with undercarriage center cover, engine undercover and travel drive motor, cover and shields. One top and seven bottom rollers are heat-treated, sealed and lubricated. Track idler is sealed and lubricated and incorporates spring cushion recoil.

TRACK DRIVE Full hydrostatic, 3 speed, driven by two axial piston motors. Motors are guarded in undercarriage frame for protection from debris. Final drives are planetary reduction type with bolt on sprockets. Maximum track speed is 3.4 MPH, low speed is 1.4 MPH. Movement alarm. Parking brake is disc type, spring applied, hydraulic release.

ELECTRICAL 24 volt electrical system. 2 x 12 volt heavy duty batteries, 24 volt, 40 amp output alternator.

OPERATING WEIGHT Equipped w/standard boom, dipper, 24" track shoes, 30" bucket, hyd. thumb and full tank of fuel. Approximately **32,890 lbs.**

WARRANTY 2 Year full coverage warranty (please see the machine warranty certificate for details)

Options to meet specifications:

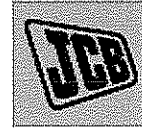
Weld on Hydraulic thumb
30" excavator bucket .61 cu. yd.
Hydraulic shut off valves
Required manuals

Price for one (1) unit with above options.....**\$106,985.00** net each

Price includes delivery.

Sincerely,

Tony Jones
MH Equipment
JCB Sales representative
304-741-3569



126 Lakeview Drive
Charleston, WV 25313

304-776-6900
(304) 776-6966 (Fax)

November 10, 2008

Division of Highways
Equipment Division
Rte. 33 Brushy Fork Rd.
Buckhannon, WV 26201

Exception to Specifications

X7.1 Operating weight is **32,980** lbs. with thumb, bucket, and full fuel tank.

Sincerely,

Tony Jones
MH Equipment
JCB Sales