



a communications company

1200 Greenbrier Street • Charleston, WV 25311 • 304-720-2101 • Fax: 304-720-2121

May 12, 2009

Mr. Ron Price
Office of the Treasurer
State of West Virginia
E-145 State Capitol Complex
Charleston, WV 25305

Dear Mr. Price:

FiberNet appreciates the opportunity to provide you with a response to RFQ STO572 for Synchronous Optical Network (SONET) Ring Service.

FiberNet has read and will comply with the specifications, requirements and particular terms as stated in the RFQ. FiberNet will provide SONET Ring circuits between One Player's Club, the Kanawha City Warehouse (7300 MacCorkle Ave., S.E.), and Room B-057 (the telecommunications room) in the Basement of Building 6. A circuit diagram is attached as part of Attachment 1 as requested.

The installation will be performed within 60 days of receipt of approved purchase order from the Treasurer's Office.

Attached are:

- Attachment 1 – References and Diagrams
- Cost Page
- Vendor Preference Certificate
- Purchasing Affidavit

RECEIVED

2009 MAY 12 PM 12:56

WV PURCHASING
DIVISION

328 Neville Street
Beckley, WV 25804
304.929.2101

1102 Third Avenue
Huntington, WV 25701
304.781.2101

221 E. Antietam Street
Hagerstown, MD 21740
240.625.9101

225 South Maple Ave.
Greensburg, PA 15601
724.216.9101

112 Gayelo Park, Suite 201
Johnstown, PA 15901
814.361.2101

900 Fairmont Avenue, Suite 201
Fairmont, WV 26554
304.333.2101

501 Grand Central Avenue, Suite C
Vienna, WV 26105
304.865.2101

38 Fifteenth Street, Suite 200
Wheeling, WV 26003
304.230.2101

114 12th Street
Altoona PA 16601
814.296.2101

113-115 Baltimore Street,
Suite 204
Cumberland, MD 21502
304.876.9101

This is individual case basis (ICB) pricing for these 3 locations. However, FiberNet is willing to extend this type service to other state and local agencies and will provide individual case basis pricing for each agency and circuit requested.

If you have questions or need additional information, please contact me at 304.720.2108 or tsmarr@wvfibernet.net. The FiberNet team looks forward to working with you on this project.

Sincerely,

A handwritten signature in cursive script that reads "Terry C. Smarr".

Terry C. Smarr
Vice President
Operations & Wholesale Networks

Attachments



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:
 ST0572

PAGE
 1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
 RON PRICE
 304-558-0492

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE

SHIP TO

STATE TREASURER
 MAIN CAPITOL BUILDING
 SUITE E-145
 CHARLESTON, WV
 25305 304-343-4000

DATE PRINTED 04/23/2009	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: 05/12/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	MN		938-74		
SYNCHRONOUS OPTICAL NETWORK (SONET) RING SERVICE TO PROVIDE THE STATE TREASURER'S OFFICE A SYNCHRONOUS OPTICAL NETWORK (SONET) RING SERVICE (SRS) PER THE ATTACHED SPECIFICATIONS. ALL QUESTIONS CONCERNING THIS PROJECT, OTHER THAN QUESTIONS RELATING TO BID SUBMISSION, ARE TO BE SUBMITTED IN WRITING NO LATER THAN THE CLOSE OF BUSINESS ON MAY 1, 2009 TO THE FOLLOWING: RON PRICE PURCHASING DIVISION 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305 FAX: 304-558-4115 EMAIL: RON.N.PRICE@WV.GOV BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER. THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND 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. REV. 04/11/2001						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Aug C. Smaw</i>	TELEPHONE 304-720-2108	DATE 5/12/09
TITLE VP-Oper, Wh/Se Ent, Net	FEIN 841452950	ADDRESS CHANGES TO BE NOTED ABOVE

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



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
 ST0572

PAGE
 2

ADDRESS CORRESPONDENCE TO ATTENTION OF
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VENDOR

RFQ COPY
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SHIP TO

STATE TREASURER
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 SUITE E-145
 CHARLESTON, WV
 25305 304-343-4000

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
04/23/2009				
BID OPENING DATE: 05/12/2009		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p>DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER: RP-41</p> <p>RFQ. NO.: ST0572</p> <p>BID OPENING DATE: 5/12/09</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;">----- 304-720-2121 -----</p> <p>CONTACT PERSON (PLEASE PRINT CLEARLY): Terry Smarr</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>see front page</i>	TELEPHONE	DATE 5/12/09
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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



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
ST0572

PAGE
3

ADDRESS CORRESPONDENCE TO ATTENTION OF
RON PRICE
304-558-0492

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE

SHIP TO

STATE TREASURER
 MAIN CAPITOL BUILDING
 SUITE E-145
 CHARLESTON, WV
 25305 304-343-4000

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
04/23/2009				

BID OPENING DATE: **05/12/2009** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<i>Terry Smarr</i>						
***** THIS IS THE END OF RFQ ST0572 ***** TOTAL:						_____

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>see front page</i>	TELEPHONE	DATE 5/12/09
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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

SONET Ring Service (SRS)

I. SPECIFICATIONS

1.1 General Information

The West Virginia State Treasurer's Office ("STO") is seeking bids for a Synchronous Optical Network ("SONET") Ring Service ("SRS") for a term of (5) years. The SRS shall connect and route through the three (3) STO Charleston sites, as indicated in the SRS Diagram provided in Section III of this RFQ. Only Vendors offering SRS meeting all of the specifications and requirements of this RFQ will be considered responsive.

1.2 Delivery, Installation and Testing

The Vendor will provide and install the equipment and services required in this RFQ, and shall provide on-site assistance to STO staff with testing the equipment and service to ensure compliance with the technical requirements of this RFQ.

Vendor is solely responsible for all work performed under the contract and shall assume prime contractor responsibility. Vendor is also totally responsible for payment of all subcontractors. Under no circumstances will the contracting Vendor be allowed to recover cost through a series of change orders for environmental/physical changes.

The SRS shall be completely operational within sixty (60) calendar days after notice to proceed is given by the STO through the State of West Virginia Purchasing Division issuance of a written Purchase Order.

1.3 Technical Requirements

1.3.1 The SONET Ring Service ("SRS") offered in your bid must provide the following:

1.3.1.1 SRS connecting and routing through the STO sites, as provided in the SRS Diagram.

1.3.1.2 An implemented Ethernet over SONET solution on a shared OC-48 connection. Each connection and speed as provided in the SRS Diagram.

1.3.1.3 A network design that meets the requirements as provided in the SRS Diagram.

1.3.1.4 The Capitol Complex, the Kanawha City Warehouse site, and the Player's Club site all will have a common exit out of the buildings to the street, and must have separate paths once outside the building. The concurrent line location must be split within 1,000 feet from the exits of each building.

1.3.1.5 A network-monitoring center, which will be human monitored 24 hours a day and 365 days a year.

1.3.1.6 Reporting of network outages to the STO within fifteen (15) minutes of the outage occurring. Vendor must also report to the STO within fifteen (15) minutes if a portion of the SONET ring is down, but the connectivity between sites is not affected.

1.3.1.7 The option to extend Ethernet circuits to locations off the SONET ring. One end of these circuits would terminate at a node on the ring and the second end would terminate at a location to be determined.

1.3.2 With your bid provide a diagram of your proposed location of the fiber cables, including the location at which the split will occur within 1000 feet of the exit location of each building.

1.3.3 Vendor shall supply all cabling for entire SONET ring. Vendor shall be responsible for installation of fiber at all locations with the exception of the Capitol Complex. The WV Office of Technology will pull vendor-provided fiber cable from Building 6, Room B-057 to the STO server room in EB-92. Please see 4.3.1 for detailed information regarding the Capitol Complex installation.

If the apparent winning Vendor plans to make any physical modifications to the Capitol Complex to run fiber to Building 6, Room B-057, the Vendor must contact David Oliverio, General Services Division, Department of Administration, at 304-558-1808 prior to the start of any modifications.

1.4 Site Requirements

Vendor shall state any requirements necessary for the site to be ready to accept the SRS, including without limitation, additional electrical and/or environmental requirements necessary for proper operation of the SRS.

1.5 Price Decreases

During the term of the contract/purchase order for this RFQ, if a Vendor receives or offers a price decrease on SRS, the Vendor shall pass that decrease on to the STO, which decrease shall be effective the same date it is effective for the Vendor or a customer of Vendor.

1.6 Liquidated Damages

As any outage of the network will be extremely detrimental to the operations of the STO and the entirety of West Virginia state government by causing the State of West Virginia to lose income, and will be considered a substantial breach of the contract/purchase order issued pursuant to this RFQ. As it will be very difficult to calculate actual damages sustained by such a breach, each hour of an outage from a site that is caused solely by the Vendor will result in a \$10,000 deduction, as liquidated damages and not as a penalty, from the monthly charges for the SRS, not to exceed one month's charge.

For purposes of this RFQ and the resulting contract/purchase order, an outage is defined as connectivity to a particular site (Capitol Complex, Player's Club and the Kanawha City Warehouse) not being accessible by either path of the SONET ring. This clause shall in no way be considered exclusive and shall not limit the State or Agency's right to pursue any other additional remedy to which the State or Agency may have legal cause for action including further damages against the vendor.

1.7 References and Examples Required

1.7.1 Included in this RFQ is a References, Diagram and Site Requirements attachment which is to be returned with your bid for purposes of §1.6.

1.7.2 On the Attachment 1, list the names of two (2) entities currently operating SRS supplied and monitored by your company. These references must be an Ethernet over SONET solution. For each reference, list the name and address of the entity, the name and address of the entity, then name and telephone number of a contact person, and the location of the SRS on the form.

1.7.3 Vendor shall include with bid submission brief diagrams of the currently operating SRS for those two (2) references. Remember, these references must be an Ethernet over SONET solution. The diagrams should include ring configuration and connection speeds (raw). A Vendor failing to provide the diagrams with its bid shall be required to do so within one (1) week of bid opening.

- 1.7.4 References and diagrams provided will be reviewed. Vendors unable to provide the two (2) references that give reviews of the Vendor's work to the satisfaction of the STO will be considered non-responsible.

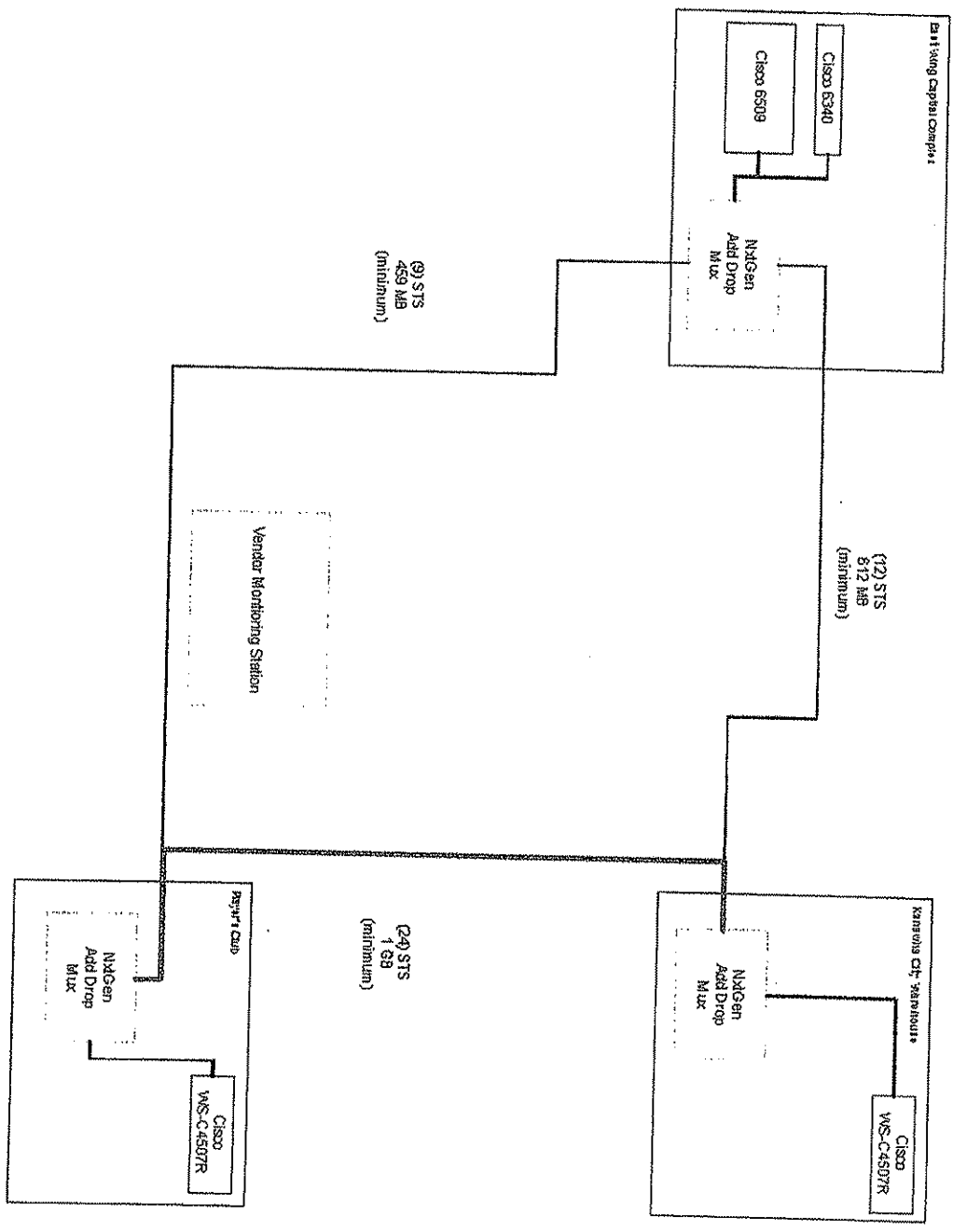
1.8 Successor Vendor

At the end of the term of the contract/purchase order to the RFQ or on the date of cancellation, if another vendor will be providing the SRS or successor services, Vendor shall fully cooperate with the successor vendor and the STO on the transition to the new vendor, and , if the STO determines the need, Vendor shall provide the SRS on a month-to-month basis at the same or lower price as the price paid the month prior to the end of the term or cancellation, for a period not to exceed one (1) year.

II. BID SUBMISSION

The amount bid shall be stated as a set monthly fee for five (5) years, and shall be inclusive of any and all direct and indirect costs, including equipment, labor, overhead, travel, out-of-pocket, shipping and handling, and any other costs. No other reimbursements or fees shall be payable to the Vendor for services provided in any contract resulting from this RFQ. Only the amounts specified on the Cost Page will be paid to the Vendor as compensation under any contract/purchase order awarded pursuant to the RFQ.

III. SRS DIAGRAM



IV. FIBER INSTALLATION INFORMATION

4.1 One Player's Club

4.1.1 A common entry point exists at the southwest corner of the building at One Player's Club, which enters a Wiring Room at the ground floor level. This Wiring Room is the general distribution point for electrical and telecom wiring, with existing connections into the building by various service providers. The route for the fiber cable between this room and the STO switch closet is an open area above the drop ceiling between these two locations. There are no obstacles in this area, making a straight run possible. There will be a change in elevation at each end point of approximately four (4) feet. Additional information concerning how service providers do, and may enter the building for telecom purposes may be obtained from the building manager, Bob Reishman, of Reishman and Associates at (304) 346-4643. See Exhibit A, Drawing 1 for site drawing.

4.2 Kanawha City Warehouse (7300 MacCorkle Avenue SE)

4.2.1 The STO will provide a wall penetration with a conduit through an exterior wall, directly into the server room where the rack housing the vendor's equipment will be located. See Exhibit A, Drawing 2 for the site drawing.

4.3 State Capitol Complex

4.3.1 At the State Capitol Complex, it will be the responsibility of the successful vendor to bring the SONET ring fiber into Room B-057 – the telecommunications room in the basement of Building 6. The successful vendor shall provide The WV Office of Technology with a minimum of 800 feet of fiber to go between B-057 in building 6 and the WVSTO server room in the east wing of the Capitol Complex. This fiber shall be provided by the successful vendor to the WV Office of Technology within thirty (30) calendar day of receipt of Purchase Order. WV Office of Technology personnel will pull the vendor provided fiber through an inner-duct in the conduit between B-057 in Building 6 and the WVSTO server room in the east wing. After the fiber has been pulled between the two locations, the WV Office of information and Technology/WVSTO will then contact the successful vendor for the termination and testing of the fiber. The successful vendor will then have seven (7) calendar days to come on-site to terminate and test the fiber. The vendor shall share the fiber test results with the WV Office of information and Technology/WVSTO. If there is a problem with the fiber that has been pulled by the WV Office of Information and Technology the vendor shall notify the WV Office of information and Technology/WVSTO within three (3) calendar days of being on-site to test/terminate the fiber. The WV Office of information and

Technology/WVSTO will then take the necessary steps to rectify the situation, including but not limited to re-pulling new fiber provided again by the vendor. If the vendor fails to inform the WV Office of Information and Technology/WVSTO within the stipulated three (3) calendar days, any work to be performed thereafter by the WV Office of Information and Technology will be at the expense of the vendor. The demarcation point at the Capitol Complex will be the server room located in EB-92.

ATTACHMENT 1

REFERENCES, DIAGRAMS AND SITE REQUIREMENTS

Vendor: FiberNet, LLC

A. REFERENCES AND DIAGRAMS

List the names of two (2) entities currently operating a SRS supplied and monitored by your company. These references must be an Ethernet over SONET solution. For each reference, list the name and address of the entity, the name and telephone number of a contact person, and the location of the SRS on the Bid Form.

Attach to this Attachment 1 brief diagrams of the currently operating SRS for those two (2) references. Remember, these references must be an Ethernet over SONET solution. The diagrams should include ring configuration and connection speeds (raw).

1. Name: The WV Supreme Court
 Address: Capitol Building 1, Room E-100
 Contact: Dwane Neely Phone No.: 304-340-2930
 SRS Location: WV
 Diagram Attached: yes / no proprietary information
2. Name: WV Army National Guard
 Address: 1703 Coonskin Dr., Chas., WV 25311
 Contact: Gene Taylor Phone No.: 304-561-6554
 SRS Location: WV
 Diagram Attached: yes / no proprietary information

B. DIAGRAM

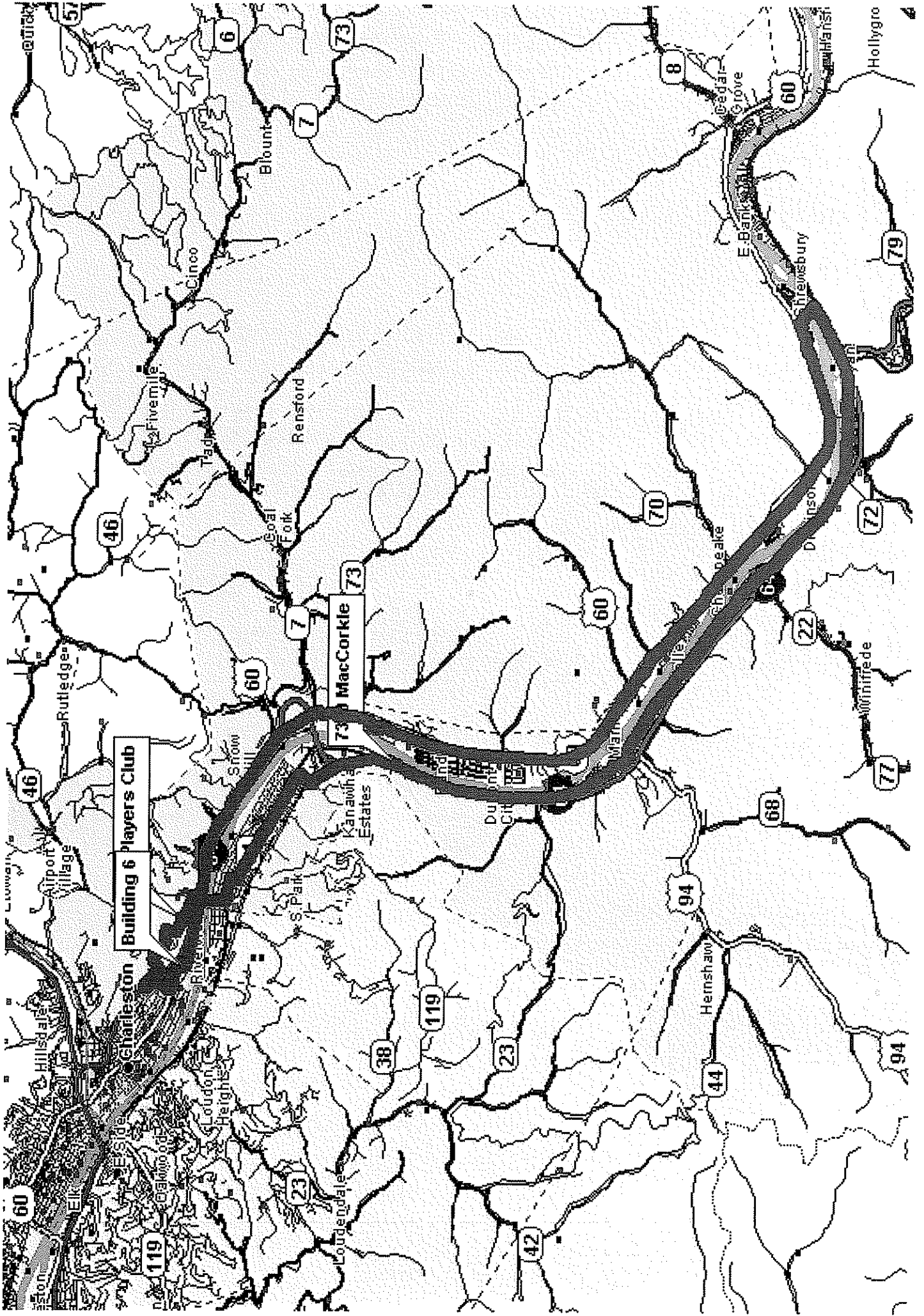
In accordance with Section 1.4.2 of the RFQ, provide a diagram of your proposed location of the fiber cables, including the location at which the split will occur within 1000 feet of the exit location of each building. *

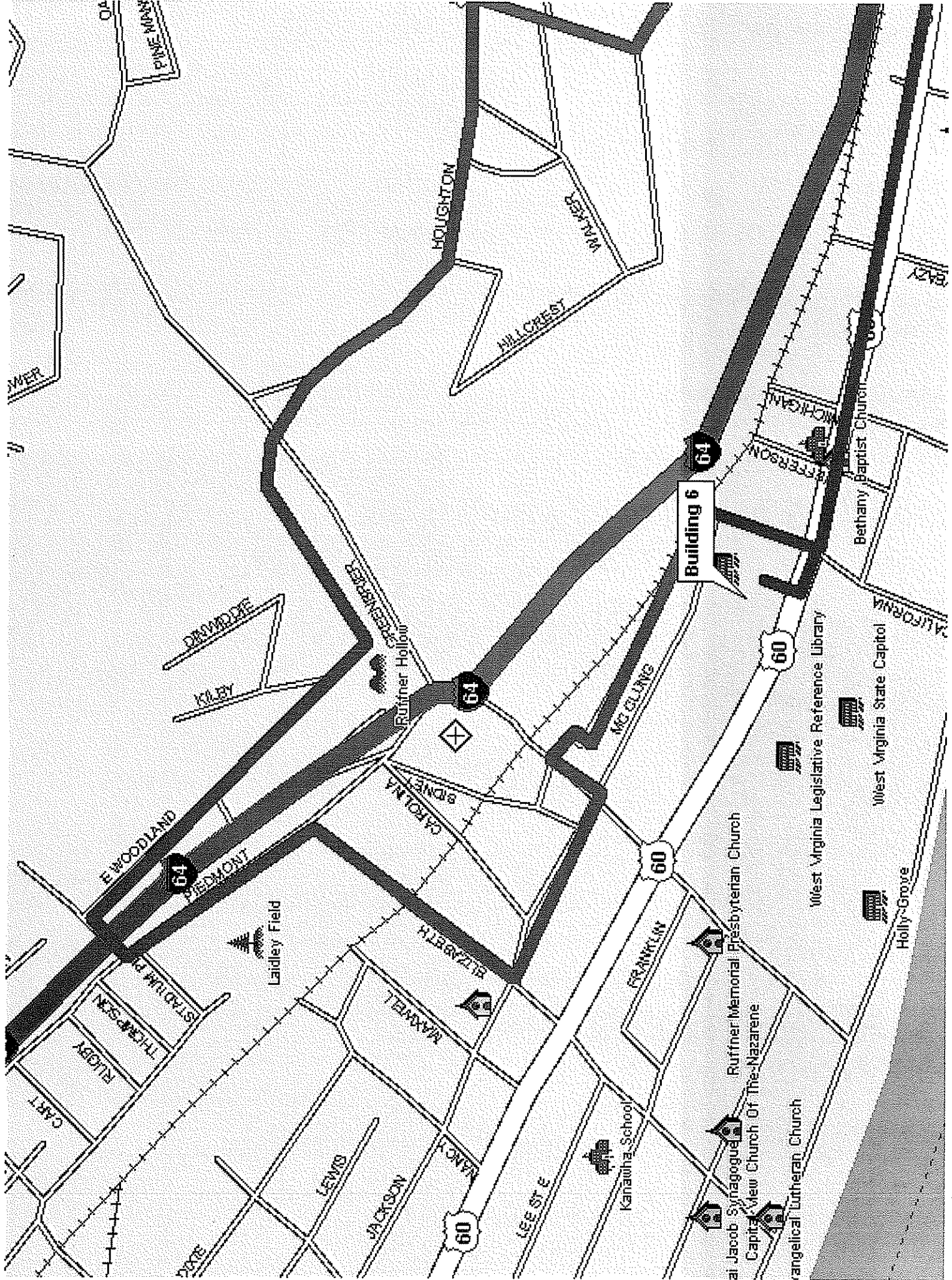
C. SITE REQUIREMENTS

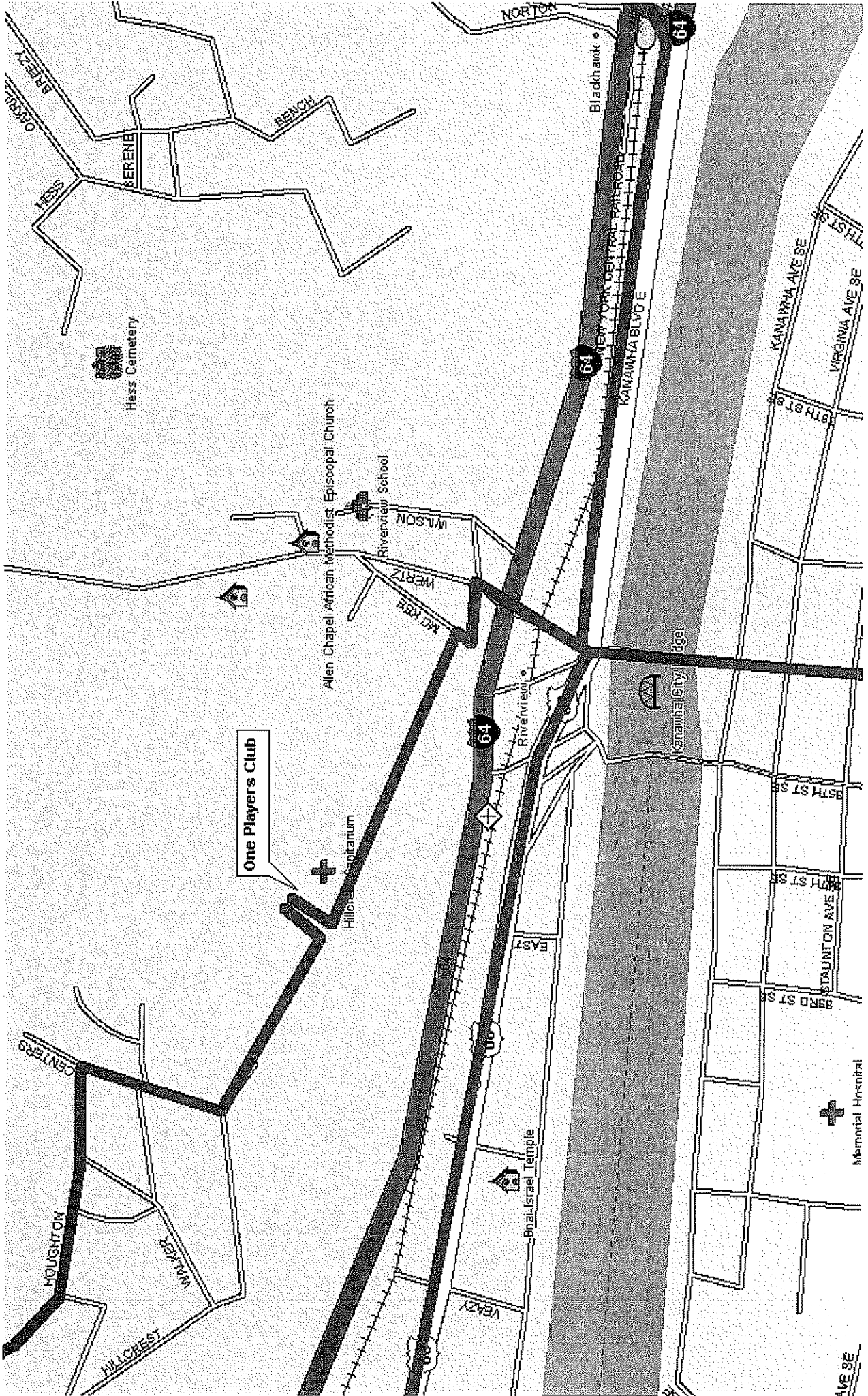
List any requirements necessary for the three (3) STO sites to be ready to accept the SRS, including without limitation, additional electrical and/or environmental requirements necessary for proper operation of the devices. The STO shall be responsible for the costs associated with the site requirements.

Power and space to install terminating equipment -
exact requirements provided if FiberNet is successful
vendor.

* Diagram maps attached. Dark green bolded line is the SONET path.







One Players Club



Hillcrest Amphitheater

Allen Chapel African Methodist Episcopal Church

Riverview School

Bnai Israel Temple

Memorial Hospital

Canaanville Bridge

Blackhawk

NEW YORK CENTRAL RAILROAD
KANAANNA BLVD E

64

KANAANNA AVE SE

VIRGINIA AVE SE

9TH ST SE

10TH ST SE

85TH ST SE

86TH ST SE

87TH ST SE

88TH ST SE

89TH ST SE

90TH ST SE

91ST ST SE

92ND ST SE

93RD ST SE

94TH ST SE

95TH ST SE

96TH ST SE

97TH ST SE

98TH ST SE

99TH ST SE

100TH ST SE

CENTERS

HOUGHTON

MILLCREST

WALKER

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VEAZY

VEAZY

RASB

Riverview

WILSON

WERTZ

MC KEE

ORFORD

HESS

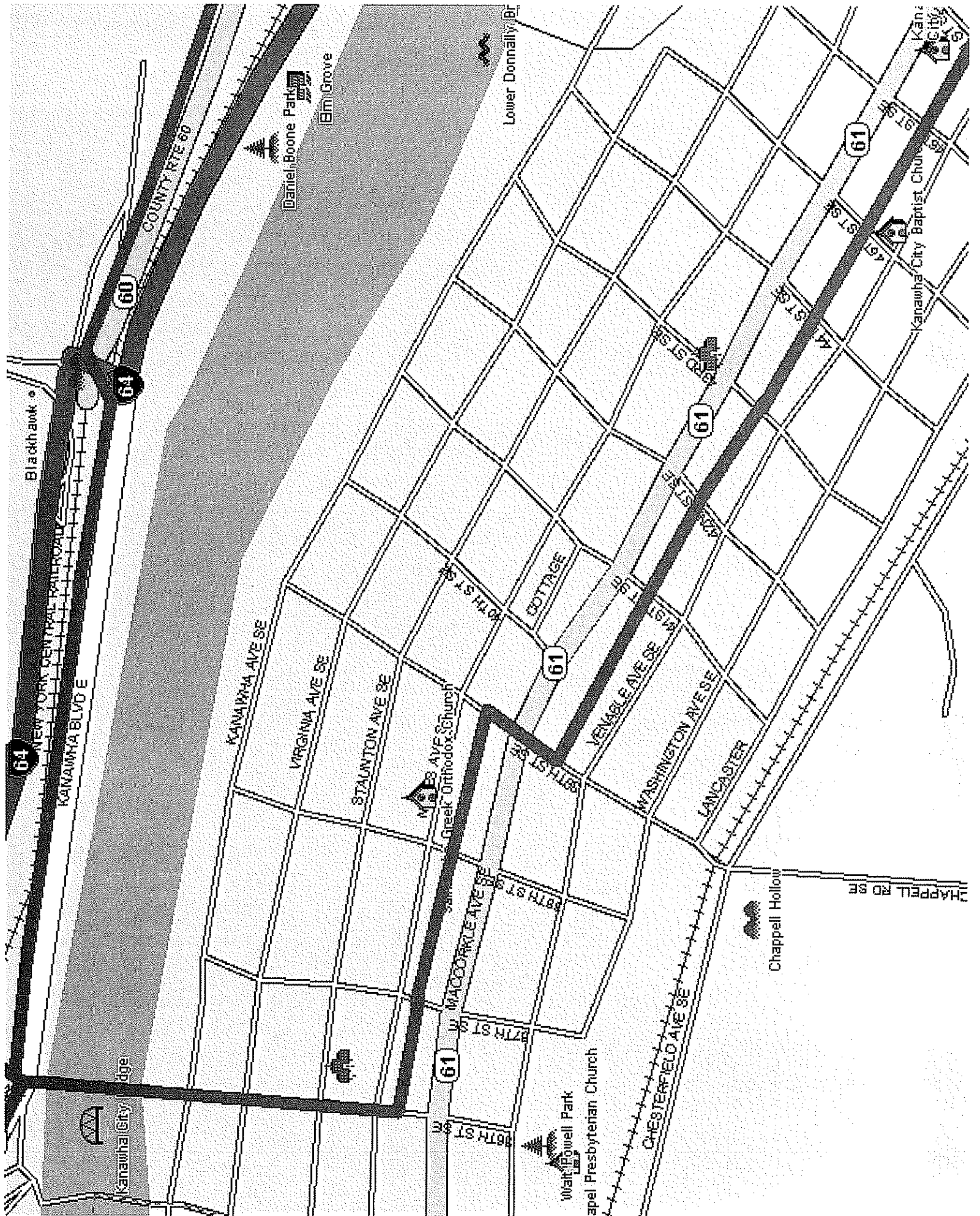
SERENE

BENCH

NORTON

64

AVE SE



Blackhawk

NEW YORK CENTRAL RAILROAD
KANAWHA BLVD E

COUNTY RTE 60

60

64

Daniel Boone Park
Elm Grove

Lower Donnelly Br

KANAWHA AVE SE

VIRGINIA AVE SE

STAUNTON AVE SE

MACCORKLE AVE SE
Greek Orthodox Church

W 15 ST SE
COTTAGE

61

VENABLE AVE SE

61

WASHINGTON AVE SE

61

LANCASTER

CHAPPELL RD SE

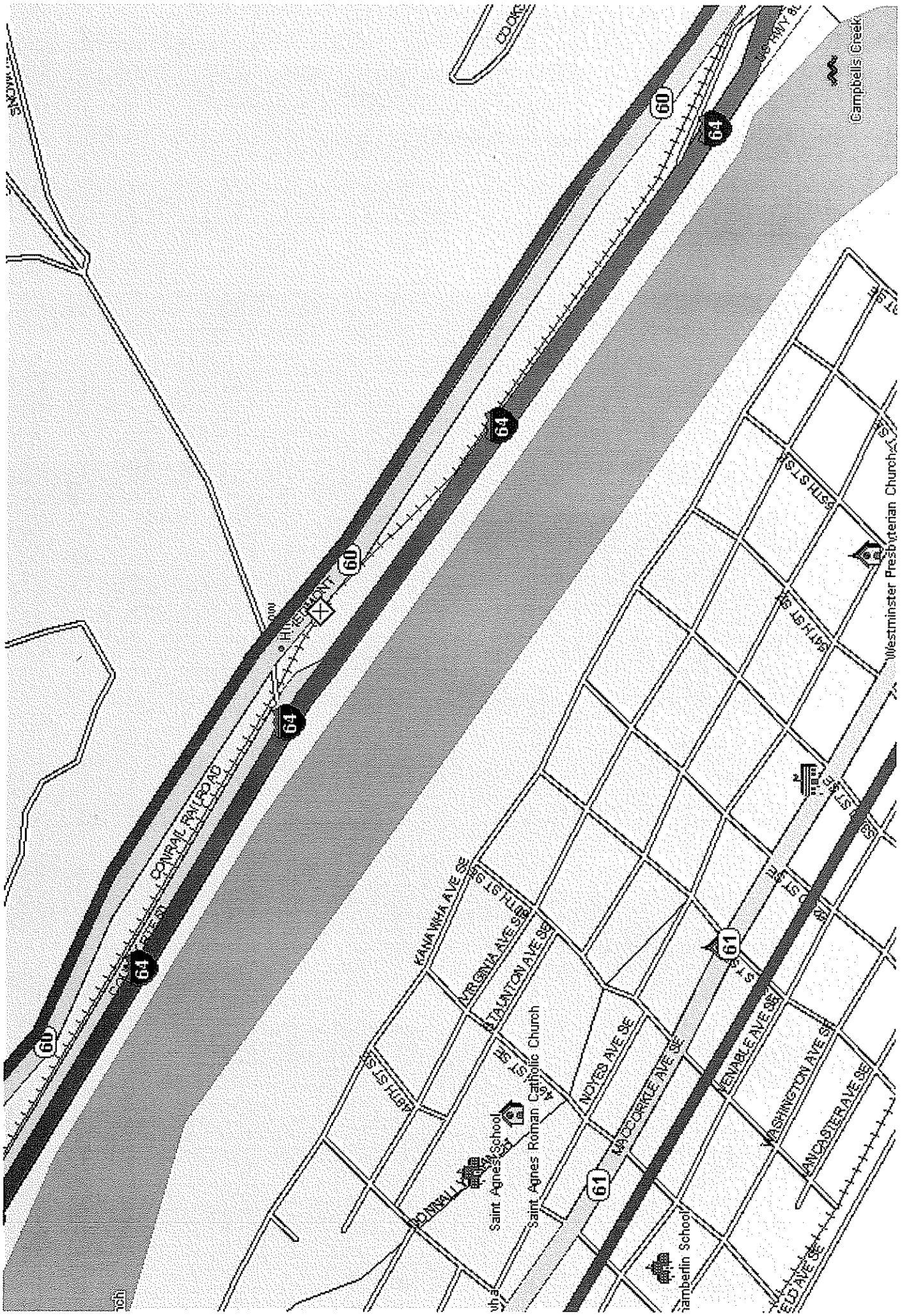
Chappell Hollow

Walt Powell Park
Kanawha City Presbyterian Church

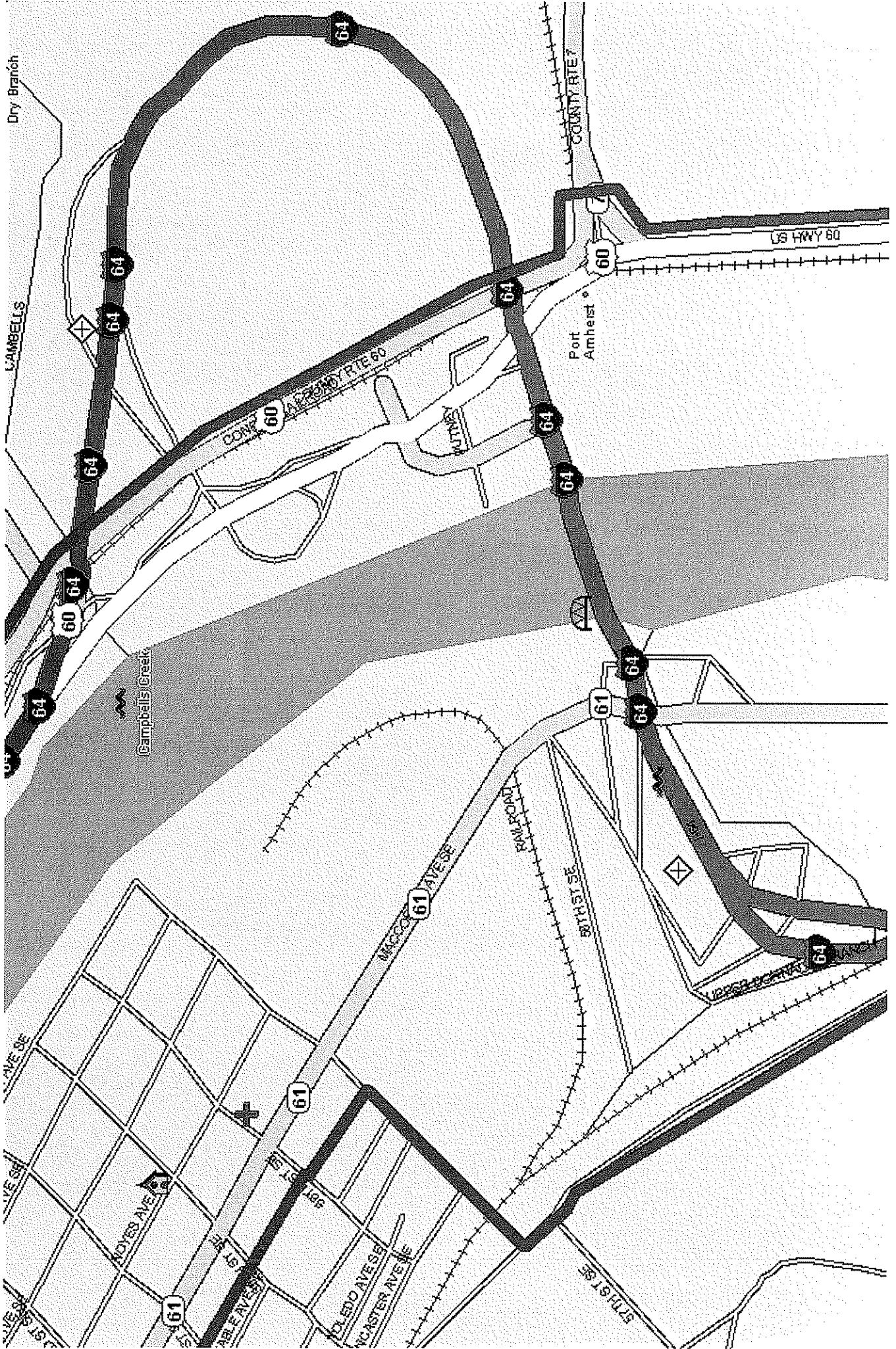
Kanawha City Baptist Church

Kanawha City Park

Kanawha City Edge



Map labels include:
- Streets: KANAOKA AVE SE, IRONIA AVE SE, TALANTON AVE SE, NOYES AVE SE, MAJORIE AVE SE, KENNERLEAVE AVE SE, WASHINGTON AVE SE, MANCASTER AVE SE, BETH ST SE, KENNELL ST SE, HINERBENTY, CONRAD FAIRBANKS, SMOYER, HENRY BL, CAMPBELL CREEK, WESTMINSTER CHURCH, WASHINGTON ST, 15TH ST, 14TH ST, 13TH ST, 12TH ST, 11TH ST, 10TH ST, 9TH ST, 8TH ST, 7TH ST, 6TH ST, 5TH ST, 4TH ST, 3RD ST, 2ND ST, 1ST ST.
- Highways: 60, 61, 64.
- Landmarks: Saint Agnes School, Saint Agnes Roman Catholic Church, Westminster Presbyterian Church, Campbell Creek, Amberlin School.
- Other: HINERBENTY, CONRAD FAIRBANKS, SMOYER, HENRY BL, CAMPBELL CREEK, WESTMINSTER CHURCH, WASHINGTON ST, 15TH ST, 14TH ST, 13TH ST, 12TH ST, 11TH ST, 10TH ST, 9TH ST, 8TH ST, 7TH ST, 6TH ST, 5TH ST, 4TH ST, 3RD ST, 2ND ST, 1ST ST.



Dry Branch

CAMPBELLS

Campbell's Creek

Port Amherst

US HWY 60

COUNTY RTE 7

CONF 60

PROVY RTE 60

WATNS

MACKAY AVE SE

WALKER AVE SE

WALKER AVE SE

AVE DE

MAYED AVE

BAYLE AVE

WALKER AVE SE

WALKER AVE SE

WALKER AVE SE

WALKER AVE SE

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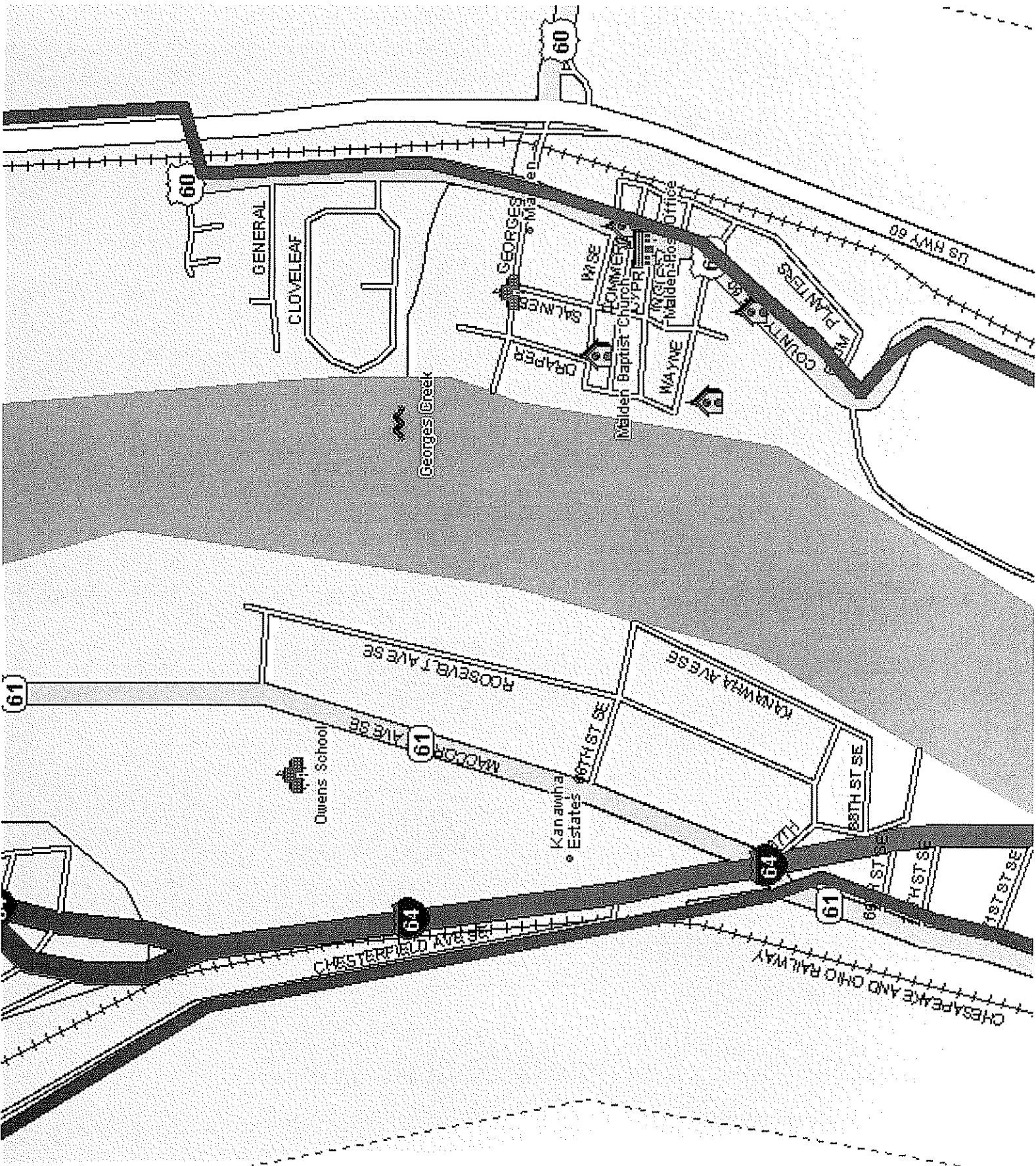
WALKER AVE SE

WALKER AVE SE

WALKER AVE SE

WALKER AVE SE

WALKER AVE SE



60

60

GENERAL
CLOVELEAF

GEORGES
Creek

DRAPER

MAISE

COMMERCIAL

Maiden Baptist Church

INGLESBY

Maiden-Pos Office

MA YANE

COUNTRYSIDE
PLANTERS

US HWY 60

61

61

ROOSEVELT AVE SE

Dwens School

MADDOX AVE SE

Kanawha
Estates

64TH ST SE

KANAWHA AVE SE

68TH ST SE

64

61

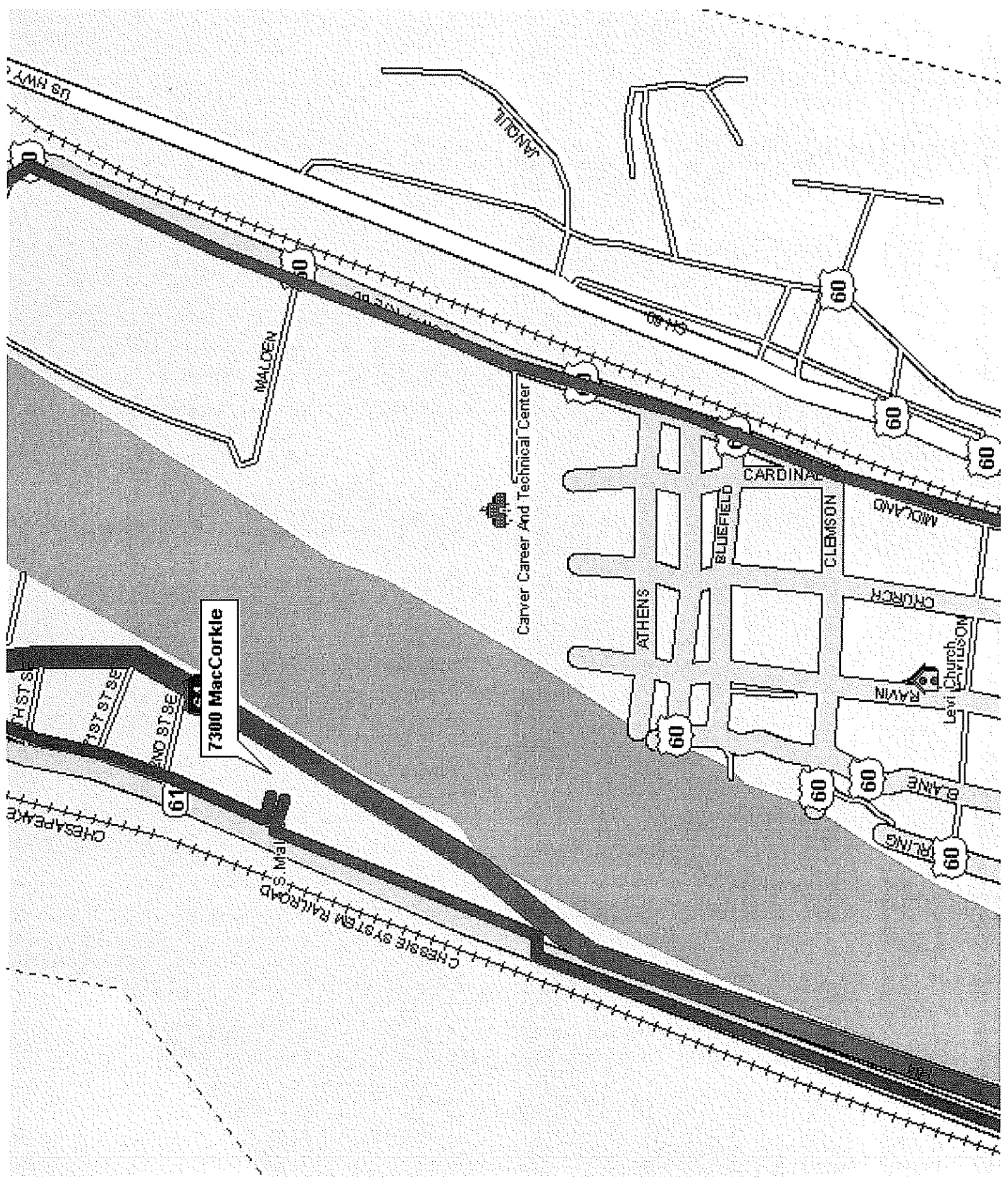
CHESTERFIELD AVE SE

CHESAPEAKE AND OHIO RAILWAY

66TH ST SE

67TH ST SE

69TH ST SE



7300 MacCorkle

Carver Career And Technical Center

ATHENS

BLUEFIELD

CARDINAL

CLEMSON

MIDLAND

CHURCH

Levi Church

RAVIN

BANE

PALMS

CHESAPEAKE SYSTEM RAILROAD

MALDEN

TIDWAT

US HWY 60

60

60

60

60

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60

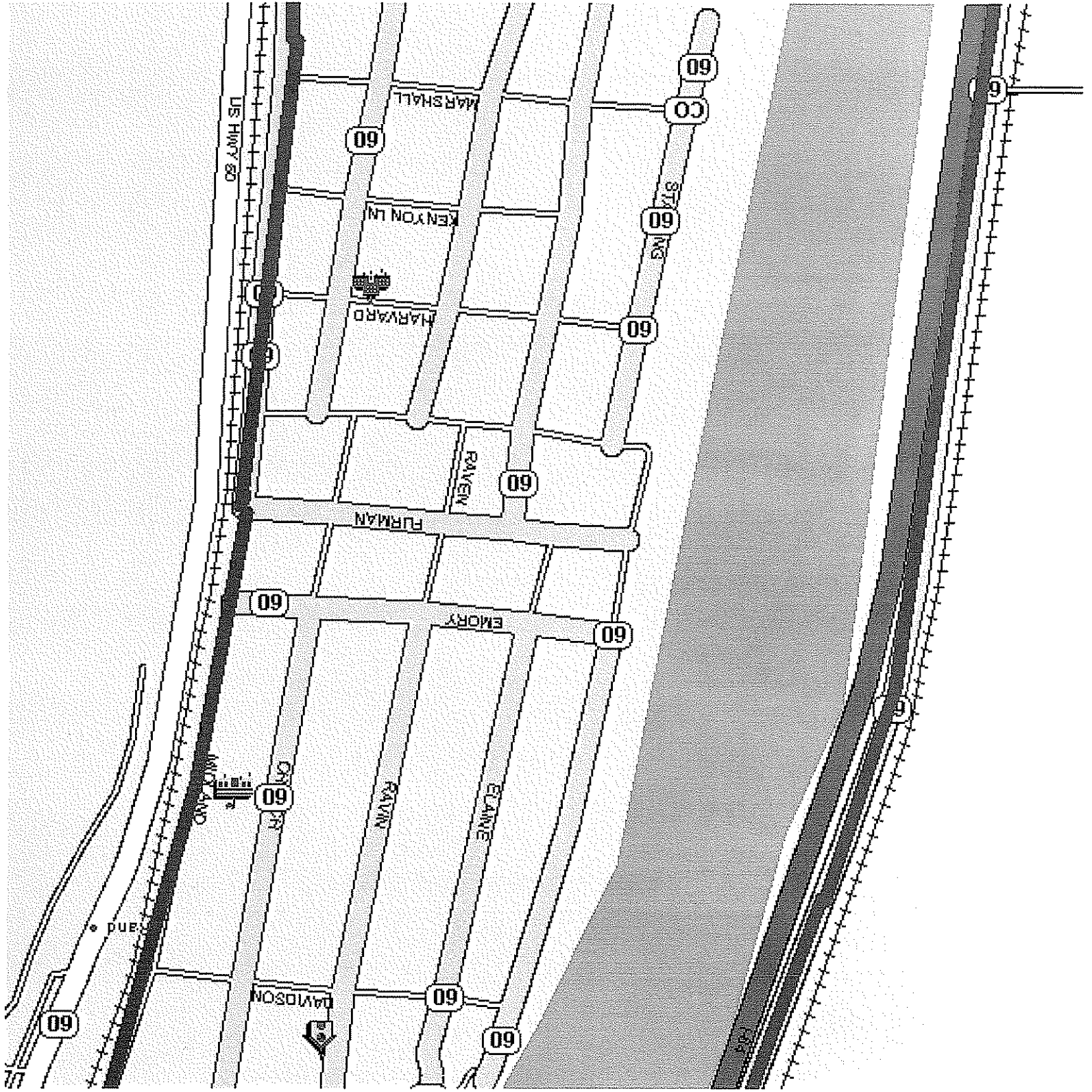
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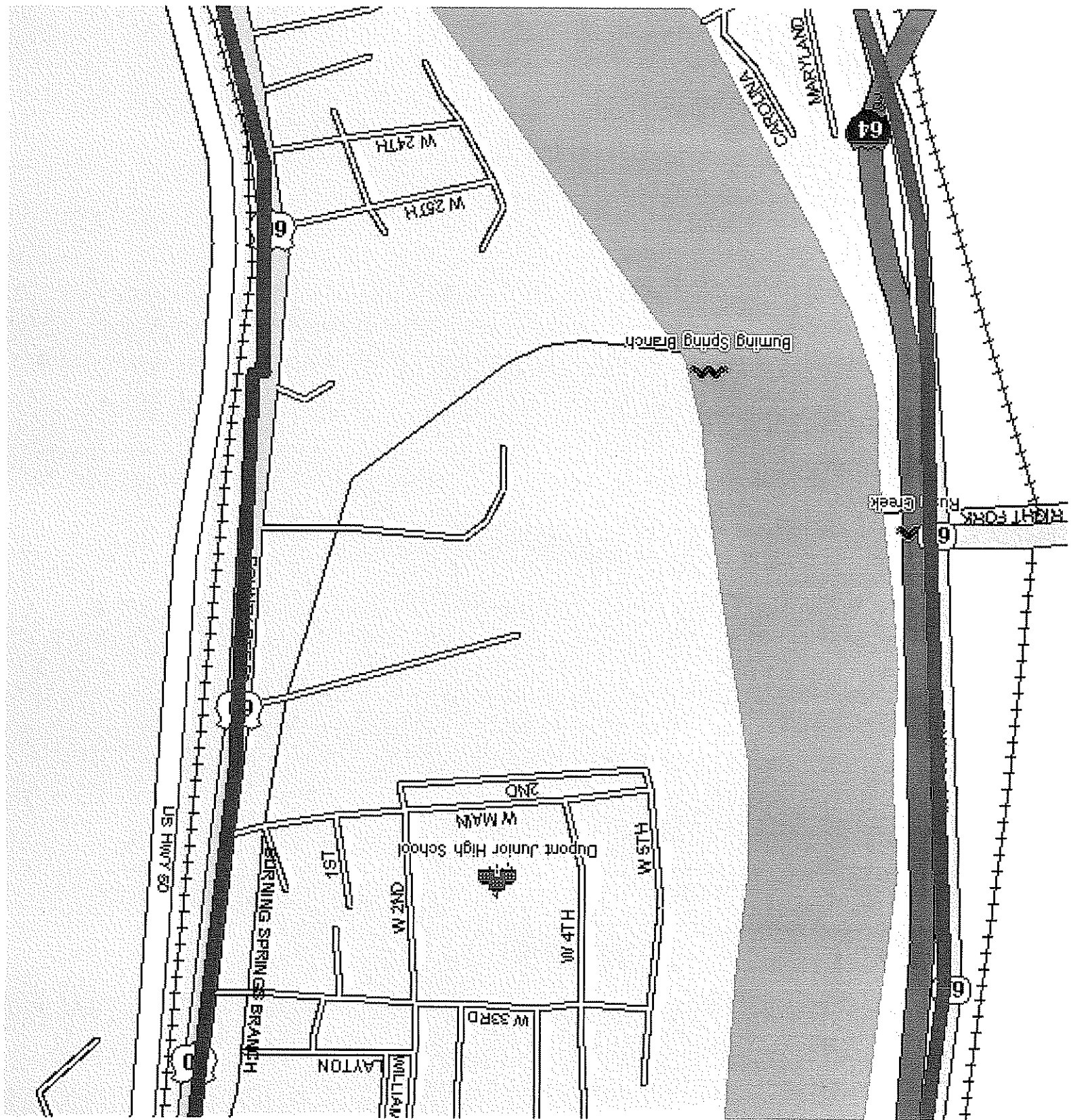
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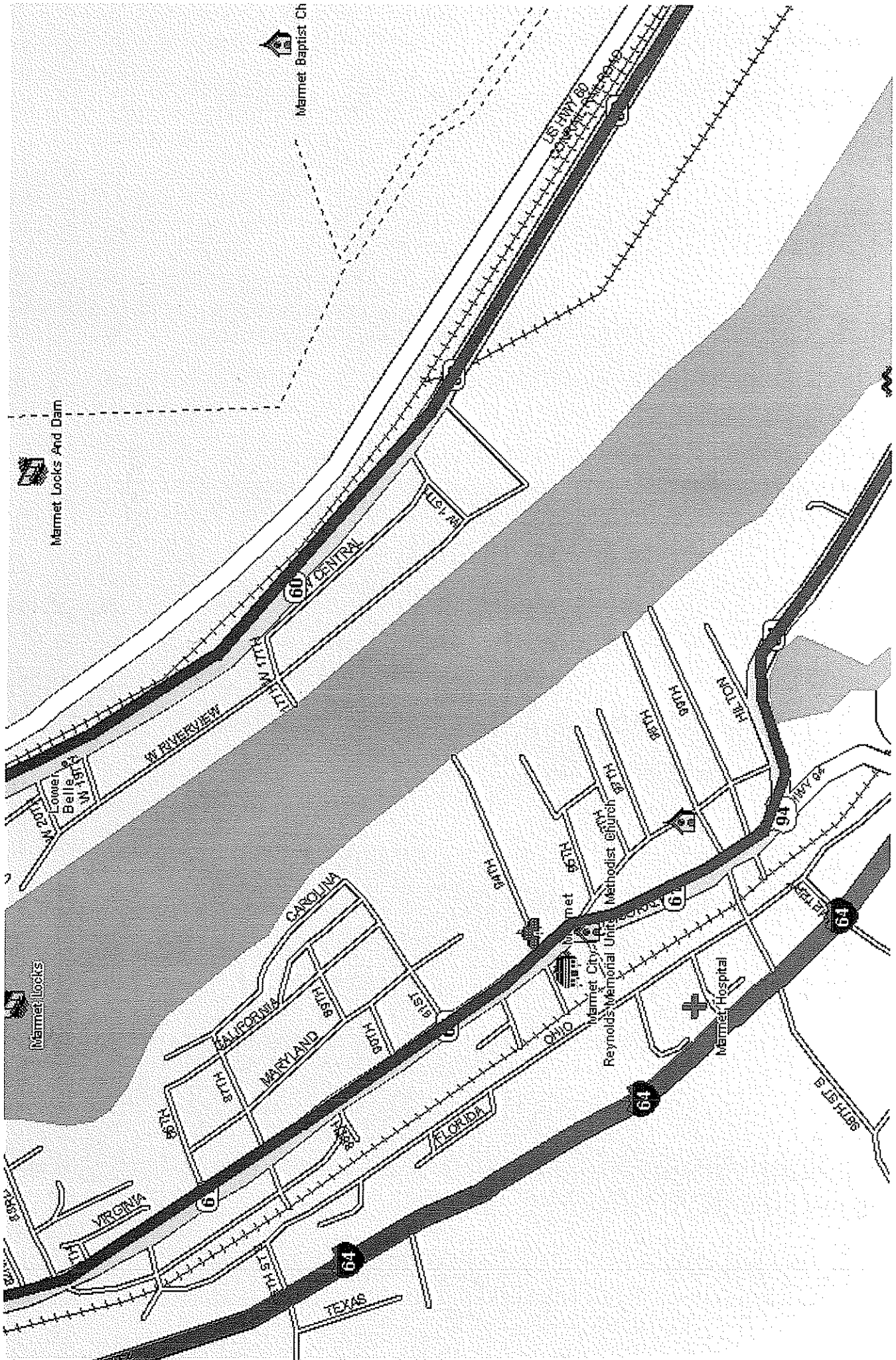
CHST'S

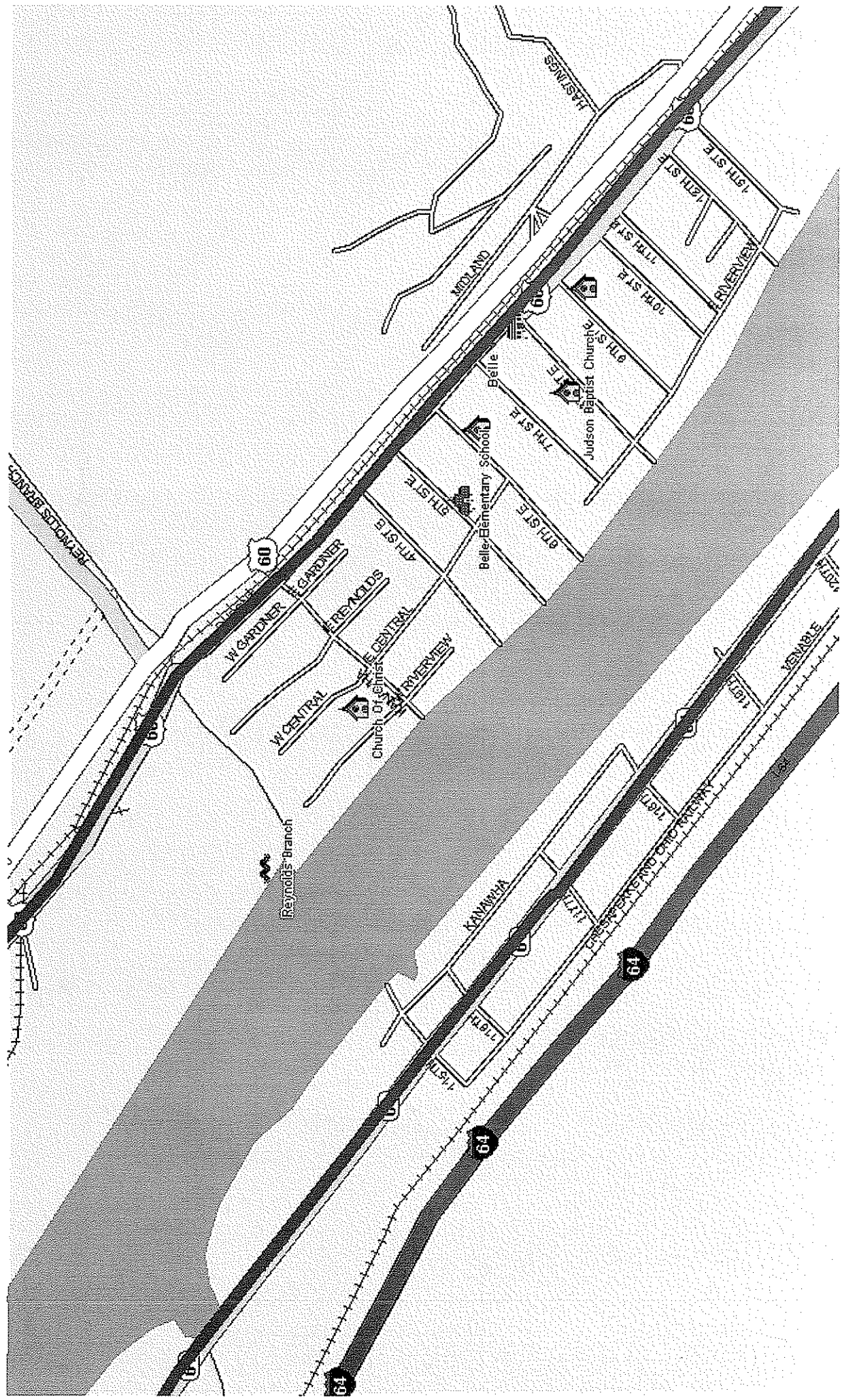
187 ST SE

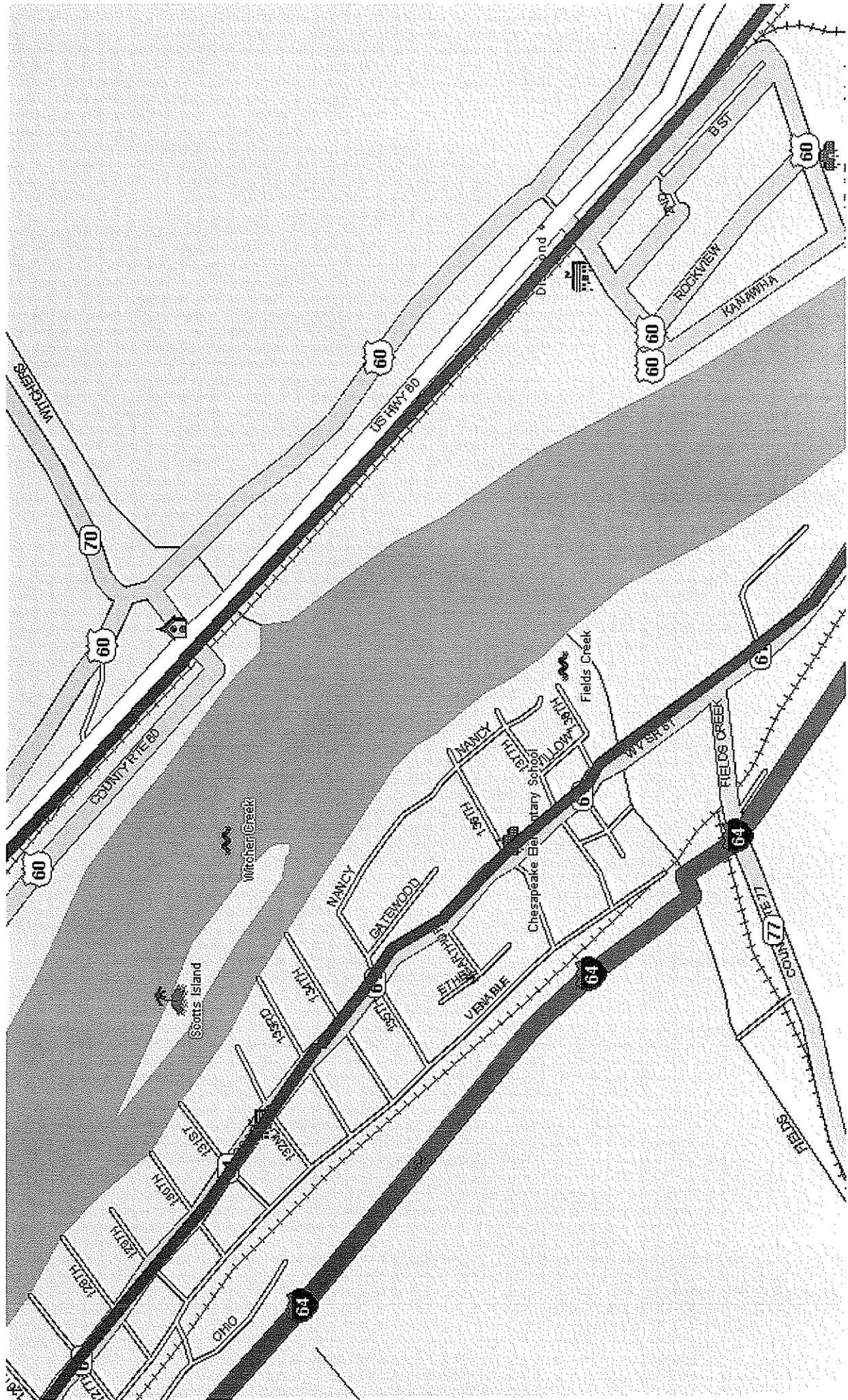
AVO ST SE

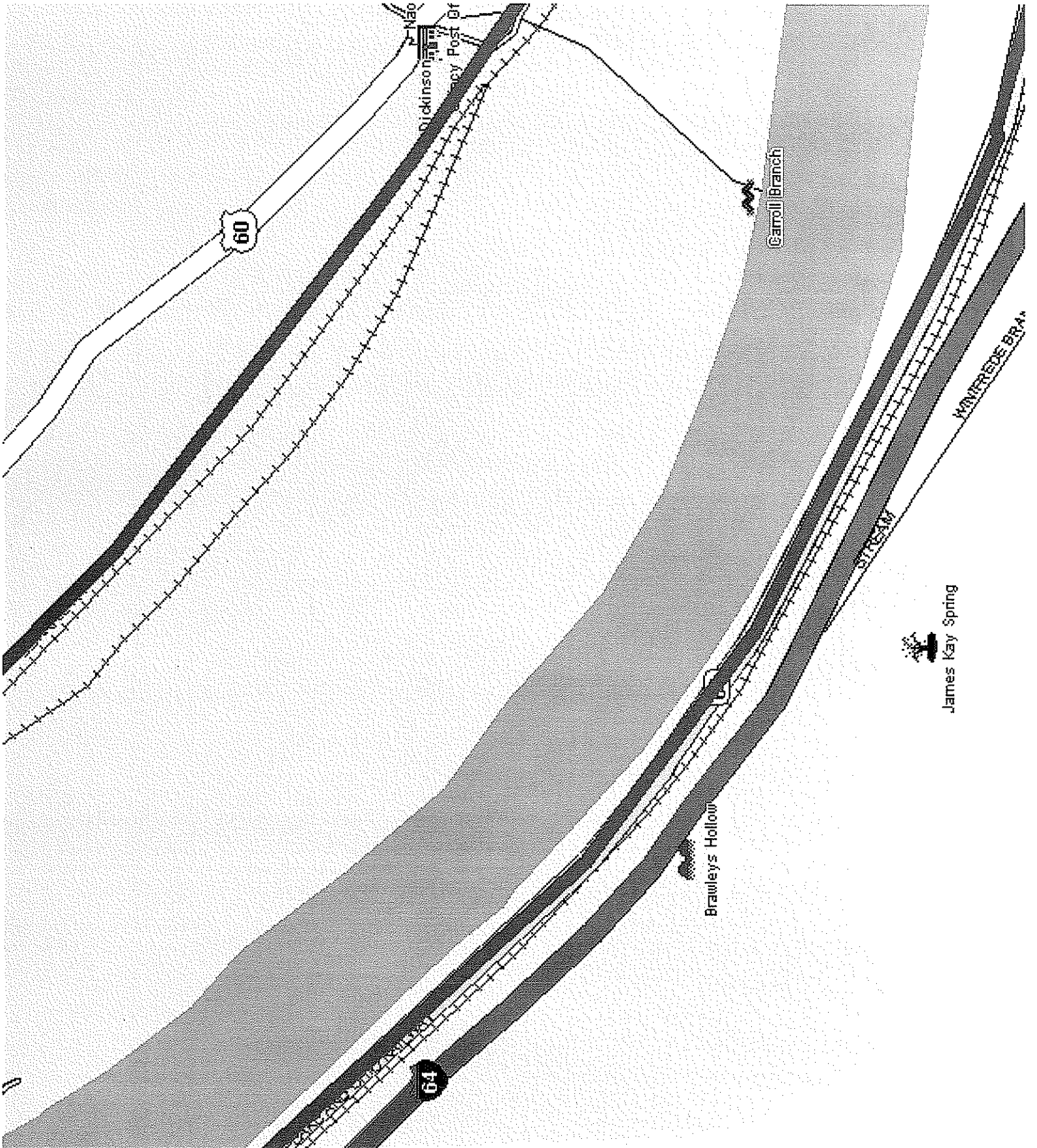












Dickinson

Emergency Post Of

60

Carroll Branch

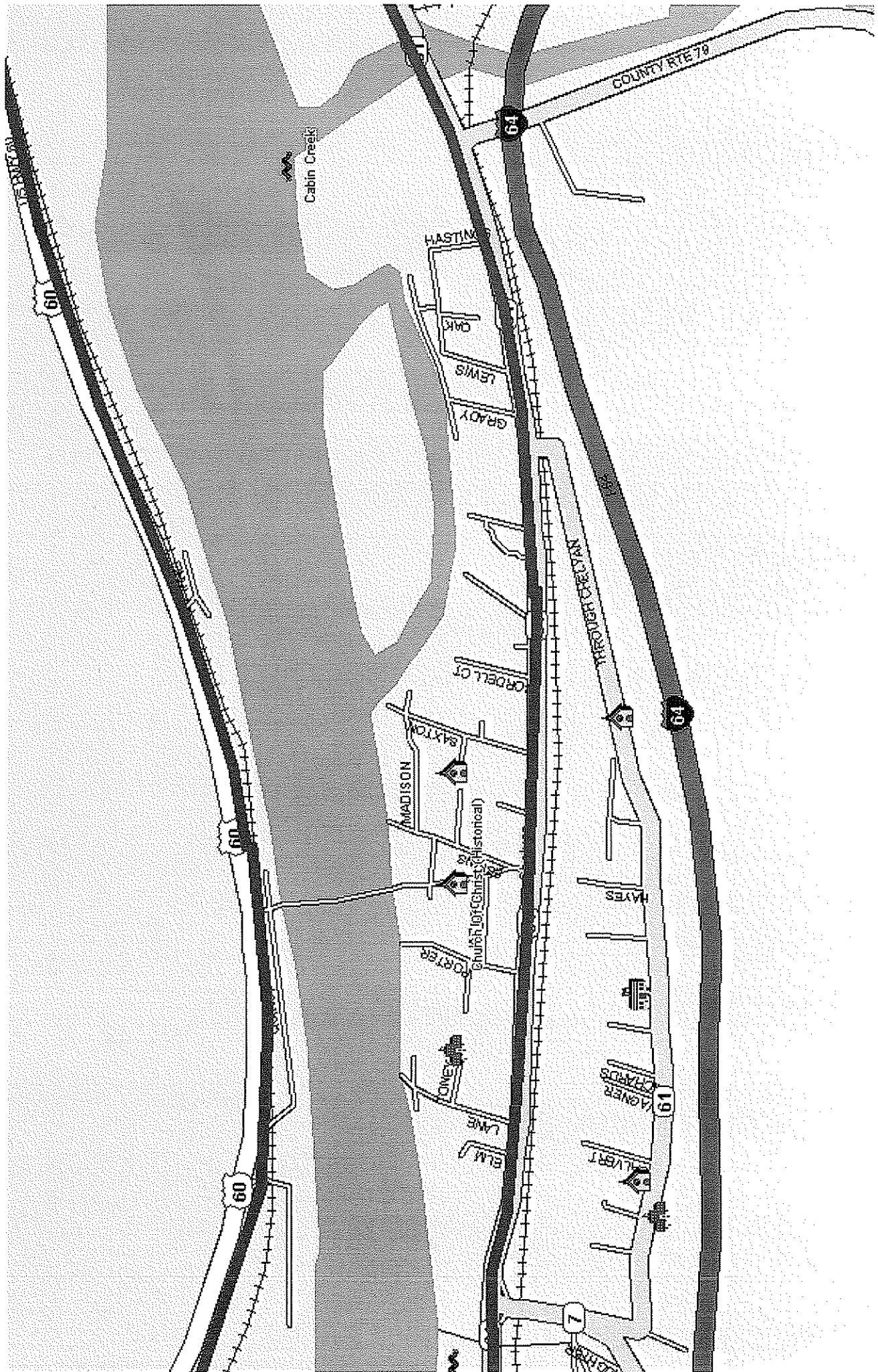
Brawleys Hollow

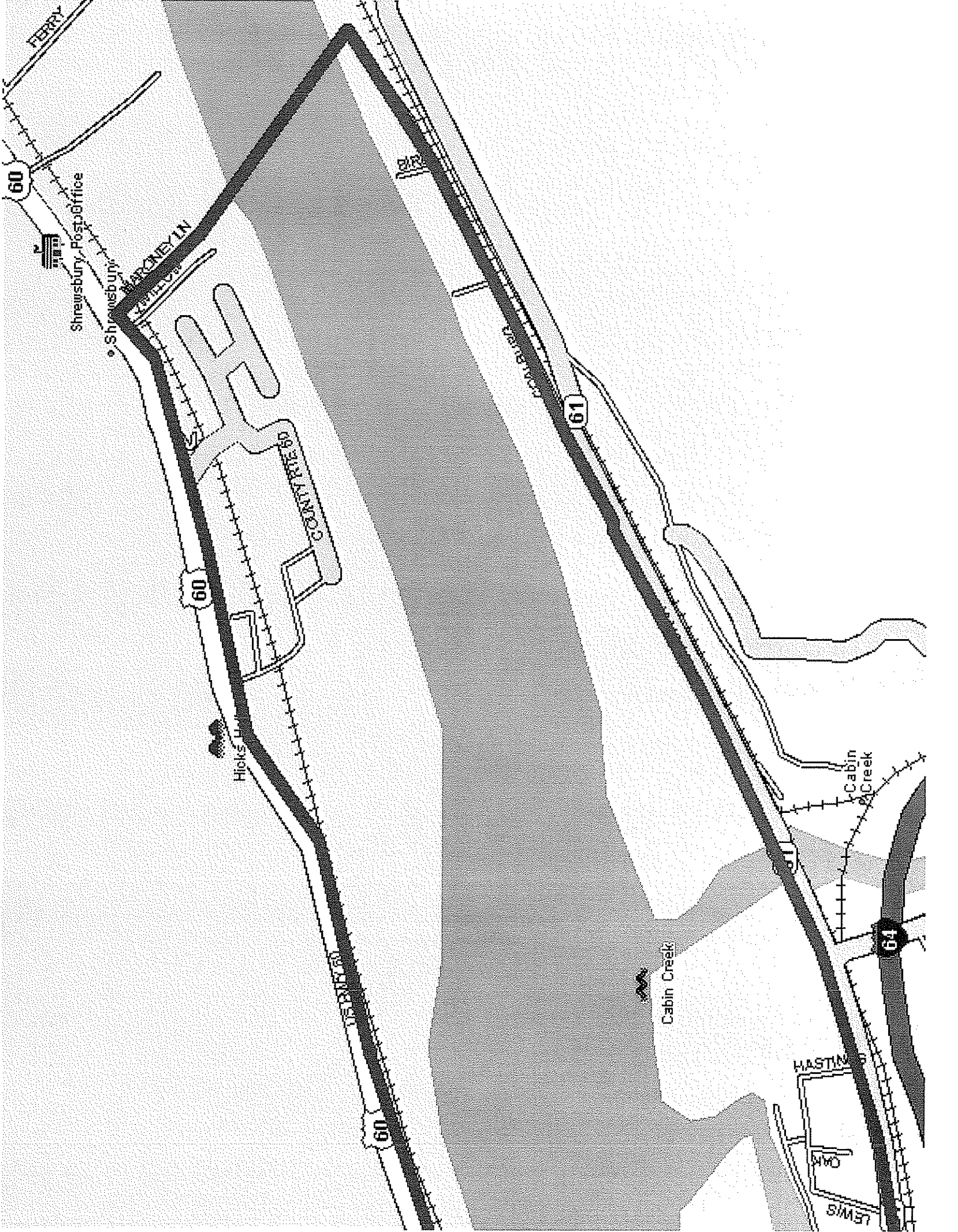
James Kay Spring

KAWVEREUS BRANCH

STREAM

64





FERRY

60

Shrewsbury Post Office

Shrewsbury

MONEY IN

60

Hicks Hill

60

60

James River

61

Cabin Creek

Cabin Creek

64

HASTING

LEWIS

COST PAGE

Vendor Name: FiberNet, LLC

Address: 1200 Greenbrier St.

City: Charleston State: WV ZIP: 25311

Date Bid Prepared: 5/12/09

Vendor Signature: Terry C. Smarr

Vendor FEIN: 841452950

Vendor E-mail Address: tsmarr@wv.fibernet.net

Contact Person Name: Terry C. Smarr Phone: 304-720-2108

I. SERVICE REQUIREMENTS

All supplied service will connect and route through the following diagram listed in Appendix A of this document. Along with the submittal of this Bid form will be two examples of existing SONET ring implementations. One of those examples must be an Ethernet over SONET solution. Contact names and references must be supplied.

II. SERVICE LEVEL AGREEMENTS REQUIREMENTS

The following items must be met from the successful bidding vendor.

- An implemented Ethernet over SONET solution on a shared OC-48 connection. Each connection and speeds is listed in Appendix A.
- As it will be very difficult to calculate actual damages sustained by such a breach, each hour of an outage from a site that is caused solely by the Vendor will result in a \$10,000 deduction, as liquidated damages and not as a penalty, from the monthly charges for the SRS, not to exceed one month's charge.
 - Connectivity to a particular site (Player's Club, KC Warehouse, Capital Complex) is not accessible by either path of the SONET ring.

- The connectivity outage is due to the bidding vendor.
- A network-monitoring center, which will be a human, monitored 24 hours a day and 365 days a year.
- Network outages will be reported to the WVSTO within 15 minutes of the outage occurring. This will also include if a portion of the SONET ring is down but does not affect connectivity between sites.
- Meet network design requirements as listed in Appendix A of this document.
- Each site will have two separate entries into each building excluding the KC Warehouse location and the Player's Club location, which will be allowed to have a common exit out of the building to the street. Those locations will be addressed in the pre-bid meeting visits to each site. Both the Player's Club and the KC Warehouse will have separate paths once outside the building.

Attach an explanation of maintenance coverage. Maintenance included in MRC.

Service Cost: \$ 9,750.00 /month
(Monthly)

NRC:

\$ 2,000.00

TOTAL BID AMOUNT

\$ 587,000 (see below)

Total MRC = \$9,750 * 60 months = \$585,000

Total NRC = \$2,000

III. SPECIAL REQUIREMENTS FOR STO (site): Total Bid amount = \$585,000 + \$2,000 =

\$587,000

Attach an explanation of any STO site

EXHIBIT A - Drawing 1

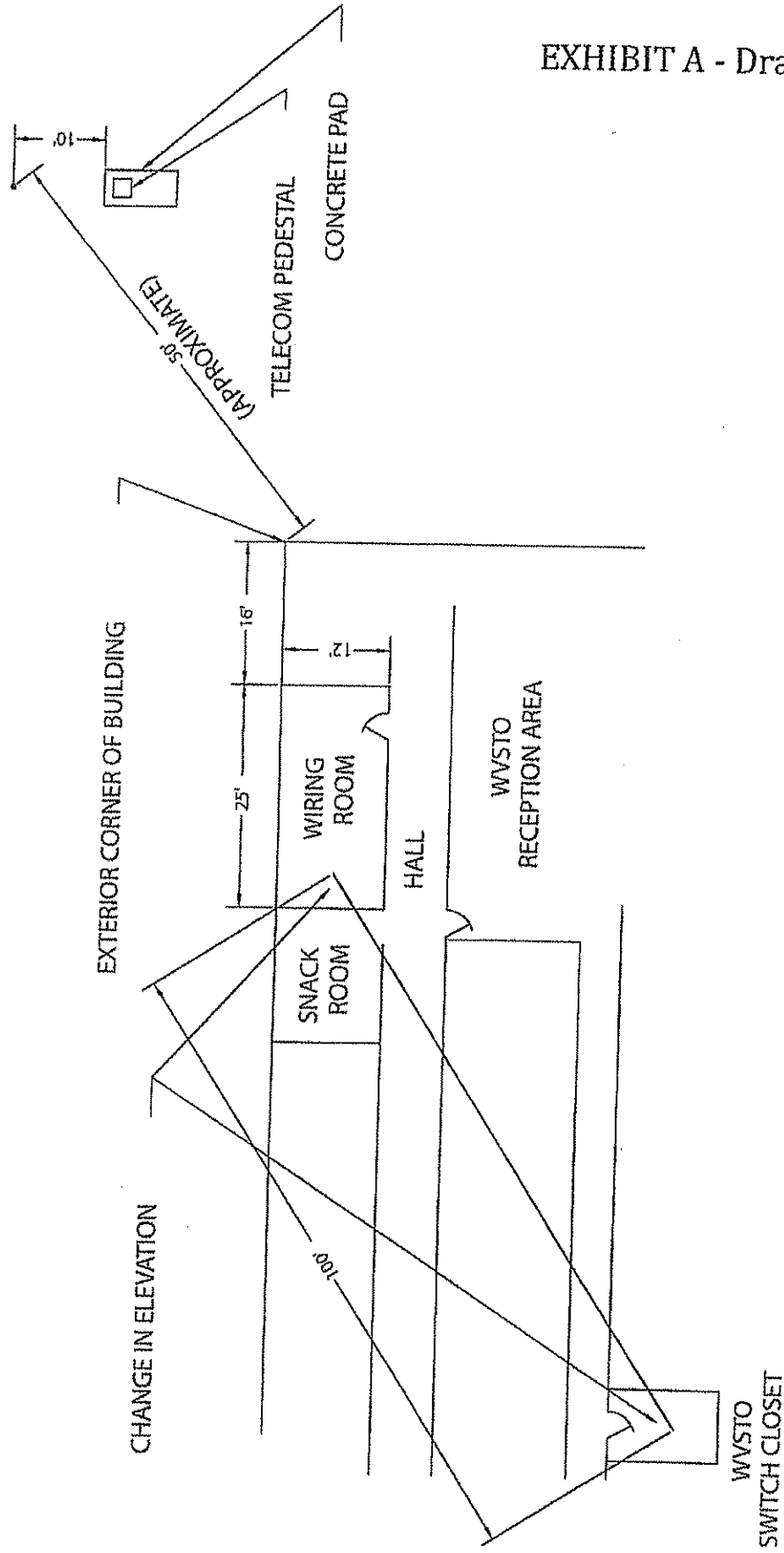
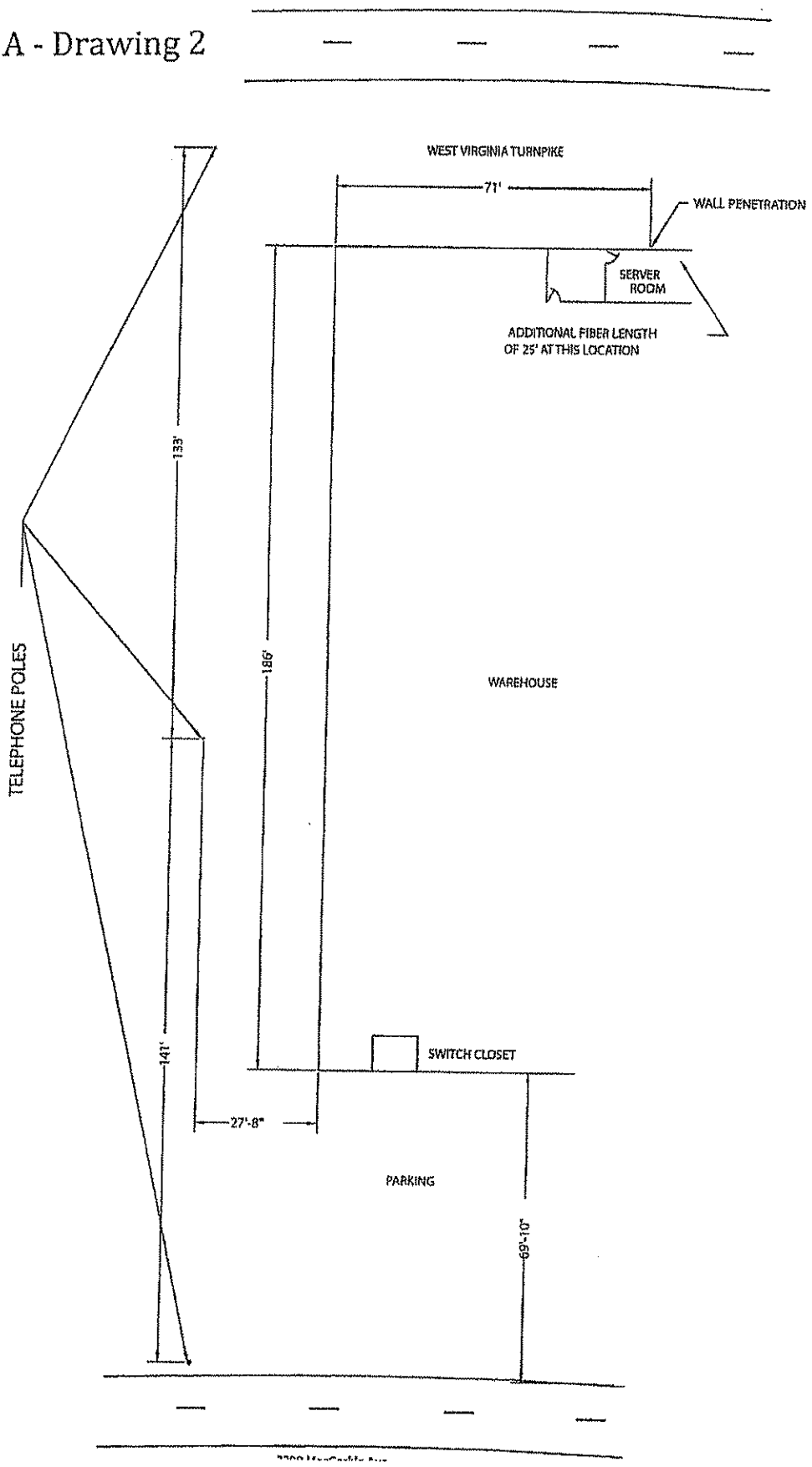


EXHIBIT A - Drawing 2



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: FiberNet, LLC

Signed: Jerry C. Smaw

Date: 5/12/09

Title: Operations, Wholesale Enterprise Network

*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: _____

FiberNet LLC

Authorized Signature: _____

Jerry C. SmawDate: 5/12/09