



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

**Request for
 Quotation**

6619CD11	1
MICHAEL AUSTIN 304-538-2682	

RFQ COPY
 TYPE NAME/ADDRESS HERE

DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

Lowe's Home Improvement

12/10/2009	12/23/2009	BID OPENING TIME	01:30PM
0001	EA 1 WILDFLOWER SEED	790-20-00-008	
OPEN END CONTRACT			
<p>TO PROVIDE WILDFLOWER SEEDS PACKAGED AS INDIVIDUAL SPECIES IN 10 LBS. BAGS AND WILDFLOWER CUSTOM SEED MIX PACKAGED IN PURE LIVE SEED RATE IN 30 LBS. BAGS FOR THE WEST VIRGINIA DIVISION OF HIGHWAYS PER THE ATTACHED SPECIFICATIONS.</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 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 "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS</p>			
<p>Signature: <i>[Signature]</i> Regional Vice President 56-0748358</p>		<p>Phone: 704-757-4141 ext</p>	<p>Date: 12/21/09</p>
ADDRESS CHANGES TO BE NOTED ABOVE			

RECEIVED
 2009 DEC 30 PM 1:14
 WV PURCHASING
 DIVISION

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





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 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
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**Request for
 Quotation**

RFQ NUMBER
 6610C011

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ADDRESS CORRESPONDENCE TO
 MICHAEL AUSTIN
 504-558-2402

RFQ COPY
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DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE AWARDED		12/18/2009	
BID OPENING DATE		12/23/2009	
BID OPENING TIME		01:30PM	
<p>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 RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICE 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>			
SIGNATURE		704-757-4141 ext. 1 DATE 12/21/09	
TITLE Regina Vice President		56-0748358 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 60130
 Charleston, WV 25305-0130

**Request for
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6610CD11

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MICHAEL AUSTIN
 206-558-2682

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DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

12/10/2009
 BID OPENING DATE 12/23/2009 BID OPENING TIME 01:30PM

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.

BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THE STATE MAY DEEM THE CONTRACT NULL AND VOID, AND TERMINATE SUCH CONTRACT 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. 05/26/2009

EXHIBIT 10

REQUISITION NO.:

ADDENDUM ACKNOWLEDGEMENT

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.

ADDENDUM NO.'S:

TITLE *Michael Austin* REGIONAL VICE PRESIDENT 56-0748358
 TELEPHONE 704-757-4141 ext. 1 DATE 12/21/09
 ADDRESS CHANGES TO BE NOTED ABOVE

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

MA
12/21/09



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**Request for
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RFQ NUMBER
6610C011

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NAME
MICHAEL AUSTIN
 PHONE
304-558-2402

RFQ COPY
 TYPE NAME/ADDRESS HERE

DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE AWARDED: **12/10/2009**
 BID OPENING DATE: **12/23/2009**
 BID OPENING TIME: **01:30PM**

LINE	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
NO. 1	<i>RGK</i>				
NO. 2					
NO. 3					
NO. 4					
NO. 5					

I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.

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.

Brent Kelly

.....
 SIGNATURE

Lowe's Home Centers, Inc.

.....
 COMPANY

12/29/09

.....
 DATE

NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.

REV. 09/21/2009

SIGNATURE: *Brent Kelly* TELEPHONE: *704-757-4141 ext 1* DATE: *12/29/09*

TITLE: *SVP-North Central* PERM: *56-0748358* ADDRESS CHANGES TO BE NOTED ABOVE

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

Approved by Legal Dept *Xime Montez*
 VP Approval *RGK*



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**Request for
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6610C011

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MICHAEL AUSTIN
 304-558-2402

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DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE REPLIED		12/10/2009	
BID OPENING DATE		12/23/2009	
BID OPENING TIME		01:30PM	
NOTICE			
A SIGNED BID MUST BE SUBMITTED TO:			
DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130			
THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:			
SEALED BID			
BUYER:	33		
RFQ. NO.:	6610C011		
BID OPENING DATE:	12/30/09		
BID OPENING TIME:	1:30pm		
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:			
----- 336-651-3300 / 304-926-6678 -----			
CONTACT PERSON (PLEASE PRINT CLEARLY):			
----- Neil Smith Amy Hollinger ----- neil.a.smith-1@store.love.com			
SIGNATURE	TELEPHONE		DATE
<i>Scott Dick</i>	704-757-4141 ext 1		12/29/09
TITLE	FAX		ADDRESS CHANGES TO BE NOTED ABOVE
VP-North Central	56-0748358		

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

Approved by Legal Dept *Xime Martins*
 VP Approval *[Signature]*



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

**Request for
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Scanned 12/21/09

6610C011

1

MICHAEL AUSTIN
 304-558-2402

RFQ COPY

TYPE NAME/ADDRESS HERE

RFQ COPY

DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED	TERMS OF SALE	PAID BY	TAXES	FREIGHT TERMS	
12/21/2009					
BID OPENING DATE: 12/30/2009		BID OPENING TIME: 01:30PM			
LINE	QUANTITY	UOM	ITEM NUMBER	UNIT PRICE	AMOUNT
			ADDENDUM NO. 1		
			CHANGE TO THE SPECIFICATIONS		
			DELETE ITEM - 10, SCARLET FLAX (LINUM VUBRUM) FROM PAGE #10.		
			CHANGE BID OPENING DATE		
			FROM: 12/23/2009 @ 1:30 PM		
			TO: 12/30/2009 @ 1:30 PM		
			NO OTHER CHANGES		
0001	1	EA	790-20-00-000		
			WILDFLOWER SEED		
***** THIS IS THE END OF RFQ 6610C011 ***** TOTAL:					
SIGNATURE: <i>Scott Kirby</i>					DATE: 12/27/09
TITLE: SVP-North Central			FERN: 56-0748358		TELEPHONE: 704-757-4141 ext 1
ADDRESS CHANGES TO BE NOTED ABOVE					

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

(Handwritten mark)

SPECIFICATIONS

Seed must be United States origin

Successful vendor must provide proof of origin.

Quantities are for pure live seed.

No substitutions of species will be accepted.

Minimum 80% germination

Minimum 98% purity

Proof of germination and purity must be attached to each bag of seed.

All seed shipped must meet West Virginia Chapter 19, Article 16, Section 2, labeling requirements. All seed shall be tested by a certified seed laboratory with certified results submitted to the purchaser in writing at the time of delivery.

The state of West Virginia will randomly test seed for purity and germination.

Shipping must be FOB

CONTRACT AWARD

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

Low bid will be determined for each individual bid.

The State of West Virginia reserves the right to make awards on this contract that are in the best interest of the State.

ACCEPTANCE PLAN

With each delivery of wildflowers to the Division, the vendor will certify that the products so delivered do conform to the materials specifications.

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

BID QUANTITIES

Vendor should base quotation on estimated pure live seed (PLS) quantities as follows:

Item-1	300 pounds (PLS)
Item-2	400 pounds (PLS)
Item-3	400 pounds (PLS)
Item-4	200 pounds (PLS)
Item-5	700 pounds (PLS)
Item-6	100 pounds (PLS)
Item-7	2700 pounds (PLS)
Item-8	300 pounds (PLS)
Item-9	300 pounds (PLS)
Item-10 <i>omitted</i>	400 pounds (PLS)
Item-11	400 pounds (PLS)
Item-12	200 pounds (PLS)
Item-13	700 pounds (PLS)
Item-14	4000 pounds (PLS)
Item-15	4000 pounds (PLS)
Item-16	200 pounds (PLS)
Item-17	200 pounds (PLS)
Item-18	100 pounds (PLS)
Item-19	300 pounds (PLS)
Item-20	100 pounds (PLS)

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

**WILDFLOWER CONTRACT
INDIVIDUAL SPECIES**

- Item-1 **Red Straight Poppy/Flanders Poppy**
Papaver rhoeas (Papaveraceae)
Purity 98 % Germination 90 %
Bid Price \$ 18.60 per pound (PLS)
- Item-2 **Dwarf Cornflower/Straight Blue Bachelor's Button**
Centaurea cyanus (Asteraceae)
Purity 98 % Germination 90 %
Bid Price \$ 8.14 per pound (PLS)
- Item-3 **Plains Coreopsis/Calliopsis**
Coreopsis tinctoria (Asteraceae)
Purity 99 % Germination 92 %
Bid Price \$ 14.88 per pound (PLS)
- Item-4 **Crest Red Cosmos**
Cosmos Sulphureus
Purity 99 % Germination 87 %
Bid Price \$ 19.30 per pound (PLS)
- Item-5 **Wild Cosmos**
Cosmos bipinnatus (Asteraceae)

Purity 99 % Germination 90 %

Bid Price \$ 15.20 per pound (PLS)

Item-6

Yellow Cosmos

Cosmos sulphureus (Asteraceae)

Purity 99 % Germination 87 %

Bid Price \$ 17.37 per pound (PLS)

Item-7

Scarlet Flax

Linum rubrum (Linaceae)

Purity 95 % Germination 70 %

Bid Price \$ 13.95 per pound (PLS)

Item-8

Blanket Flower

Gaillardia Aristata (Asteraceae)

Purity 98 % Germination 80 %

Bid Price \$ 27.15 per pound (PLS)

Item-9

Drummond Phlox

Phlox Drummondii

Provided in 8lb. bags

Purity 95 % Germination 80 %

Bid Price \$ 37.21 per pound (PLS)

Item-10

Scarlet Flax

Linum Vubrum

Provided in 8lb. bags

Purity _____ % Germination _____ %

Bid Price \$ Omitted per pound (PLS)

Item-11

Zinnia/luminosa pink

Zinnia elegans

Provided in 10lb. bags

Purity 98 % Germination 90 %

Bid Price \$ 21.51 per pound (PLS)

Item-12

Golden Lupine
Lupinus densiflorus

Provided in 10lb. bags

Purity 99 % Germination 85 %

Bid Price \$ 26.16 per pound (PLS)

Item-13

Rocket Lockspur
Delphiniums Ajacis

Provided in 10lb. bags

Purity 98 % Germination 90 %

Bid Price \$ 16.95 per pound (PLS)

**WILDFLOWER CONTRACT
CUSTOM MIX**

PACKAGED IN 6.5 POUND BAGS

Item-14	% by Weight	% by Seed	Genus & Species
	30.00	3.4%	Centaurea cyanus/Dwarf Cornflower
	Purity <u>99</u> %	Germination <u>85</u> %	
	20.00	27.7%	Tinctoria Coreopsis/Plains Coreopsis
	Purity <u>95</u> %	Germination <u>80</u> %	
	35.00	2.3%	Sulphureaus Cosmos/Sulphur Cosmos
	Purity <u>98</u> %	Germination <u>85</u> %	
	15.00	66.6%	Silene armeria/Catchfly

Purity 98 % Germination 85 %

Bid Price \$ 13.95 per pound (PLS)

Item-15

5 lbs PLS
Calendula officinalis Calendula

Purity 85 % Germination 80 %

5 lbs PLS
Centaurea cyanus Dwarf Cornflower

Purity 98 % Germination 90 %

5 lbs PLS
Cosmos bipinnatus Cosmos 'Domino Mix'

Purity 89 % Germination 90 %

5 lbs PLS
Coreopsis tinctoria Coreopsis, Plains

Purity 85 % Germination 70 %

20 lbs PLS Mix

Total lbs PLS
per bag 430.20

Bid Price \$ 21.51

**WILDFLOWER CONTRACT
NATIVE SPECIES**

Item-16

Tickseed/Lance-leaved Coreopsis
Coreopsis Lanceolata (Asteraceae)

Purity 99 % Germination 88 %

Bid Price 16.98 lb PLS

Item-17 **Ox-Eyed Daisy**
Chrysanthemum Leucanthemum (Asteraceae)
Purity 99 % Germination 90 %
Bid Price 23.26 lb PLS

Item-18 **Butterfly Weed**
Asclepias Tuberosa (Asclepiadaceae)
Purity 99 % Germination 80 %
Bid Price 174.42 lb PLS

Item-19 **Black-Eyed Susan**
Rudbeckia hirta (Asteraceae)
Purity 99 % Germination 80 %
Bid Price 20.06 lb PLS

Item-20 **Beard - Tongue**
Penstemon digitalis
Purity 96 % Germination 70 %
Bid Price 29.07 lb PLS

Addendum A

**Lowe's Home Centers, Inc.
Charleston, WV - Store # 0675**

**Division of Highways
RFQ #: 6610C011**

Further Information:

Since none of the subdivisions of the Vendor Preference Certificate apply to Lowe's Home Centers, Inc., this certificate was not included as part of Lowe's bid. However, Lowe's requests a vendor preference be given on account that Lowe's operates eighteen (18) stores within the State of West Virginia. Lowe's certifies that, during the life of the contract, the company will employ a minimum of one hundred West Virginia State residents.

State of West Virginia

VENDOR PREFERENCE CERTIFICATE

Certification and application is hereby made for Preference in accordance with West Virginia Code, §6A-3-37. (Does not apply to construction contracts). West Virginia Code, §6A-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, §61-5-2), 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: Lowe's Home Centers, Inc. Signed: [Signature] Title: Regional Vice President Date: 12/21/09

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

Approved by Legal Dept [Signature] VP Approval [Signature]

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: Lowery Home Centers, Inc
 Authorized Signature: [Signature] Date: 12/21/09

Purchasing Affidavit (Revised 01/01/09)

Approved by Legal Dept [Signature]
 VP Approval [Signature]