



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  
**DEP14881**

PAGE  
**1**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
**CHUCK BOWMAN  
 304-558-2157**

AGENCY



ADS LLC  
 4940 Research Drive  
 Huntsville, AL 35805  
 www.adsenv.com

SHIP TO

ENVIRONMENTAL PROTECTION  
 DEPT. OF  
 OFFICE OF MINING & RECLAMATION  
 601 57TH STREET SE  
 CHARLESTON, WV  
 25304 304-926-0499

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
12/08/2009				

BID OPENING DATE: **01/07/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UCP	QAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	10	EA		820-86	\$4,155.20	\$41,552.00
<p>NIVUS PVM-PD FLOW METER OR EQUAL</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S DIVISION OF MINING &amp; RECLAMATION, IS SOLICITING BIDS FOR THE SUPPLY AND DELIVERY OF TEN (10) NIVUS PVM-PD FLOWMETERS (OR EQUAL) WITH THE FOLLOWING PERFORMANCE CRITERIA AND ACCESSORIES.</p> <p>ALL FREIGHT AND DELIVERY CHARGES ARE TO BE INCLUDED IN THE VENDOR'S BID PRICE.</p> <p>PORTABLE ULTRASONIC IMPULSE METERING FOR FLOW VELOCITY MEASUREMENTS, POWERED BY INTERNAL RECHARGEABLE 12V/2AH BATTERY PACK; DISPLAY LC(4 X 20 CHARACTERS); MEASUREMENT RANGE VELOCITY: 0 TO 4 M/S; 6-KEY OPERATION; PROTECTION RATING IP65; SENSOR EMITTING FREQUENCY AT 750KHZ; 10M CONNECTION CABLE; TELESCOPIC ALUMINIUM ROD; COMPLETE WITH BATTERY CHARGER.</p> <p>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.</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</p>						

**RECEIVED**

2010 JAN -7 A 10:48

PURCHASING DIVISION  
 STATE OF WV

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE <i>Joseph J. Goustin</i>	TELEPHONE 256-430-3366	DATE January 6, 2010	
TITLE Treasurer	FEIN 80-0355805	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, the State may deem this contract null and void, and terminate such contract 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."

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**INSTRUCTIONS TO BIDDERS**

1. Use the quotation forms provided by the Purchasing Division.
2. **SPECIFICATIONS:** Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Complete all sections of the quotation form.
4. Unit prices shall prevail in 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



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  
**DEP14881**

PAGE  
**2**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
**CHUCK BOWMAN  
 304-558-2157**

RFQ COPY  
 TYPE NAME/ADDRESS HERE

**ENVIRONMENTAL PROTECTION  
 DEPT. OF  
 OFFICE OF MINING & RECLAMATION  
 601 57TH STREET SE  
 CHARLESTON, WV  
 25304 304-926-0499**

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
12/08/2009				

BID OPENING DATE: **01/07/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>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 SPECIFICATION IN ACCORDANCE WITH SECTION 148-1-4(F) OF THE WEST VIRGINIA LEGISLATIVE RULES AND REGULATIONS.</p> <p style="text-align: center;"><b>NOTICE</b></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: CB-23</p> <p>RFQ. NO.: DEP14881</p> <p>BID OPENING DATE: 01/07/2010</p> <p>BID OPENING TIME: 1:30 PM</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Joseph J. Goustin</i>	TELEPHONE 256-430-3366	DATE January 6, 2010
TITLE Treasurer	FEIN 80-0355805	ADDRESS CHANGES TO BE NOTED ABOVE

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



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 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
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# Request for Quotation

RFQ NUMBER:  
 DEP14881

PAGE:  
 3

ADDRESS: CORRESPONDENCE TO ATTENTION OF:  
 CHUCK BOWMAN  
 304-558-2157

RFQ COPY

TYPE NAME/ADDRESS HERE

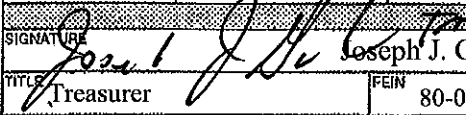
RFQ COPY

ENVIRONMENTAL PROTECTION  
 DEPT. OF  
 OFFICE OF MINING & RECLAMATION  
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12/08/2009				
BID OPENING DATE: 01/07/2010		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	QTY TO	ITEM NUMBER	UNIT PRICE	AMOUNT
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: <u>410-510-1795</u>						
CONTACT PERSON (PLEASE PRINT CLEARLY): <u>Kraig Moodie</u>						
***** THIS IS THE END OF RFQ DEP14881 ***** TOTAL:						<u>\$41,552.00</u>

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE:  Joseph J. Goustin  
 TITLE: Treasurer  
 TELEPHONE: 256-430-3366  
 DATE: January 6, 2010  
 FEIN: 80-0355805  
 ADDRESS CHANGES TO BE NOTED ABOVE

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

DEP14881  
Flow Meter

Company Name: ADS LLC


Address: 4940 Research Drive

Huntsville, AL 35805

The DEP reserves the right to request additional information and supporting documentation regarding unit prices when the unit price appears to be unreasonable.

ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
1.0	10	Nivus PVM-PD Flow Meter or Equal Model No: PVM-PD labeled as ADS FlowShark HV	\$4,155.20	\$ \$41,552.00
<b>TOTAL</b>				\$ \$41,552.00

Vendors bidding an 'OR EQUAL' for the advertised commodity, must indicate the manufacturer and model number in the space provided on the bid schedule above. Vendors should also attach specification information for agency evaluation purposes.

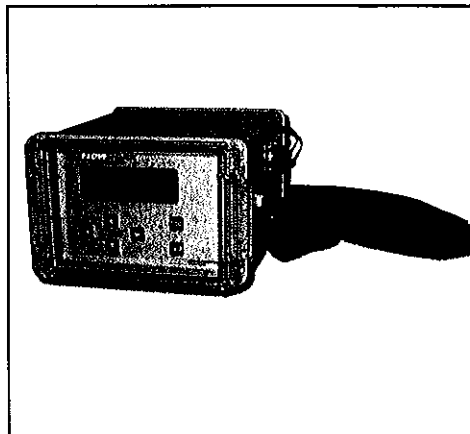
Signature:  Joseph J. Goustin, Treasurer  
Date: January 6, 2010

## FLOWSHARK<sup>®</sup> HV

The new FlowShark<sup>®</sup> HV from ADS<sup>®</sup> is a hand held velocity meter utilizing ultrasonic Doppler technology. It is designed to be used in any open channel including wastewater collection pipes, irrigation channels, and streams. The unique application of ultrasonic Doppler technology gives the FlowShark HV advantages over magnetic sensors and propeller meters.

### FlowShark HV Features

- Utilizes the ultrasonic Doppler measurement principle
- No mechanically moving parts like a propeller meter
- Not effected by high solids content in the water, such as is found in wastewater collection systems
- Long-life rechargeable battery pack (charger included)
- Displays instantaneous reading and user selectable time period averages
- Displays velocity spectrum diagnostics along with a signal quality reading to provide confidence in the reported reading
- Sensor can be adjusted to differing angles using the flexible mounting bracket
- Not effected by grease and oils in water
- Does not require calibrations
- Includes high quality telescoping aluminum wading rod
- Easy operation with all functions performed on a six button touch-pad
- Two year warranty on all components



# ADS

A leading technology and service provider, ADS Environmental Services<sup>®</sup> has established the industry standard for open channel flow monitoring and has the only ETV verified flow monitoring technology for wastewater collection systems. These battery-powered monitors are specially designed to operate with reliability, durability, and accuracy in sewer environments.

### Applications

The FlowShark HV has a broad range of applications for anywhere that a point velocity measurement is required. Some common applications are:

- Calibrations of flow meters, weirs, and flumes
- Velocity profiles of streams and rivers
- Spot checks of flow velocities in irrigation channels

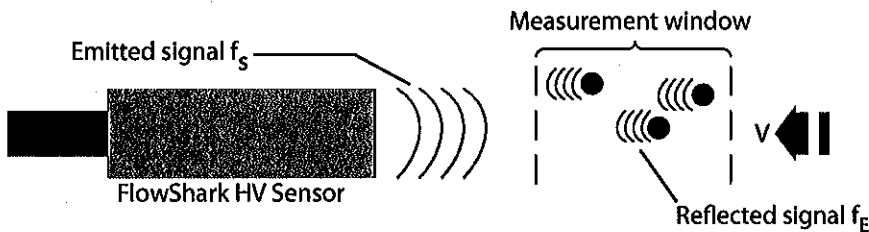


**ADS ENVIRONMENTAL SERVICES<sup>®</sup>**  
A Division of ADS LLC

## FlowShark HV Advantage

### Ultrasonic Doppler Technology

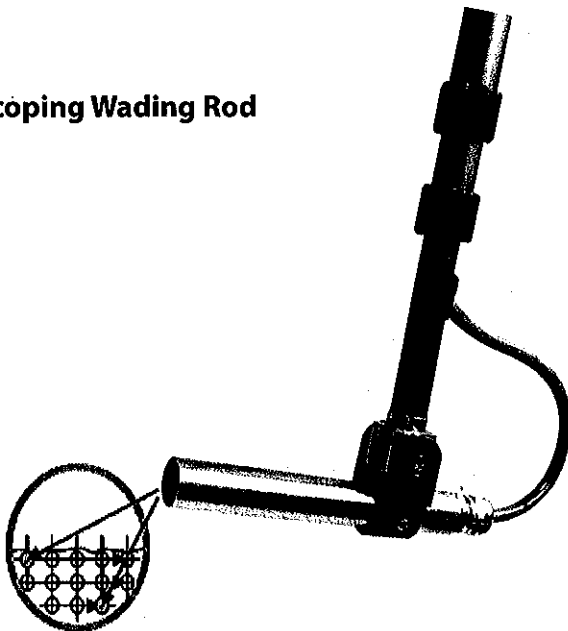
The ultrasonic sensor transmits a narrow high-frequency sound pulse along its horizontal axis. The sound pulse is reflected back to the sensor by particles and entrained air in the medium. These reflected echoes will be at a higher frequency than the transmit frequency in proportion to their velocity.



The return echoes are precisely timed in order to isolate the measurement window at a point directly in front of the sensor face. It is this breakthrough in technology that allows Doppler technology to operate in a point velocity mode.

The FlowShark HV adjusts for differences induced by water temperature using a built in temperature probe. The frequency spectrum is then processed digitally to translate frequency data into a highly accurate velocity measurement.

### Telescoping Wading Rod



## FlowShark HV Specifications

- Measurement range: 0 – 9.8 fps
- Accuracy:  $\pm 1\%$  of the measurement range  $\pm 0.03$  fps (whichever is higher)
- Power supply: rechargeable internal battery 12V / 2 Ah
- Battery life: 4 - 6 hours
- Battery charger: primary: 115/230 V AC secondary: 12V / 500 mA
- Temperature range: electronics: 32°F to 140°F; sensor: -4°F to + 140°F
- Display: LCD 4 x 20 characters
- Keys: 6 membrane keys
- Enclosure Dimensions: 7.08 x 4.33 x 8.66 in
- Enclosure Weight: 8.25 lbs
- Telescope length: 2.29 - 5.25 ft
- Cable length: 20 ft (custom cable lengths available)
- Enclosure rating:
  - enclosure: IP65 (NEMA 4)
  - sensor: IP68 (NEMA 6)
- Sensor materials: High-grade steel and Polyurethane
- Telescope materials: Aluminium
- Electronics materials: Plastic housing

**ADS ENVIRONMENTAL SERVICES®**

A Division of ADS LLC

ADS. An IDEX Fluid & Metering Business.

**IDEX**

4940 Research Drive, Huntsville, AL 35805  
 Phone: 256-430-3366/ Fax: 256-430-6333  
 Toll Free: 1-800-633-7246

State of West Virginia  
**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: ADS LLC

Signed:  Joseph J. Goustin

Date: January 6, 2010

Title: Treasurer

\*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: ADS LLC

Authorized Signature:  Date: January 6, 2010

*Purchasing Affidavit (Revised 01/01/09)* Joseph J. Goustin, Treasurer