



Headquarters:
300 North 5th Street • Martins Ferry, OH 43935
740-633-1451 • 800-252-1542

508 Roane Street • Charleston, WV 25302
304-344-2511 • 800-321-7941

47 West Craig Street • Uniontown, PA 15401
724-437-7931 • 800-966-6455

April 13, 2010

State of West Virginia
Department of Administration
Purchasing Division – Building 15
2019 Washington Street, East
PO Box 50130
Charleston, WV 25305-0130
ATTN: Buyer 32

Dear Purchasing Agent:

Thank you for the opportunity to bid the Dairy Products RFQ No DJS010288 for the Division of Juvenile Services. Enclosed are United's original signed bid, Purchasing Affidavit and Vender Preference Certificate.

Please note that we are unable to bid either the Chick Buckbee Juvenile Center in Augusta or the Vicki Douglas Juvenile Center in Martinsburg as they are out of our delivery area. We appreciate your consideration of our bid for the remaining facilities.

Sincerely,

George E. Wood
Vice President & CFO

GEW/sw

RECEIVED

APR 14 A 10:07

PURCHASING DIVISION
STATE OF WV

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. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee
4. 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
5. Payment may only be made after the delivery and acceptance of goods or services.
6. Interest may be paid for late payment in accordance with the *West Virginia Code*
7. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
8. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
9. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller
10. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern the purchasing process
11. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
12. **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.
13. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, is available online at www.state.wv.us/admin/purchase/vrc/hipaa.htm and 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.
14. **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>
15. **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, and the West Virginia Insurance Commission. 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.
16. **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 material, 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.

INSTRUCTIONS TO BIDDERS

1. Use the quotation forms provided by the Purchasing Division. Complete all sections of the quotation form.
2. 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. Unit prices shall prevail in case of discrepancy. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
4. 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
5. Communication during the solicitation, bid, evaluation or award periods, except through the Purchasing Division, is strictly prohibited (W. Va. C.S.R. §148-1-6.6)



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

Request for Quotation

RFO NUMBER
DJS010288

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
BUYER 32 304-558-2544

VENDOR

*709023036 740 -633-1451
 UNITED DAIRY INC FAX: 740-633-6759
 PO BOX 280
 300 N FIFTH ST
 MARTINS FERRY OH 43935
 CONTACT: GEORGE WOOD

SHIP TO

DIVISION OF JUVENILE SERVICES
 VARIOUS LOCALES AS INDICATED BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
04/04/2010				

BID OPENING DATE: **04/15/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		380-75		
ADDENDUM NO. 2 TO CHANGE BID OPENING DATE TO 4/15/10 AT 1:30 PM AND TO ADD REVISED BID SCHEDULES AS PER ATTACHED						
MILK, DAIRY						
***** THIS IS THE END OF RFQ DJS010288 *****						TOTAL: 185,083.38 (Bid 8 of 10 facilities)
CONTACT: GEORGE WOOD - VP & CFO PHONE: 1-800-252-1542 EXT. 2211 1-740-633-1451 EXT. 2211 FAX: 1-740-633-6759						

SIGNATURE			TELEPHONE		DATE
TITLE		FEIN	ADDRESS CHANGES TO BE NOTED ABOVE		

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

BID DJS010288**Milk & Dairy Products**

Open End Contract for Vendor to supply Dairy Products to all of the Department of Juvenile Services Facilities in the State of West Virginia.

Below are the Specifications:

All Milk and Dairy products that are included in this bid must meet or exceed the Nutritional Standards and guidelines set forth by the School Nutrition Association. Below are the minimum requirements

- Low-fat and Fat-free Milk
- Lactose-free and soy beverages are included
- Not to exceed 1% milk fat for all milk offered
- Not to exceed 28 grams of sugar per 8oz. serving
- Not to exceed 170 calories per 8oz. serving
- 100 percent juice or 100% juice water/blends, with no sugar added
- 100 percent juice or 100% juice water/blends with carbonation up to 12oz.

Bidders shall include delivery in the bid price. Invoicing shall be on the basis of Unit Price.

All deliveries and pricing shall be FOB Destination.

Acknowledgement of deliveries will only be made at the location designated by the receiving Agency and by an authorized receiver.

There shall not be any aluminum, metal or glass containers that contain product to be delivered. All items are to be delivered in returnable plastic crates.

The successful Bidder must make available all items in the Bidders Inventory to be purchased, although these items are not listed on the bid sheet, these items must be available for purchase.

Quantities listed on the bid form are approximations only and based on estimates. Successful bidder will deliver the actual quantities ordered whether more or less. Items listed in Bid Form are in eaches unless listed otherwise.

Award will be based on lowest bid per facility.

West Virginia Industrial Home for Youth 7 Industrial Drive Salem WV 24626					
Item	Description	Size	Yearly Estimated Order/Ea.	Unit Price	Extended Price
1	Chocolate Milk 1%	1/2pint	15,600	.2168	3,382.08
2	Skim Milk	1/2pint	166,400	.1600	26,624.00
3	1% Milk	1/2pint	166,400	.1705	28,371.20
4	1% Milk	Gallon			
5	1% Milk	5 Gallon	120	12.50	1,500.00
6	2% Milk	5 Gallon			
7	Buttermilk Lowfat	1/2 Gallon			
8	Lactose Free Milk Quart	1/2 Gallon	200	2.35	470.00 (Quart)
9	Cottage Cheese Lowfat	5 lbs.	120	6.75	810.00
10	Heavy whipping cream	Qt.	144	3.40	489.60
11	Sour Cream	2 oz. Pkg.			
12	Sour Cream	5 lbs.	120	5.75	690.00
13	Ice Cream Cups Chocolate	24/4oz.	64 cases	5.00	320.00
14	Ice Cream Cups Vanilla	24/4oz.	64 cases	5.00	320.00
15	Ice Cream Cups Strawberry	24/4oz.	64 cases	5.00	320.00
16	Assorted Juices, paper carton	4oz.	93,600	.1300	12,168.00
Bidder/Vendor Information:				Grand Total	75,464.88
Name:		United Dairy, Inc.			
Address:		300 N. Fifth Street - PO Box 280			
		Martins Ferry, OH 43935			
Phone # :		740-633-1451 or 800-252-1542			
E-Mail Address:		rvanscoy@uniteddairy.com (Ron Vanscoy)			

Rubenstein Center 141 Forestry Camp Road Davis, WV 26260					
Item	Description	Size	Yearly Estimated Order/Ea.	Unit Price	Extended Price
1	Chocolate Milk 1%	1/2pint			
2	Skim Milk	1/2pint			
3	1% Milk	1/2pint	7500	.1705	1,278.75
4	1% Milk	Gallon			
5	1% Milk	5 Gallon	300	12.50	3,750.00
6	2% Milk	5 Gallon	415	12.50	5,187.50
7	Buttermilk Lowfat	1/2 Gallon			
8	Lactose Free Milk	1/2 Gallon			
9	Cottage Cheese Lowfat	5 lbs.	75	6.75	506.25
10	Heavy whipping cream	Qt.			
11	Sour Cream	2 oz. Pkg.			
12	Sour Cream	5 lbs.	75	6.50	487.50
13	Ice Cream Cups Chocolate	24/4oz.			
14	Ice Cream Cups Vanilla	24/4oz.			
15	Ice Cream Cups Strawberry	24/4oz.			
16	Assorted Juices, paper carton	4oz.	200,000	.1400	28,000.00
Bidder/Vendor Information:				Grand Total	39,210.00
Name:		United Dairy, Inc.			
Address:		300 N. Fifth Street - PO Box 280			
		Martins Ferry, OH 43935			
Phone # :		740-633-1451 or 800-252-1542			
E-Mail Address:		rvanscoy@uniteddairy.com (Ron Vanscoy)			

Donald R. Kuhn Juvenile Center One Julian Place Julian, WV 25529					
Item	Description	Size	Yearly Estimated Order/Ea.	Unit Price	Extended Price
1	Chocolate Milk 1%	1/2pint	2000	.2300	460.00
2	Skim Milk	1/2pint			
3	1% Milk	1/2pint	75,000	.2100	15,750.00
4	1% Milk	Gallon			
5	1% Milk	5 Gallon			
6	2% Milk	5 Gallon			
7	Buttermilk Lowfat	1/2 Gallon	300	4.25	1,275.00
8	Lactose Free Milk	1/2 Gallon			
9	Cottage Cheese Lowfat	5 lbs.			
10	Heavy whipping cream	Qt.			
11	Sour Cream	2 oz. Pkg.			
12	Sour Cream	5 lbs.			
13	Ice Cream Cups Chocolate	24/4oz.			
14	Ice Cream Cups Vanilla	24/4oz.			
15	Ice Cream Cups Strawberry	24/4oz.			
16	Assorted Juices, paper carton	4oz.			
Bidder/Vendor Information:				Grand Total	17,485.00
Name:		United Dairy, Inc.			
Address:		300 N. Fifth Street - PO Box 280			
		Martins Ferry, Oh 43935			
Phone # :		740-633-1451 or 800-252-1542			
E-Mail Address:		rvanscoy@uniteddairy.com (Ron Vanscoy)			

Lorrie Yeager Juvenile Center 907 Mission Drive Parkersburg, WV 26101					
Item	Description	Size	Yearly Estimated Order/Ea.	Unit Price	Extended Price
1	Chocolate Milk 1%	1/2pint	6725	.3000	2,017.50
2	Skim Milk	1/2pint	26875	.3000	8,062.50
3	1% Milk	1/2pint	960	.3000	288.00
4	1% Milk	Gallon			
5	1% Milk	5 Gallon			
6	2% Milk	5 Gallon			
7	Buttermilk Lowfat	1/2 Gallon			
8	Lactose Free Milk	1/2 Gallon			
9	Cottage Cheese Lowfat	5 lbs.	10	8.00	80.00
10	Heavy whipping cream	Qt.			
11	Sour Cream	2 oz. Pkg.			
12	Sour Cream	5 lbs.			
13	Ice Cream Cups Chocolate	24/4oz.			
14	Ice Cream Cups Vanilla	24/4oz.			
15	Ice Cream Cups Strawberry	24/4oz.			
16	Assorted Juices, paper carton	4oz.			
Bidder/Vendor Information:				Grand Total	10,448.00
Name:		United Dairy, Inc.			
Address:		300 N. Fifth Street - PO Box 280			
		Martins Ferry, OH 43935			
Phone # :		740-633-1451 or 800-252-1542			
E-Mail Address:		rvanscoy@uniteddairy.com (Ron Vanscoy)			

Tiger Morton Juvenile Center 60 Manfred Holland Way Dunbar, WV 25064					
Item	Description	Size	Yearly Estimated Order/Ea.	Unit Price	Extended Price
1	Chocolate Milk 1%	1/2pint			
2	Skim Milk	1/2pint	55,000	.2200	12,100.00
3	1% Milk	1/2pint			
4	1% Milk	Gallon	50	2.75	137.50
5	1% Milk	5 Gallon			
6	2% Milk	5 Gallon			
7	Buttermilk Lowfat	1/2 Gallon			
8	Lactose Free Milk	1/2 Gallon			
9	Cottage Cheese Lowfat	5 lbs.	25	7.50	187.50
10	Heavy whipping cream	Qt.			
11	Sour Cream	2 oz. Pkg.	5000	N/A	
12	Sour Cream	5 lbs.	25	7.00	175.00
13	Ice Cream Cups Chocolate	24/4oz.			
14	Ice Cream Cups Vanilla	24/4oz.			
15	Ice Cream Cups Strawberry	24/4oz.			
16	Assorted Juices, paper carton	4oz.	8,000	.1400	1,120.00
Bidder/Vendor Information:				Grand Total	13,720.00
Name:		United Dairy, Inc.			
Address:		300 N. Fifth Street - PO Box 280			
		Martins Ferry, OH 43935			
Phone # :		740-633-1451 or 800-252-1542			
E-Mail Address:		rvanscoy@uniteddairy.com (Ron Vanscoy)			

Robert Shell Juvenile Center 2 O'Hanlon Place Barboursville, WV 25504					
Item	Description	Size	Yearly Estimated Order/Ea.	Unit Price	Extended Price
1	Chocolate Milk 1%	1/2pint			
2	Skim Milk	1/2pint			
3	1% Milk	1/2pint	35,000	.2200	7,700.00
4	1% Milk	Gallon			
5	1% Milk	5 Gallon			
6	2% Milk	5 Gallon			
7	Buttermilk Lowfat	1/2 Gallon			
8	Lactose Free Milk	1/2 Gallon			
9	Cottage Cheese Lowfat	5 lbs.	10	7.50	75.00
10	Heavy whipping cream	Qt.			
11	Sour Cream	2 oz. Pkg.			
12	Sour Cream	5 lbs.	20	7.00	140.00
13	Ice Cream Cups Chocolate	24/4oz.			
14	Ice Cream Cups Vanilla	24/4oz.			
15	Ice Cream Cups Strawberry	24/4oz.			
16	Assorted Juices, paper carton	4oz.			
Bidder/Vendor Information:				Grand Total	7,915.00
Name:		United Dairy, Inc.			
Address:		300 N. Fifth Street - PO Box 280			
		Martins Ferry, OH 43935			
Phone # :		740-633-1451 or 800-252-1542			
E-Mail Address:		rvanscoy@uniteddairy.com (Ron Vanscoy)			

Gene Spadaro Juvenile Center 106 Martin Drive Mt. Hope, WV 25880					
Item	Description	Size	Yearly Estimated Order/Ea.	Unit Price	Extended Price
1	Chocolate Milk 1%	1/2pint	1300	.2300	299.00
2	Skim Milk	1/2pint			
3	1% Milk	1/2pint	41,000	.2100	8,610.00
4	1% Milk	Gallon			
5	1% Milk	5 Gallon			
6	2% Milk	5 Gallon			
7	Buttermilk Lowfat	1/2 Gallon			
8	Lactose Free Milk	1/2 Gallon			
9	Cottage Cheese Lowfat	5 lbs.	10	7.50	75.00
10	Heavy whipping cream	Qt.			
11	Sour Cream	2 oz. Pkg.			
12	Sour Cream	5 lbs.	5	6.50	32.50
13	Ice Cream Cups Chocolate	24/4oz.			
14	Ice Cream Cups Vanilla	24/4oz.			
15	Ice Cream Cups Strawberry	24/4oz.			
16	Assorted Juices, paper carton	4oz.			
Bidder/Vendor Information:				Grand Total	9,016.50
Name:		United Dairy, Inc.			
Address:		300 N. Fifth Street - Po Box 280			
		Martins Ferry, OH 43935			
Phone # :		740-633-1451 or 800-252-1542			
E-Mail Address:		rvanscoy@uniteddairy.com (Ron Vanscoy)			

UNITED CANNOT BID CHICK BUCKBEE JUVENILE CENTER

Chick Buckbee Juvenile Center One Jerry Lane Augusta, WV 26704					
Item	Description	Size	Yearly Estimated Order/Ea.	Unit Price	Extended Price
1	Chocolate Milk 1%	1/2pint	5000		
2	Skim Milk	1/2pint			
3	1% Milk	1/2pint	31,000		
4	1% Milk	Gallon			
5	1% Milk	5 Gallon			
6	2% Milk	5 Gallon			
7	Buttermilk Lowfat	1/2 Gallon			
8	Lactose Free Milk	1/2 Gallon			
9	Cottage Cheese Lowfat	5 lbs.	100		
10	Heavy whipping cream	Qt.			
11	Sour Cream	2 oz. Pkg.			
12	Sour Cream	5 lbs.	50		
13	Ice Cream Cups Chocolate	24/4oz.			
14	Ice Cream Cups Vanilla	24/4oz.			
15	Ice Cream Cups Strawberry	24/4oz.			
16	Assorted Juices, paper carton	4oz.			
Bidder/Vendor Information:				Grand Total	
Name:		United cannot bid this center.			
Address:		_____			

Phone # :		_____			
E-Mail Address:		_____			

UNITED CANNOT BID VICKI DOUGLAS JUVENILE CENTER

Vicki Douglas Juvenile Center 900 Emmett Rousch Drive Martinsburg, WV 25401					
Item	Description	Size	Yearly Estimated Order/Ea.	Unit Price	Extended Price
1	Chocolate Milk 1%	1/2pint	5000		
2	Skim Milk	1/2pint			
3	1% Milk	1/2pint	29450		
4	1% Milk	Gallon			
5	1% Milk	5 Gallon			
6	2% Milk	5 Gallon			
7	Buttermilk Lowfat	1/2 Gallon			
8	Lactose Free Milk	1/2 Gallon			
9	Cottage Cheese Lowfat	5 lbs.			
10	Heavy whipping cream	Qt.			
11	Sour Cream	2 oz. Pkg.			
12	Sour Cream	5 lbs.	5		
13	Ice Cream Cups Chocolate	24/4oz.			
14	Ice Cream Cups Vanilla	24/4oz.			
15	Ice Cream Cups Strawberry	24/4oz.			
16	Assorted Juices, paper carton	4oz.			
Bidder/Vendor Information:				Grand Total	
Name:		United cannot bid this center.			
Address:		_____			

Phone # :		_____			
E-Mail Address:		_____			

Sam Perdue Juvenile Center 843 Shelter Road Princeton, WV 24740					
Item	Description	Size	Yearly Estimated Order/Ea.	Unit Price	Extended Price
1	Chocolate Milk 1%	1/2pint	20,800	.2300	4,784.00
2	Skim Milk	1/2pint	26,000	.2100	5,460.00
3	1% Milk	1/2pint			
4	1% Milk	Gallon			
5	1% Milk	5 Gallon			
6	2% Milk	5 Gallon	100	13.00	1,300.00
7	Buttermilk Lowfat	1/2 Gallon	40	3.75	150.00
8	Lactose Free Milk	1/2 Gallon			
9	Cottage Cheese Lowfat	5 lbs.			
10	Heavy whipping cream	Qt.			
11	Sour Cream	2 oz. Pkg.			
12	Sour Cream	5 lbs.	20	6.50	130.00
13	Ice Cream Cups Chocolate	24/4oz.			
14	Ice Cream Cups Vanilla	24/4oz.			
15	Ice Cream Cups Strawberry	24/4oz.			
16	Assorted Juices, paper carton	4oz.			
Bidder/Vendor Information:				Grand Total	11,824.00
Name:		United Dairy, Inc.			
Address:		300 N. Fifth Street - PO Box 280			
		Martins Ferry, OH 43935			
Phone # :		740-633-1451 or 800-252-1542			
E-Mail Address:		rvanscoy@uniteddairy.com (Ron Vanscoy)			

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

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

DEFINITIONS:

"Debt" means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions. "Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities. "Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceeds five percent of the total contract amount.

EXCEPTION: The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

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.

WITNESS THE FOLLOWING SIGNATURE

Vendor's Name: United Dairy, Inc.

Authorized Signature:  **George Wood VP & CFO** Date: 4/12/10

State of Ohio

County of Belmont, to-wit:

Taken, subscribed, and sworn to before me this 12 day of April, 2010.

My Commission expires SHARON WILLIAMSON, 20 .

SHARON WILLIAMSON
Notary Public, State of Ohio
My Commission Expires June 28, 2011

AFFIX SEAL HERE

NOTARY PUBLIC



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: United Dairy, Inc.

Signed:  **George Wood**

Date: 4/12/10

Title: Vice President & CFO

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