



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
DNR210178

PAGE
1

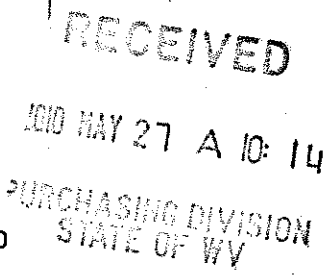
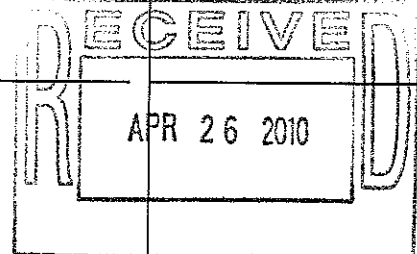
ADDRESS CORRESPONDENCE TO ATTENTION OF
**KRISTA FERRELL
 304-558-2596**

***709033753 800-438-2780**
CUNNINGHAM ASSOCIATES INC
PO BOX 240981
CHARLOTTE NC 28224

**DIVISION OF NATURAL RESOURCES
 CABWAYLINGO STATE FOREST
 ATTN: PARK SUPERINTENDENT
 ROUTE 1, BOX 85
 DUNLOW, WV
 25511 385-4255**

DATE PRINTED 04/22/2010	TERMS OF SALE Net 30	SHIP VIA GROUND	F.O.B.	FREIGHT TERMS
BID OPENING DATE: 05/18/2010		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		650-38		
<p>PLAYGROUND EQUIPMENT FOR CABWAYLINGO</p> <p>REQUEST FOR QUOTATION (RFQ)</p> <p>THE WEST VIRGINIA STATE PURCHASING DIVISION FOR THE AGENCY, THE WEST VIRGINIA DIVISION OF NATURAL RESOURCES, IS SOLICITING BIDS TO PROVIDE THE AGENCY WITH PLAYGROUND EQUIPMENT FOR CABWAYLINGO STATE FOREST LOCATED IN DUNLOW, WEST VIRGINIA PER THE ATTACHED SPECIFICATIONS.</p> <p>TECHNICAL QUESTIONS CONCERNING THIS SOLICITATION MUST BE SUBMITTED IN WRITING TO KRISTA FERRELL IN THE WEST VIRGINIA STATE PURCHASING DIVISION VIA MAIL AT THE ADDRESS SHOWN IN THE BODY OF THIS RFQ, VIA FAX AT 304-558-4115, OR VIA EMAIL AT KRISTA.S.FERRELL@WV.GOV. DEADLINE FOR ALL TECHNICAL QUESTIONS IS 05/05/2010 AT THE CLOSE OF BUSINESS. ANY TECHNICAL QUESTIONS RECEIVED WILL BE ANSWERED BY FORMAL ADDENDUM ISSUED BY THE PURCHASING DIVISION AFTER THE DEADLINE HAS LAPSED.</p> <p>EXHIBIT 10</p> <p>REQUISITION NO.:</p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED</p>						



SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *Larry Fitzgerald* TELEPHONE: **800-438-2780 ext. 151** DATE: **May, 12 2010**

TITLE: **Sales Representative** ID: **581720480** ADDRESS CHANGES TO BE NOTED ABOVE

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



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 CABWAYLINGO STATE FOREST
 ATTN: PARK SUPERINTENDENT
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 DUNLOW, WV 25511 385-4255

DATE PRINTED 04/22/2010	TERMS OF SALE Net 30	SHIP VIA GROUND	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: **05/18/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.</p> <p>ADDENDUM NO.'S:</p> <p>NO. 1</p> <p>NO. 2</p> <p>NO. 3</p> <p>NO. 4</p> <p>NO. 5</p> <p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</p> <p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p style="text-align: center;"><i>Larry Fitzgerald</i> SIGNATURE</p> <p style="text-align: center;">GameTime c/o Cunningham Associates COMPANY</p> <p style="text-align: center;">May 12, 2010 DATE</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS		
SIGNATURE <i>Larry Fitzgerald</i>	TELEPHONE 800-438-2780 ext. 151	DATE May 12, 2010
TITLE Sales Representative	59 1720480	ADDRESS CHANGES TO BE NOTED ABOVE

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DIVISION OF NATURAL RESOURCES
 CABWAYLINGO STATE FOREST
 ATTN: PARK SUPERINTENDENT
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 DUNLOW, WV 25511 385-4255

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
04/22/2010	Net 30	GROUND		

BID OPENING DATE: 05/18/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.</p> <p>REV. 09/21/2009</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 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 SPECIFICATIONS IN ACCORDANCE WITH SECTION 148-1-4(F) OF THE WEST VIRGINIA LEGISLATIVE RULES AND REGULATIONS.</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 style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p style="text-align: center;">DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
<i>Larry Fitzgerald</i>	800-438-2780 ext. 151	May 12, 2010
TITLE	ADDRESS CHANGES TO BE NOTED ABOVE	
Sales Representative		

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CHARLOTTE NC 28224

**DIVISION OF NATURAL RESOURCES
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 ATTN: PARK SUPERINTENDENT
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DATE PRINTED 04/22/2010	TERMS OF SALE Net 30	SHIP VIA GROUND	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: **05/18/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED: SEALED BID</p> <p>BUYER: KRISTA FERRELL-FILE 21</p> <p>RFQ. NO.: DNR210178</p> <p>BID OPENING DATE: 05/18/2010</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: -----704-525-7356-----</p> <p>CONTACT PERSON (PLEASE PRINT CLEARLY): Larry Fitzgerald -----</p> <p>***** THIS IS THE END OF RFQ DNR210178 ***** TOTAL: <u>\$42,358.39</u></p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE *Larry Fitzgerald* TELEPHONE **800-438-2780 ext. 151** DATE **May 12, 2010**

TITLE **Sales Representative** FEK **391720480** ADDRESS CHANGES TO BE NOTED ABOVE

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



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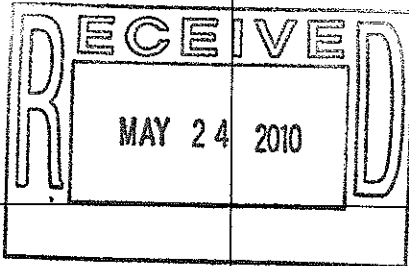
SHIP TO

DIVISION OF NATURAL RESOURCES
 CABWAYLINGO STATE FOREST
 ATTN: PARK SUPERINTENDENT
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 25511 385-4255

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
05/17/2010	NET 30	GROUND		

BID OPENING DATE: 05/27/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 2						
THIS ADDENDUM IS ISSUED TO REISSUE THE SPECIFICATIONS PER THE ATTACHED.						
BID OPENING DATE REMAINS: 05/27/2010						
BID OPENING TIME REMAINS: 1:30 PM						
***** END ADDENDUM NO. 2 *****						
0001	1	LS		650-38		
PLAYGROUND EQUIPMENT FOR CABWAYLINGO						
***** THIS IS THE END OF RFQ DNR210178 *****						\$42,358.39



SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Harry Fitzgerald</i>	TELEPHONE 800-438-2780 ext.151	DATE May 26, 2010
TITLE Sales Representative	FAX 39 1720480	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
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 25511 385-4255**

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
05/14/2010	NET 30	GROUND		

BID OPENING DATE: 05/27/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UQP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>***** ADDENDUM NO. 1 *****</p> <p>THIS ADDENDUM IS ISSUED TO EXTEND THE BID OPENING DATE AND TIME.</p> <p>THE BID OPENING DATE AND TIME IS CHANGED TO 05/27/10 AT 1:30 PM</p> <p>A SUBSEQUENT ADDENDUM CONTAINING CHANGES TO THE SPECIFICATIONS WILL BE RELEASED AT A LATER DATE.</p> <p>***** END ADDENDUM NO. 1 *****</p>						
0001	1	LS		650-38		
PLAYGROUND EQUIPMENT FOR CABWAYLINGO						
***** THIS IS THE END OF RFQ DNR210178 ***** TOTAL:						<u>\$42,358.39</u>

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *Larry Fitzgerald* TELEPHONE: 800-438-2780 ext. 151 DATE: May 26, 2010

TITLE: Sales Representative FIRM: 39 1720480 ADDRESS CHANGES TO BE NOTED ABOVE

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



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DIVISION OF NATURAL RESOURCES

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 CABWAYLINGO STATE FOREST
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DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
05/17/2010	NET 30	GROUND		

BID OPENING DATE: 05/27/2010 BID OPENING TIME: 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 2						
THIS ADDENDUM IS ISSUED TO REISSUE THE SPECIFICATIONS PER THE ATTACHED.						
BID OPENING DATE REMAINS: 05/27/2010						
BID OPENING TIME REMAINS: 1:30 PM						
***** END ADDENDUM NO. 2 *****						
0001	1	LS		650-38		
PLAYGROUND EQUIPMENT FOR CABWAYLINGO						
***** THIS IS THE END OF RFQ DNR210178 ***** TOTAL:						<u>\$42,358.39</u>

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Krista Ferrell</i>	TELEPHONE 800-438-2780 ext. 151	DATE May 26, 2010
TITLE Sales Representative	ADDRESS CHANGES TO BE NOTED ABOVE	

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

**Cabwaylingo State Forrest
PLAYGROUND EQUIPMENT SHEET**

Please complete the below information concerning the brand(s) of equipment being bid in relation to this project. If bidding "or equal" brands, please attach manufacturer's literature documenting that it meets the mandatory requirements stated in the specifications. Vendors should note the areas of the provided manufacturer's literature that adheres to the mandatory requirements outlined in the Request For Quotation.

Item No.	Equipment	Manufacturer	Item
1	Long Branch Picnic Area Playground Game Time freestanding stainless steel straight chuters slide, Item #8681, or equal.	GameTime	#8681
2	Long Branch Picnic Area Playground Game Time the whirl (Merry-Go- Round), Item #919, or equal.	GameTime	#919
3	Long Branch Picnic Area Playground Game Time tire swing (one bay), Item #10777, or equal.	GameTime	#10777
4	Long Branch Picnic Area Playground GameTime 8' classic swing frame, Item #P8542, or equal.	GameTime	#P8542
5	Long Branch Picnic Area Playground GameTime, 8' classic swing frame add-a- bay, Item #P8546, or equal.	GameTime	P8546
6	Long Branch Picnic Area Playground Game Time enclosed tot seat with clevis, Item #8695, or equal.	GameTime	#8695
7	Crum/ Morgan Area Playground Game Time freestanding stainless steel straight chuters slide, Item #8681, or equal.	GameTime	#8681
8	Crum/ Morgan Area Playground GameTime buck-a-bouts, Item #243, or equal.	GameTime	#243
9	Crum/ Morgan Area Playground GameTime saddle mates for buck-a- bout rider, Item #2313, or equal.	GameTime	#2313

Cabwaylingo State Forrest
PLAYGROUND EQUIPMENT SHEET

Item No.	Equipment	Manufacturer	Item
10	Crum/ Morgan Area Playground GameTime cruisin mates desert commando car, Item #6058, or equal.	GameTime	#6058
11	Crum/ Morgan Area Playground GameTime adventure mate, dinosaur rider, Item #6051, or equal.	GameTime	#6051
12	Crum/ Morgan Area Playground GameTime in-ground mount package for the dinosaur spring mate, Item #6065, or equal.	GameTime	#6065
13	Lower Walnut Picnic Area Playground GameTime freestanding stainless steel straight chuters slide, Item #8681, or equal.	GameTime	#8681
14	Lower Walnut Picnic Area Playground GameTime, PowerScape single station climber, Challenge Station, single tower, Item #8533, or equal.	GameTime	#8533
15	Lower Walnut Picnic Area Playground GameTime 8' classic swing frame, Item #P8542, or equal.	GameTime	#P8542
16	Lower Walnut Picnic Area Playground GameTime, 8' classic swing frame add-a- bay, Item #P8546, or equal.	GameTime	#P8546
17	Lower Walnut Picnic Area Playground GameTime enclosed tot seat with clevis, Item #8695, or equal.	GameTime	#8695
18	Lower Walnut Picnic Area Playground GameTime, Fire Engine Vehicle Climber, Item No. 7002 or Equal.	GameTime	#7002
19	Spruce Creek Area Playground GameTime freestanding stainless steel straight chuters slide, Item #8681, or equal.	GameTime	#8681

Cabwaylingo State Forrest
PLAYGROUND EQUIPMENT SHEET

Item No.	Equipment	Manufacturer	Item
20	Spruce Creek Area Playground GameTime space module climber, Item #618, or equal.	GameTime	#618
21	Spruce Creek Area Playground GameTime buck-a-bouts, Item #243, or equal.	GameTime	#243
22	Spruce Creek Area Playground GameTime saddle mates for buck-a-bout rider, Item #2313, r equal.	GameTime	#2313
23	Items For All Four Playgrounds Geo-textile fabric, 2,250 sq. ft. roll, or equal.	GameTime	#161290
24	Items For All Four Playgrounds Geo-textile fabric, 1,125 sq. ft. roll, or equal.	GameTime	#161291
25	Items For All Four Playgrounds Certified engineered wood fiber or equal.	GT-Impax	Engineered Wood Fiber

Cabwaylingo State Forest Playground Equipment

PRICING SHEET

Item No.	Quantity	Description	Unit Price	Amount
1	1	Long Branch Picnic Area Playground Game Time freestanding stainless steel straight chuters slide, Item #8681, or equal.	\$2,519.91	\$2,519.91
2	1	Long Branch Picnic Area Playground Game Time the whirl (Merry-Go-Round), Item #919, or equal.	\$2,408.89	\$2,408.89
3	1	Long Branch Picnic Area Playground Game Time tire swing (one bay), Item #10777, or equal.	\$1,481.08	\$1,481.08
4	1	Long Branch Picnic Area Playground GameTime 8' classic swing frame, Item #P8542, or equal.	\$602.68	\$602.68
5	1	Long Branch Picnic Area Playground GameTime, 8' classic swing frame add-a-bay, Item #P8546, or equal.	\$294.63	\$294.63
6	2	Long Branch Picnic Area Playground Game Time enclosed tot seat with clevis, Item #8695, or equal.	\$145.18	\$290.36
7	1	Crum/ Morgan Area Playground Game Time freestanding stainless steel straight chuters slide, Item #8681, or equal.	\$2,519.91	\$2,519.91
8	1	Crum/ Morgan Area Playground GameTime buck-a-bouts, Item #243, or equal.	\$794.83	\$794.83
9	2	Crum/ Morgan Area Playground GameTime saddle mates for buck-a-bout rider, Item #2313, r equal.	\$77.47	\$154.94
10	1	Crum/ Morgan Area Playground GameTime cruisin mates desert commando car, Item #6058, or equal.	\$541.68	\$541.68
11	1	Crum/ Morgan Area Playground GameTime adventure mate, dinosaur rider, Item #6051, or equal.	\$578.28	\$578.28

Cabwaylingo State Forest Playground Equipment

PRICING SHEET

Item No.	Quantity	Description	Unit Price	Amount
12		Crum/ Morgan Area Playground GameTime in-ground mount package for the dinosaur spring mate, Item #6065, or equal.	\$215.33	\$215.33
13	1	Lower Walnut Picnic Area Playground GameTime freestanding stainless steel straight chuters slide, Item #8681, or equal.	\$2,519.91	\$2,519.91
14	1	Lower Walnut Picnic Area Playground GameTime, PowerScape single station climber, Challenge Station, single tower, Item #8533, or equal.	\$5,418.02	\$5,418.02
15	1	Lower Walnut Picnic Area Playground GameTime 8' classic swing frame, Item #P8542, or equal.	\$602.68	\$602.68
16	1	Lower Walnut Picnic Area Playground GameTime, 8' classic swing frame add- a-bay, Item #P8546, or equal.	\$294.63	\$294.63
17	2	Lower Walnut Picnic Area Playground GameTime enclosed tot seat with clevis, Item #8695, or equal.	\$145.18	\$290.36
18	1	Lower Walnut Picnic Area Playground GameTime, Fire Engine Vehicle Climber, Item #7002, or equal.	\$3,404.41	\$3,404.41
19	1	Spruce Creek Area Playground GameTime freestanding stainless steel straight chuters slide, Item #8681, or equal.	\$2,519.91	\$2,519.91
20	1	Spruce Creek Area Playground GameTime space module climber, Item #618, or equal.	\$1,733.62	\$1,733.62
21	1	Spruce Creek Area Playground GameTime buck-a-bouts, Item #243, or equal.	\$794.83	\$794.83
22	2	Spruce Creek Area Playground GameTime saddle mates for buck-a- bout rider, Item #2313, r equal.	\$77.47	\$154.94

Cabwaylingo State Forest Playground Equipment
PRICING SHEET

Item No.	Quantity	Description	Unit Price	Amount
23	4	Items For All Four Playgrounds Geo-textile fabric, 2,250 sq. ft. roll, or equal.	\$291.58	\$1,166.32
24	1	Items For All Four Playgrounds Geo-textile fabric, 1,125 sq. ft. roll, or equal.	\$151.28	\$151.28
25	9,811 sq. ft.	Items For All Four Playgrounds Certified engineered wood fiber or equal.	\$0.51	\$5,003.61
		TOTAL		\$42,358.39

***Total Price includes freight of : \$5,901.35



CUNNINGHAM
ASSOCIATES, INC.
Park & Playground Products

Larry Fitzgerald

Roanoke, VA
larry@cunninghamassoc.com
Box 240981
Charlotte, NC 28224

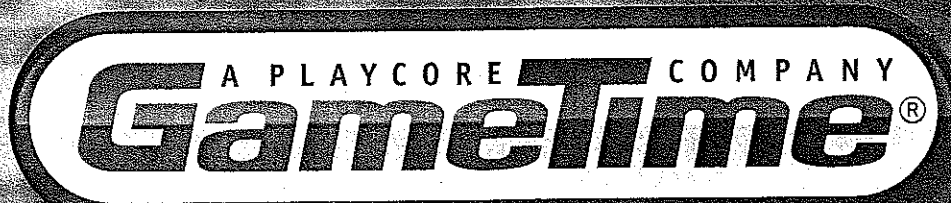


Toll Free: 800.438.2780 ext. 151
Fax: 704.525.7356

www.cunninghamassoc.com



2010 Playground Design Guide



Enriching Childhood Through Play.®

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: GameTime c/o Cunningham Associates Signed: Larry Fitzgerald

Date: May 12, 2010 Title: Sales Representative

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

RFQ No. DNR210178

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: _____

Authorized Signature: Scott Cunningham Date: 5/12/2010

State of North Carolina

County of Mecklenburg, to-wit:

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

My Commission expires March 5, 2014.

AFFIX SEAL HERE

NOTARY PUBLIC Gynthia R. Pasqualli