



a communications company

March 18, 2010

Department of Administration  
Purchasing Division  
Building 15  
2019 Washington Street, East  
Charleston, WV 25305-0130

Attn: Krista Ferrell  
RE: Sealed Bid - RFQ No: ISCK0079

Dear Ms. Ferrell:

FiberNet, LLC is pleased to provide the following response for RFQ ISCK0079 for a 100 Mb circuit for DHHR from 89 Richard D. Minnich Drive, Sutton to Bldg. 6 at the Capitol Complex in Charleston. This circuit must be upgradeable to a 1 Gig circuit.

FiberNet agrees to the terms and conditions as set forth in the original RFQ document. Attached are the requested forms for this response.

If you have any questions or require additional information, please contact Terry Smarr (304.720.2108; [tsmarr@wvfibernet.net](mailto:tsmarr@wvfibernet.net)).

We appreciate the opportunity to provide a response to this bid.

Sincerely,

Terry C. Smarr  
Vice President  
Operations and Wholesale

Attachments



328 Neville Street  
Beckley, WV 25804  
304.929.2101

1102 Third Avenue  
Martinsburg, WV 25701  
304.781.2101

221 E. Aristatom Street  
Hagerstown, MD 21740  
240.625.9101

225 South Maple Ave.  
Greensburg, PA 15601  
724.216.9101

112 Gazeta Park, Suite 201  
Johnstown, PA 15901  
814.361.2101

900 Fairmont Avenue, Suite 201  
Fairmont, WV 26554  
304.333.2101

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

38 Fifteenth Street, Suite 200  
Wheeling, WV 26003  
304.230.2101

111 12th Street  
Altoona PA 16601  
814.296.2101

113-115 Baltimore Street,  
Suite 201  
Cumberland, MD 21502  
301.876.9101



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  
**ISCK0079**

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**1**

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

**VENDOR**  
 \*423152404 304-720-2149  
 FIBERNETLLC  
 1200 GREENBRIER ST  
 CHARLESTON WV 25311-1002

**SHIP TO**  
 ALL STATE AGENCIES  
 AND POLITICAL SUBDIVISIONS  
 VARIOUS LOCALES AS INDICATED  
 BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
01/28/2010				

BID OPENING DATE: **02/18/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA		205-43		
<p>100 MEG UPGRADABLE TO 1 GIG FOR DHHR - SUTTON</p> <p>REQUEST FOR QUOTATION (RFQ)</p> <p>THE WEST VIRGINIA STATE PURCHASING DIVISION FOR THE AGENCY, THE WEST VIRGINIA OFFICE OF TECHNOLOGY IS SOLICITING BIDS TO PROVIDE THE AGENCY WITH (1) 100 MEG FULL DUPLEX DATA CIRCUIT; WITH THE ABILITY TO UPGRADE TO A (1) GIG FULL DUPLEX DATA CIRCUIT IN THE FUTURE PER THE ATTACHED SPECIFICATIONS.</p> <p>A MANDATORY PRE-BID WILL BE HELD ON FEBRUARY 9, 1020 AT 11:00 AM AT THE DISASTER RECOVERY CENTER LOCATED AT 89 RICHARD D. MINNICH DRIVE, SUITE 103 IN SUTTON, WV. INTERESTED PARTIES ARE REQUIRED TO ATTEND THIS MEETING. FAILURE TO ATTEND THE MANDATORY PRE-BID SHALL RESULT I DISQUALIFICATION OF THE BID. NO ONE PERSON MAY REPRESENT MORE THAN ONE BIDDER.</p> <p>AN ATTENDANCE SHEET WILL BE MADE AVAILABLE FOR ALL POTENTIAL BIDDERS TO COMPLETE. THIS WILL SERVE AS THE OFFICIAL DOCUMENT VERIFYING ATTENDANCE AT THE MANDATOR PRE-BID. FAILURE TO PROVIDE YOUR COMPANY AND REPRESENTATIVE NAME ON THE ATTENDANCE SHEET WILL RESULT IN DISQUALIFICATION OF THE BID. THE STATE WILL NOT ACCEPT ANY OTHER DOCUMENTATION TO VERIFY ATTENDANCE. THE BIDDER IS RESPONSIBLE FOR ENSURING THEY HAVE COMPLETED THE INFORMATION REQUIRED ON THE ATTENDANCE</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE *Jerry C. Smaw* TELEPHONE **304.720.2108** DATE **3/18/10**

TITLE *VP, Operations & Control* FEIN **423152404** ADDRESS CHANGES TO BE NOTED ABOVE

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

*Signatures apply to all pages of RFQ*

**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](http://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.

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**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

RFQ NUMBER  
**ISCK0079**

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**2**

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

**VENDOR**  
 \*423152404 304-720-2149  
 FIBERNETLLC  
 1200 GREENBRIER ST  
 CHARLESTON WV 25311-1002

**SHIP TO**  
 ALL STATE AGENCIES  
 AND POLITICAL SUBDIVISIONS  
 VARIOUS LOCALES AS INDICATED  
 BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
01/28/2010				

BID OPENING DATE: **02/18/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>SHEET. THE PURCHASING DIVISION AND THE STATE AGENCY WILL NOT ASSUME ANY RESPONSIBILITY FOR A BIDDER-S FAILURE TO COMPLETE THE PRE-BID ATTENDANCE SHEET. IN ADDITION, WE REQUEST THAT ALL POTENTIAL BIDDERS INCLUDE THEIR E-MAIL ADDRESS AND FAX NUMBER.</p> <p>ALL POTENTIAL BIDDERS ARE REQUESTED TO ARRIVE PRIOR TO THE STARTING TIME FOR THE PRE-BID. BIDDERS WHO ARRIVE LATE, BUT PRIOR TO THE DISMISSAL OF THE TECHNICAL PORTION OF THE PRE-BID WILL BE PERMITTED TO SIGN IN. BIDDERS WHO ARRIVE AFTER CONCLUSION OF THE TECHNICAL PORTION OF THE PRE-BID, BUT DURING ANY SUBSEQUENT PART OF THE PRE-BID WILL NOT BE PERMITTED TO SIGN THE ATTENDANCE SHEET.</p> <p>TECHNICAL QUESTIONS MUST BE SUBMITTED IN WRITING TO KRISTA FERRELL IN THE WEST VIRGINIA STATE PURCHASING DIVISION VIA MAIL AT THE ADDRESS LISTED 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 FEBRUARY 11, 2010 AT THE CLOSE OF BUSINESS. ALL TECHNICAL QUESTIONS RECEIVED, IF ANY, WILL BE ANSWERED BY ADDENDUM AFTER THE DEADLINE HAS LAPSED.</p> <p>EXHIBIT 10</p> <p>REQUISITION NO. <b>ISCK.0079</b></p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED CONSIDERED TO BE TECHNICAL QUESTIONS AND MAY BE ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY SUBMITTED AT ANY TIME PRIOR TO THE BID OPENING AND PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE	TELEPHONE	DATE	
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE	

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



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# Request for Quotation

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ISCK0079

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

VENDOR FOR
*423152404 304-720-2149
FIBERNETLLC
1200 GREENBRIER ST
CHARLESTON WV 25311-1002

SHIP TO
ALL STATE AGENCIES AND POLITICAL SUBDIVISIONS VARIOUS LOCALES AS INDICATED BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS		
01/28/2010						
BID OPENING DATE: 02/18/2010		BID OPENING TIME 01:30PM				
LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>IN ANY FORMAT.</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>..... <i>Jerry C. Smau</i> .....</p> <p>SIGNATURE</p> <p>..... <i>Fiber Net</i> .....</p> <p>COMPANY</p> <p>..... 3/2/10 .....</p> <p>DATE</p>						
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# Request for Quotation

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 ISCK0079

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

RECEIVED

\*423152404      304-720-2149  
 FIBERNETLLC  
 1200 GREENBRIER ST  
 CHARLESTON WV 25311-1002

SHIP TO

ALL STATE AGENCIES  
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 VARIOUS LOCALES AS INDICATED  
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BID OPENING DATE: 02/18/2010      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>INSTALLATION:</p> <p>NOTICE TO PROCEED: THE INSTALLATION PORTION OF THIS CONTRACT IS TO BE PERFORMED WITHIN 21 CALENDAR DAYS AFTER THE NOTICE TO PROCEED IS RECEIVED. UNLESS OTHERWISE SPECIFIED, THE FULLY EXECUTED PURCHASE ORDER WILL BE CONSIDERED NOTICE TO PROCEED.</p> <p>MONTHLY SERVICE CHARGE WILL BEGIN UPON THE SUCESSFUL INSTALLATION, ACCEPTANCE, AND TESTING OF THE CIRCUIT. SERVICE CHARGE WILL BE ADDED BY CHANGE ORDER TO THIS CONTRACT AT THAT TIME.</p> <p>MONTHLY SERVICE CHARGE:</p> <p>EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON INSTALLATION, ACCEPTANCE, AND TESTING OF THE CIRCUIT AND EFFECTIVE DATE ESTABLISHED BY THE FULLY EXECUTED CHANGE ORDER. CONTRACT 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 WRITTEN NOTICE.</p> <p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
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TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
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# Request for Quotation

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ISCK0079

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

\*423152404 304-720-2149  
 FIBERNETLLC  
 1200 GREENBRIER ST  
 CHARLESTON WV 25311-1002

ALL STATE AGENCIES  
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01/28/2010						
BID OPENING DATE: 02/18/2010		BID OPENING TIME 01:30PM				
LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>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 SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>RETAINED BY THE SPENDING UNIT.</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 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.</p> <p>REV. 05/26/2009</p> <p>APPLICABLE LAW</p> <p>THE WEST VIRGINIA STATE CODE, PURCHASING DIVISION RULE</p>						
SEE REVERSE SIDE FOR TERMS AND CONDITIONS						
SIGNATURE			TELEPHONE		DATE	
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# Request for Quotation

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

VENDOR

\*423152404 304-720-2149  
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DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
01/28/2010				

BID OPENING DATE: 02/18/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>AND REGULATIONS, AND THE INFORMATION PROVIDED IN THE "REQUEST FOR QUOTATION" ISSUED BY THE PURCHASING DIVISION IS THE SOLE AUTHORITY GOVERNING THIS PROCUREMENT.</p> <p>ANY INFORMATION PROVIDED IN SPECIFICATION MANUALS, OR ANY OTHER SOURCE, VERBAL OR WRITTEN, WHICH CONTRADICTS OR ALTERS THE INFORMATION PROVIDED FROM THE SOURCES AS DESCRIBED IN THE ABOVE PARAGRAPH IS VOID AND OF NO EFFECT.</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 THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER: KRISTA FERRELL-FILE 21</p> <p>RFQ. NO.: ISCK0079</p> <p>BID OPENING DATE: 02/18/2010</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS		
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# Request for Quotation

RFQ NUMBER  
**ISCK0079**

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ADDRESS CORRESPONDENCE TO ATTENTION OF:  
**KRISTA FERRELL**  
**804-558-2596**

VENDOR

\*423152404      304-720-2149  
**FIBERNETLLC**  
**1200 GREENBRIER ST**  
  
**CHARLESTON WV 25311-1002**

SHIP TO

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DATE PRINTED <b>01/28/2010</b>	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: **02/18/2010**      BID OPENING TIME: **01:30PM**

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
BID OPENING TIME:				1:30 PM		
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:						
				304.720.2121		
CONTACT PERSON (PLEASE PRINT CLEARLY):						
				Terry Smarr		
***** THIS IS THE END OF RFQ ISCK0079 ***** TOTAL: _____						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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## Request for Quotation - ISCK0079 West Virginia Office of Technology

The Acquisition and Contract section of the Purchasing Division invites qualified vendors to submit a bid to provide, install, and maintain one (1) 100 Meg full duplex data circuit, with the ability to upgrade to a 1 Gig Full duplex data circuit in the future as further specified below .

One end of the circuit shall terminate at the **Disaster Recovery Center, located at 89 Richard D. Minnich, Drive Suite 103, Sutton, WV**. The other end of the circuit shall terminate at the **Building 6 Capitol Complex, Charleston WV**. The authorized Office of Technology representative shall designate the demarc location during the **mandatory pre-bid conference** and at the time of installation. The demarc must be extended in these designated areas.

The installed circuit shall be capable of allowing multiple VLAN's to be established across the circuit. The vendor shall either provide a block of 16 VLAN numbers that can be used or provide "dot1q-in-q" service. If the vendor chooses to provide the "dot1q-in-q" service, the VLAN methodology / information must be made available to Office of Technology by the apparent successful vendor within two (2) business days after the request is made.

The customer interface at each end of each circuit shall be an Ethernet CAT-5 / RJ-45 jack (for a 100Mbps full duplex Fast Ethernet circuit). Wireless technologies or other methods are not acceptable as the only interfaces accepted are "hard-wired" solutions.

An Uninterruptible Power Supply (UPS) must be provided by each vendor for their equipment and must be able to accommodate the equipment for a minimum of one (1) hour in the event of a power failure. If the vendor's equipment is housed at more than one location at each site, it will be the responsibility of the vendor to provide an adequate number of UPS' for their equipment at each location.

All circuits shall be installed and fully operational within 21 calendar days after receipt of the Purchase Order. If the circuit is not operational at the end of the 21 calendar day installation period, the vendor will be charged \$100 per calendar day until the circuit is operational. Once the circuit is operational, it should be available for testing for a two-week period. Any issues arising with the circuit during testing will need to be resolved by the vendor according to the service terms below. Billing for this circuit shall commence after successful testing is completed and the vendor is notified of such.

All circuits shall be up and available for use 24 hours per day, 7 days per week, every day of the year. Maintenance support shall also be provided 24 hours per day, 7 days per week, every day of the year. All maintenance cost shall be included in the month reoccurring. The vendor will be responsible for maintaining the entire circuit from each termination point.

All non-remedial maintenance shall be performed outside of normal business hours (Monday through Friday, 7:00AM through 5:00PM). Vendor shall notify the WVOT Help Desk (304-558-1257) and the designated WVOT representatives of any planned maintenance or outage at least 2 business days in advance. In the event that the circuit is down for any reason, it will be the responsibility of the vendor to notify WVOT's Help Desk within 30 minutes of the circuit being

down. WVOT's Help Desk is a 24/7 Help Desk and can be reached at 304-558-1257.

Circuit termination equipment remains the property of the vendor, and is maintained by the vendor.

The vendor shall specify a phone number and other appropriate contact information where problems or outages may be reported. Upon receiving such a report, the vendor shall note the time of the report, assign a reference number for the report, and provide this information to the caller. The vendor shall also provide an escalation list. Both these must be provided within 15 business days of being awarded the contract.

When any problem or outage with a circuit is reported, the vendor shall respond to the call by telephone within 1 hour of the problem being reported. If the problem remains unresolved 2 hours after the original report of the problem, the vendor shall have a qualified technician on site at one or both locations. If the problem remains unresolved 3 hours after the original report of the problem, the vendor must do whatever is required to resolve the problem, including replacement of equipment or fiber facilities.

In the event that an outage or problem is not resolved within 4 hours, the vendor shall credit the affected account 10% of the monthly fee for the service, for each business day that the problem or outage exists. In the event that an outage or problem is not resolved within 5 business days, the state may, at the state's sole option, terminate the contract and have no further obligations under it.

To be considered for this bid, a vendor must bid and be prepared to provide, install, and maintain the requested circuits. If unable to satisfy this bid request, please submit a NO-BID letter to the Office of Technology prior to the deadline for receipt of bids.

The term of the awarded contract shall be twenty-four (24) months. Upon the mutual agreement of the vendor and WVOT, the contract may be extended two times for an additional 12 months each, for a maximum total of 48 months.

Vendors must quote the price for a 100Mbps full duplex circuit. The vendor with the lowest 24 month cost will be the apparent successful vendor.

The State reserves the right to ask vendors for any clarification. If asked, vendors will need to provide their clarifications within four (4) business hours from the time the request is made.

The State reserves the right to accept proposals either in whole or in part.

A **mandatory** pre-bid conference is scheduled for **February 9, 2010 at 11:00AM**. The meeting will be held at the **Disaster Recovery Center, 89 Richard D. Minnich, Drive Suite 103, Sutton, WV**. Vendor inspection of building facilities and demarc locations can be verified at this meeting.

**RFQ# ISCK0079**  
**Data Circuit for Flatwoods**  
**Pricing Sheet**

**INSTALLATION**

All labor, materials, and any other costs to install (1) ~~Gig~~ Full duplex data circuit  
 100 mb

Subtotal Bid A: Installation

\$ ~~0~~

**Monthly Service Charge**

Description	Unit Cost (per month)	Quantity	Extended Cost
Maintenance and support of (1) <del>Gig</del> Full duplex circuit 100 mb	\$ 3,600	24 months	\$ 86,400
Subtotal B: Maintenance/Support			\$ 86,400

**Total Bid: \$ 86,400**

(Subtotal A + Subtotal B)

As requested in the body of the RFQ, this is the quote for 100 Mbps full duplex circuit.

**RFQ# ISCK0079**  
**Data Circuit for Flatwoods**  
**Pricing Sheet**

**INSTALLATION**

All labor, materials, and any other costs to install (1) Gig Full duplex data circuit	\$ 0
<b>Subtotal Bid A: Installation</b>	<b>\$ 0</b>

**Monthly Service Charge**

Description	Unit Cost (per month)	Quantity	Extended Cost
Maintenance and support of (1) Gig Full duplex circuit	\$6,750	24 months	\$162,000
<b>Subtotal B: Maintenance/Support</b>			<b>\$162,000</b>

**Total Bid: \$162,000**

(Subtotal A + Subtotal B)

This is the price sheet provided in the RFQ for pricing for 1 Gig circuit.

RFQ No. ISCK 0079

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: FiberNet

Authorized Signature: Jerry C. Smaw Date: 3/2/10

State of WV

County of Kanawha, to-wit:

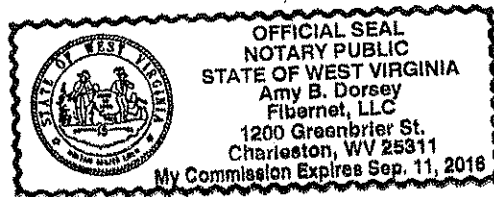
Taken, subscribed, and sworn to before me this 2<sup>nd</sup> day of March, 2010.

My Commission expires Sept 11, 2016, 20  .

AFFIX SEAL HERE

NOTARY PUBLIC

Amy B Dorsey



# 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: Fiber Net

Signed: Jerry C. Smaw

Date: 3/2/10

Title: Vice Pres Operations & Wholesale

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



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
ISCK0079

PAGE
1

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

*423152404	304-720-2149
FIBERNETLLC	
1200 GREENBRIER ST	
CHARLESTON WV 25311-1002	

DEPARTMENT OF ADMINISTRATION JOBSITE SEE SPECIFICATIONS
---

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
03/01/2010				

BID OPENING DATE: 03/18/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
***** END ADDENDUM NO. 3 *****						
ADDENDUM NO. 4  THIS ADDENDUM IS ISSUED TO:  1.) ANSWER ALL TECHNICAL QUESTIONS SUBMITTED IN ACCORDANCE WITH THE PROVISIONS OF THE RFQ AND  2.) EXTEND THE BID OPENING DATE.  BID OPENING DATE IS EXTENDED TO: 03/18/2010 BID OPENING TIME REMAINS: 1:30 PM  ***** END ADDENDUM NO. 4 *****						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
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TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
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WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



ADDENDUM # 1 FOR ISCK0079

1Q. When does the State of WV take possession of the building/space?

1A. June 1<sup>st</sup> 2010.

2Q. Can the installation of the circuit be adjusted from the 21 calendar days based on the time the State takes possession vs the Purchase Order?

2A. The circuit must be in and operational by June 1, 2010. Arrangements to get into the building can be made by calling Sam Payton at 304-558-8102.

3Q. Can the bid opening be extended?

3A. Yes, we can change the bid opening date to 1:30pm on March 18, 2010.

**SIGN IN SHEET**

Request for Proposal No. \_\_\_\_\_

PLEASE PRINT

Page 1 of 1

Date: 2/23/10

\* PLEASE BE SURE TO PRINT LEGIBLY - IF POSSIBLE, LEAVE A BUSINESS CARD

FIRM & REPRESENTATIVE NAME	MAILING ADDRESS	TELEPHONE & FAX NUMBERS
Company: <u>Fiber Net</u>	<u>1200 Greenbrier St</u>	PHONE <u>304.720.2108</u>
Rep: <u>Terry Smarr</u>	<u>Charleston WV 25311</u>	TOLL FREE <u>800-320-6144</u>
Email Address: <u>ts.smarr@wifiber.net.net</u>		FAX <u>304.720.2121</u>
Company: <u>FiberNet</u>		PHONE <u>3047205204</u>
Rep: <u>Robert Legg</u>	<u>1200 Greenbrier St</u>	TOLL FREE <u>800 320 6144</u>
Email Address: <u>rlegg@wifiber.net</u>	<u>Charleston WV 25311</u>	FAX <u>3047202121</u>
Company: <u>Verizon</u>	<u>1500 MacCortle Rd</u>	PHONE <u>344-6700</u>
Rep: <u>Sandy Hawkins</u>	<u>Chas WV 25314</u>	TOLL FREE
Email Address: <u>Sandra.K.hawkins@verizonbusiness.com</u>		FAX <u>341-1464</u>
Company: _____		PHONE _____
Rep: _____		TOLL FREE _____
Email Address: _____		FAX _____
Company: _____		PHONE _____
Rep: _____		TOLL FREE _____
Email Address: _____		FAX _____



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  
 TSCK0079

PAGE  
 1

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

VENDOR

\*423152404      304-720-2149  
 FIBERNETLLC  
 1200 GREENBRIER ST  
 CHARLESTON WV 25311-1002

SHIP TO

DEPARTMENT OF ADMINISTRATION  
 JOBSITE  
 SEE SPECIFICATIONS

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
02/16/2010				

BID OPENING DATE: 03/02/2010      BID OPENING TIME: 01:30PM

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 3						
THIS ADDENDUM IS ISSUED TO EXTEND THE DEADLINE FOR TECHNICAL QUESTIONS INADVERTANTLY OMITTED FROM ADDENDUM NO. 2.						
DEADLINE FOR TECHNICAL QUESTIONS IS EXTENDED TO: 02/25/2010 AT THE CLOSE OF BUSINESS.						
***** END ADDENDUM NO. 3 *****						
0001	1	EA		205-43		
100 MEG UPGRADABLE TO 1 GIG FOR DHHR - SUTTON						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
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TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
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WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



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

# Request for Quotation

RFQ NUMBER  
**ISCK0079**

PAGE  
**1**

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

**VENDOR**  
 \*423152404      304-720-2149  
 FIBERNETLLC  
 1200 GREENBRIER ST  
 CHARLESTON WV 25311-1002

**SHIP TO**  
 ALL STATE AGENCIES  
 AND POLITICAL SUBDIVISIONS  
 VARIOUS LOCALES AS INDICATED  
 BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
02/12/2010				

BID OPENING DATE: **03/02/2010**      BID OPENING TIME: **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 2						
THIS ADDENDUM IS ISSUED TO:						
1.) RESCHEDULE THE MANDATORY PRE-BID MEETING. THE MANDATORY PRE-BID MEETING REFERENCED IN THE REQUEST FOR QUOTATION IS RESCHEDULED FOR 02/23/2010 AT 11:00 AM AT THE DISASTER RECOVERY CENTER IN SUTTON, WV, AND						
2.) EXTEND THE BID OPENING DATE.						
BID OPENING DATE IS EXTENDED TO: 03/02/2010						
BID OPENING TIME REMAINS: 1:30 PM						
***** END ADDENDUM NO. 2 *****						
0001	1	EA		205-43		
100 MEG UPGRADABLE TO 1 GIG FOR DHHR - SUTTON						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
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TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
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WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



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

**Request for  
 Quotation**

RFQ NUMBER
ISCK0079

PAGE
1

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

VENDOR

\*423152404      304-720-2149  
 FIBERNETLLC  
 1200 GREENBRIER ST  
 CHARLESTON WV 25311-1002

SHIP TO

ALL STATE AGENCIES  
 AND POLITICAL SUBDIVISIONS  
 VARIOUS LOCALES AS INDICATED  
 BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
02/09/2010				

BID OPENING DATE: 02/18/2010      BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 1						
THIS ADDENDUM IS ISSUED TO CANCEL THE MANDATORY PRE-BID MEETING ON 02/09/2010 AT 11:00 AM AT THE DISASTER RECOVERY CENTER LOCATED AT 89 RICHARD D. MINNICH DRIVE IN SUTTON, WV. THIS MEETING WILL BE RESCHEDULED AT A LATER DATE.						
BID OPENING DATE REMAINS: 02/18/2010 BID OPENING TIME REMAINS: 1:30 PM						
0001	1	EA		205-43		
100 MEG UPGRADABLE TO 1 GIG FOR DHHR - SUTTON						
***** THIS IS THE END OF RFQ ISCK0079 ***** TOTAL:						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
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TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
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WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'