



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
03110320

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
BUYER 33 304-558-2402

VENDOR

*709043703 304-425-8769
 ACME WOOD PRESERVING INC
 PO BOX 1717

 PRINCETON WV 24740

SHIP TO

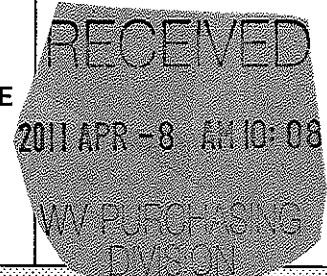
DIVISION OF HIGHWAYS
 DISTRICT THREE

 624 DEPOT ST
 PARKERSBURG, WV
 26101 304-420-4595

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B	FREIGHT TERMS
03/16/2011	NET 30 DAYS	BEST WAY	DESTINATION	

BID OPENING DATE: 04/13/2011 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA		540-44	(see page 9)	\$21,420. ⁰⁰
PINE AND OAK BRIDGE LUMBER						
REQUEST FOR QUOTATION (RFQ)						
THE WEST VIRGINIA STATE PURCHASING DIVISION FOR THE AGENCY, THE WEST VIRGINIA DIVISION OF HIGHWAYS, IS SOLICITING BIDS FOR A CONTRACT TO PROVIDE PINE AND OAK BRIDGE LUMBER PER THE ATTACHED SPECIFICATIONS.						
THE APPROVED FABRICATOR'S LIST HEREIN ESTABLISHES A LIST OF PRODUCTS THAT MEET THE ACCEPTABLE LEVEL OF QUALITY AND IS NOT INTENDED TO REFLECT A PREFERENCE OR FAVOR ANY PARTICULAR BRAND OR VENDOR. ANY FABRICATOR MEETING THE ESTABLISHED LEVEL OF QUALITY MAY BECOME AN APPROVED FABRICATOR AND BE ADDED TO THE APPROVED FABRICATOR'S LIST IN ACCORDANCE WITH THE APPROVAL PROCEDURES FOUND IN MP 700.00.55 GUIDELINES FOR ESTABLISHING APPROVED LISTS OF MATERIALS AND SOURCES. A COPY OF MP 700.00.55 MAY BE FOUND AT:						
HTTP://WWW.TRANSPORTATION.WV.GOV/HIGHWAYS/MCST/PAGES/MATERIALPROCEDURES.ASPX						
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.						



SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE <i>Chutech D. Th</i>	TELEPHONE 304/425-8769	DATE 4/5/11	
TITLE Sales Representative	FEIN 55-054578F	ADDRESS CHANGES TO BE NOTED ABOVE	

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

GENERAL TERMS & CONDITIONS
REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. 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).



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 DISTRICT THREE

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BID OPENING DATE: 04/13/2011		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>TECHNICAL QUESTIONS CONCERNING THIS SOLICITATION MUST BE SUBMITTED IN WRITING TO SHERI SLONE 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 SHERI.D.SLONE@WV.GOV. DEADLINE FOR ALL TECHNICAL QUESTIONS IS 03/30/2011 AT THE CLOSE OF BUSINESS. ANY TECHNICAL QUESTIONS RECEIVED WILL BE ANSWERED BY FORMAL ADDENDUM TO BE ISSUED BY THE PURCHASING DIVISION AFTER THE DEADLINE HAS LAPSED.</p> <p>EXHIBIT 10</p> <p style="text-align: right;">REQUISITION NO.: 03110320....</p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED 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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Christy D. Th...</i>	TELEPHONE 304/425-8769	DATE 4/5/11
TITLE Sales Representative	FEIN 55-0545788	ADDRESS CHANGES TO BE NOTED ABOVE

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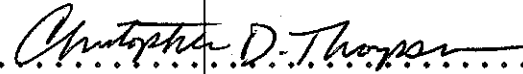
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<p>THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</p> <p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p style="text-align: right;">  SIGNATURE ACME WOOD PRESERVING, INC. COMPANY 4/5/11 DATE </p> <p>NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.</p> <p>REV. 09/21/2009</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>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE 	TELEPHONE 304/425-8769	DATE 4/5/11
TITLE Sales Representative	FEIN 55-0545788	ADDRESS CHANGES TO BE NOTED ABOVE

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DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130						
THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED: SEALED BID BUYER: SHERI SLONE - FILE 33 RFQ. NO.: 03110320 BID OPENING DATE: 04/13/2011 BID OPENING TIME: 1:30 PM PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: 304/425-1496 CONTACT PERSON (PLEASE PRINT CLEARLY): Christopher D. Thompson						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Chris D. Thompson</i>	TELEPHONE 304/425-8769	DATE 4/5/11
TITLE Sales Representative	FEIN 55-0545788	ADDRESS CHANGES TO BE NOTED ABOVE

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***** THIS IS THE END OF RFQ 03110320 ***** TOTAL:						<u>\$21,420.⁰⁰</u>

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *Charles D. T...* TELEPHONE: 304/425-8769 DATE: 4/5/11

TITLE: Sales Representative FEIN: 55-0545788 ADDRESS CHANGES TO BE NOTED ABOVE

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

Specifications

Purpose: To establish a purchase order to provide the West Virginia Division of Highways with Pine and Oak Bridge Lumber for District Three Bridge.

1.0 DEFINITIONS

- A. The "Agency" shall be defined as the West Virginia Division of Highways
- B. The "Vendor" shall be defined as the successful bidder.
- C. The "Purchase Order" shall be defined as the binding agreement that is entered into between the State of West Virginia and the Vendor to provide the services as herein specified.
- D. "Mandatory Requirements: The terms "must", "will", "shall", "minimum", "maximum", or "is/are required" identify a mandatory item or factor. Decisions regarding compliance with any mandatory requirements shall be at the sole discretion of the State.

2.0 SCOPE OF WORK

The successful Vendor shall provide pine and oak bridge lumber to District Three Bridge Department.

Technical Requirements:

Material supplied under this contract shall meet the applicable requirements of Section 710 of the West Virginia Department of Transportation, Division of Highways Standard Specifications Road and Bridges, adopted 2010. These Standard Specifications Roads and Bridges and the current Supplemental Specifications are available at the following website:

www.transportation.wv.gov/highways/engineering/Pages/publications.aspx

Material supplied under this contract shall be pressure treated using Chromated Copper Arsenate (CCA) – Type B or Type C, 100% pure oxide formulation only as the preserving salt. Kiln drying after treatment will be necessary.

- 2.1 All treated material must be supplied from an approved preserving plant or acceptance testing and approval shall be obtained by the vendor prior to delivery. A list of approved treatment plants is available from:

West Virginia Division of Highways
Material Control, Soils, and Testing
190 Dry Branch Road
Charleston, WV 25306

Pine Bridge Lumber (S4S)

Pine bridge lumber shall be No. 1 Dense or better, surface four sides and treated in accordance with AWPA Standard C-14 to .60 pounds per cubic foot salt retention.

Treated Pine Structural Timber Rough Sawed

Pine Structural Timber shall be No. 2 or better, treated in accordance with AEPA Standard C-14 to .60 pounds per cubic foot salt retention.

Untreated White Oak Bridge Lumber Rough Sawed

Untreated White Oak Bridge Lumber Rough Sawed shall meet the Standards of the National Hardwood Lumber Association for Sound Square Edge. Untreated White Oak shall be unsurfaced, but shall be sized by being processed through a hit or miss surface.

2.2 Freight

2.2.1 All shipments are to be FOB Destination.

2.2.2 The vendor shall be responsible for all costs associated with delivery to the job site.

2.3 Delivery

2.3.1 The above material is to be delivered to the West Virginia Division of Highways, District Three lot, located at ~~1423 Mill Run Road, I-77 and WV 47 interchange, Parkersburg, WV~~ (Quonset hut):

626 DEPOT ST.

STORE ROOM SUPERVISOR

2.3.2 Vendor to notify District Three ~~Bridge Engineer, Cliff Essig,~~ two (2) days prior to delivery at (304) 420-~~4674~~. 4669

MARTY RHODES

3.0 INVOICING

3.1 Payment

3.1. The Vendor must send an invoice to:

West Virginia Division of Highways
District Three
624 Depot Street
Parkersburg, WV 26101
Attn: Beverly Myers

4.0 AWARD

Purchase order will be awarded complete and not split.

COT 4/5/4

Cost Sheet
RFQ #: 03-11-0320

Item Number	Quantity	Description	Unit Price	Amount
		Pine Bridge Lumber (S4S) Treated		
		Type/Dimension		
1	300 EA	2"x4"x14' 017 001 020414	# 7.65	#2,295.00
2	500 EA	2"x4"x16' 017 001 020416	8.80	4,400.00
3	300 EA	2"x6"x16' 017 001 020616	12.40	3,720.00
		Untreated White Oak Lumber- Rough Sawed		
4	100 EA	3"x8"x14' 017 003 030814	24.85	2,485.00
5	300 EA	3"x8"x16' 017 003 030816	28.40	8,520.00
		Total Amount		#21,420.00

ACME WOOD PRESERVING, INC

Robert D. Thomas 4/5/11

SECTION 710 WOOD MATERIALS

710.1-STRUCTURAL MATERIALS:

Timber, lumber, piles, posts, and blocks shall meet the requirements of AASHTO M168. Preservation and Treatment plants shall meet the requirements of the Book of Standards of the American Wood-Preservers' Association (AWPA).

710.2-SPECIES AND GRADE:

710.2.1-Structural softwood shall meet the requirements of the Southern Pine Inspection Bureau (SPIB) grading rules. All wood for structural use shall be visually or mechanically graded for the requirements shown on the Plans or specified in the contract.

710.2.2-Structural hardwood shall meet the requirements of AASHTO M168 or the Northeastern Lumber Manufacturers Association (NeLMA) structural grades. The grade and species required shall be as shown on the Plans or specified in the contract.

710.2.3-Hardwood used for bridge decking shall meet the Standards of the National Hardwood Lumber Association (NHLA) for sound square edge, be rough sawn and sized by being processed through a hit or miss surfacer.

710.2.4-All graded material may either carry the appropriate grade stamp, or be inspected by an independent inspection agency approved by the Division.

710.3-PRESERVATIVE TREATMENT:

All timber products requiring preservative treatment by pressure processes shall meet the requirements of AWPA C1 in addition to the specific requirements listed below.

710.3.1-All hardwood for highway construction shall meet the requirements of AWPA Standard C2 for all waterborne preservatives, and shall be pressure treated to refusal. The Chromated Copper Arsenate (CCA) shall no longer be used as a waterborne preservative to treat hardwood.

710.3.2-All softwood for highway construction shall meet the requirements of AWPA C14.

710.3.3-All wood products for commercial construction shall meet the requirements of AWPA C15.

The quantity of preservative shall be as required above, unless modified by the Plans or purchase order.

710.3.4-The preservative shall be one of the following:

710.3.4.1-Coal tar creosote meeting AWPA P1. Creosote shall be analyzed by AWPA A1.

710.3.4.2-Waterborne meeting AWPA P5. Waterbornes shall be analyzed by AWPA A2 and/or A9.

710.3.5-Preservative retention shall be determined by gauge or assay. The gauge method shall be approved by the Division for each treatment plant. The assay methods shall be as follows:

710.3.5.1-Coal tar creosote by AWPA A6.

710.3.5.2-Waterborne by AWPA A11.

710.4-TREATMENT PLANTS:

Material treated with preservative may be purchased from certified or noncertified plants. Both type of plants shall adhere to the quality control procedures of AWPA M2.

710.4.1-Certified Plants: The Division's procedure for plant certification is defined in MP 710.01.40.

710.4.2-Noncertified Plants: Material purchased from noncertified plants will be tested on a lot by lot basis. The inspection shall be performed by a Division approved inspection agency. The cost of the inspection will be paid by the supplier. Shipments from noncertified plants shall be documented as described in MP 710.01.40.

710.5-WOOD POSTS:

Wood posts shall meet the requirements of ASSHTO M168 except round posts may be used for guardrail.

710.5.1-Round posts for guardrail shall meet the requirements of Section 5 "Material Requirements" of ANSI 05.1. Round posts for guardrail shall be from the major or minor species of Southern Pine.

710.5.2-Rectangular posts for guardrail shall be No. 1 major or minor species of Southern Pine as defined in Section 400 of the SPIB grading rules.

710.5.3-Dimensions of all guardrail posts except as noted on the Plans shall be as follows:

Round Guardrail Posts

Diameter: 7" \pm 1/4" (177 mm \pm 6 mm) throughout the length except as noted on Plans.
 Length: 6' \pm 1/2" (1 828 mm \pm 13 mm)

Rectangular Guardrail Posts

Size: 6" \pm 1/4" X 8" \pm 1/4" (152 mm \pm 6 mm by 203 mm \pm 6 mm) throughout the length except as noted on Plans
 Length: 6' \pm 1/2" (1 828 mm \pm 13 mm)

710.5.4-Dimensions of wood posts for fence and signs shall be as shown on the Plans.

710.6-PLYWOOD:

710.6.1-Plywood shall meet the requirements of Product Standard PS-1 of U.S. Department of Commerce. All plywood shall be identified with the mark of a qualified inspection and testing agency. The identification shall include:

710.6.1.1-Species group classification, or class number, or span rating, depending on grade.

710.6.1.2-Either interior or exterior.

710.6.1.3-Grade name or grade of face and back veneers.

710.6.1.4-The symbol PS-1 signifying conformance with the standard.

710.6.2-Exterior plywood shall be bonded with exterior glue and the veneers used in manufacture cannot be less than grade C as defined in PS-1.

710.7-COMMON LUMBER:

710.7.1-Common lumber is untreated and suitable for general construction and utility purposes. Common lumber is from 2 inches (50 mm) to but not including 5 inches (125 mm) thick and is 2 inches (50 mm) or more in width. Common lumber shall be grade 2 or better when graded by the Board of Review of the American Lumber Standards Committee.

710.8-SERVICE AND LIGHTING POLES:

710.8.1: Wood Service or lighting poles shall be ANSI Class 5, or larger, or as called for on the contract plans. Lighting poles shall be southern yellow pine and service poles shall be either southern yellow pine or Douglas fir. The poles shall be pressure-treated with copper chromium arsenate (CCA) to meet the requirements of AWPA C-14.



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ADDENDUM NO. 1						
THIS ADDENDUM IS ISSUED TO PROVIDE CHANGES TO THE FOLLOWING SPECIFICATION SECTIONS:						
2.3.1 - FROM						
THE ABOVE MATERIAL IS TO BE DELIVERED TO THE WEST VIRGINIA DIVISION OF HIGHWAYS, DISTRICT THREE LOT LOCATED AT 1423 MILL RUN ROAD, 1-77 AND WV 47 INTERCHANGE PARKERSBURG, WV (QUONSET HUT).						
2.3.1 TO:						
THE ABOVE MATERIAL IS TO BE DELIVERED TO WEST VIRGINIA DIVISION OF HIGHWAYS, DISTRICT THREE LOT LOCATED AT 626 DEPOT STREET, PARKERSBURG, WV 26101.						
2.3.2 FROM:						
VENDOR TO NOTIFY DISTRICT THREE BRIDGE ENGINEER CLIFF ESSIG, TWO (2) DAYS PRIOR TO DELIVERY AT 304-420-4674.						
2.3.2 TO:						
VENDOR TO NOTIFY DISTRICT THREE STOREROOM SUPERVISOR MARTY RHODES, TWO (2) DAYS PRIOR TO DELIVERY AT 304-420-4669.						
*****END ADDENDUM NO. 1*****						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Christ P. Th</i>	TELEPHONE 304/425-8769	DATE 4/5/11
TITLE <i>Sales Representative</i>	FEIN 55-0545788	ADDRESS CHANGES TO BE NOTED ABOVE

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BID OPENING DATE: 04/13/2011 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA		540-44		
				PINE AND OAK BRIDGE LUMBER	(See Page 9)	\$ 21,420. ⁰⁰
***** THIS IS THE END OF RFQ 03110320 ***** TOTAL:						\$ 21,420. ⁰⁰

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Clayton D. Th...</i>	TELEPHONE 304/425-8769	DATE 4/5/11
TITLE Sales Representative	FEIN 55-0545788	ADDRESS CHANGES TO BE NOTED ABOVE

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

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: ACME WOOD PRESERVING, INC Signed: Christopher D. Thayer

Date: 4/15/11 Title: Sales Representative

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

RFQ No. 03110320

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 exceed 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: ACME WOOD PRESERVING, INC

Authorized Signature: Christopher D. Thompson Date: 4/5/11

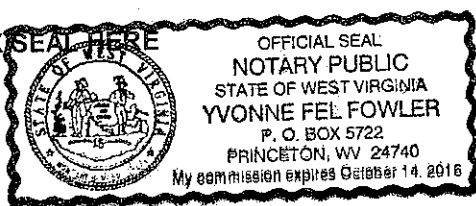
State of WEST VIRGINIA

County of MERCER, to-wit:

Taken, subscribed, and sworn to before me this 5th day of April, 2011.

My Commission expires Oct. 14, 2016.

AFFIX SEAL HERE



NOTARY PUBLIC

Yvonne Fel Fowler