



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
 6611C014

PAGE
 1

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

VENDOR FOR

*228135539 541-928-5868
 S&S SEEDS LLC
 PO BOX 947
 ALBANY OR 97321-0354

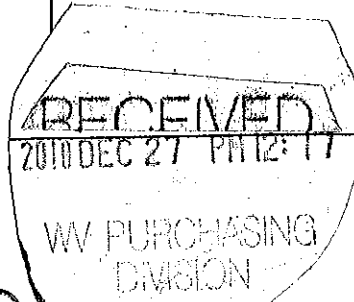
SHIP TO

DIVISION OF HIGHWAYS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
12/13/2010				

BID OPENING DATE: 12/28/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA		595-15		
<p>TO PROVIDE WITH LOWER SEEDS PACKAGED AS INDIVIDUAL</p> <p>REQUEST FOR QUOTATION (RFQ) OPEN END CONTRACT</p> <p>THE WEST VIRGINIA STATE PURCHASING DIVISION FOR THE AGENCY, THE WEST VIRGINIA DIVISION OF HIGHWAYS, IS SOLICITING BIDS FOR AN OPEN END CONTRACT TO PROVIDE INDIVIDUAL, NATIVE, PERENNIAL, ANNUAL PACKAGED SEED PER THE ATTACHED SPECIFICATIONS</p> <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 304-558-2596, OR VIA EMAIL AT SHERI.D.SLONE@WV.GOV. DEADLINE FOR ALL TECHNICAL QUESTIONS IS 12/21/2010 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>REQUISITION NO.:</p> <p>ADDENDUM ACKNOWLEDGEMENT</p>						



SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *Michael A. Billman* TELEPHONE: *541-928-5863* DATE: *12/23/10*
~~303-838-478~~

TITLE: *Manager* FEIN: *93-125-3586* ADDRESS CHANGES TO BE NOTED ABOVE

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



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<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 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;"> <i>Michael A. Billman</i> SIGNATURE <i>S&S Environmental Seeds</i> COMPANY 12/23/10 DATE </p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Michael A. Billman</i>	TELEPHONE <i>541-928-5868</i>	DATE <i>12-23-10</i>
TITLE <i>Manager</i>	FEIN <i>93-1253586</i>	ADDRESS CHANGES TO BE NOTED ABOVE

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<p>NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.</p> <p>REV. 09/21/2009</p> <p>EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON AND 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 AIME" 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 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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Michael A. Billman</i>	TELEPHONE <i>541-928-5868</i>	DATE <i>12-23-10</i>
TITLE <i>Manager</i>	FEN <i>93-1253586</i>	ADDRESS CHANGES TO BE NOTED ABOVE

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

RODNEY

*228135539 541-928-5868
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<p>TO THE SPECIFICATIONS OF THE BID AND CONTRACT' HEREIN.</p> <p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p> <p>QUANTITIES: QUANTITIES LISTED IN THE REQUISITION ARE APPROXIMATIONS ONLY, BASED ON ESTIMATES SUPPLIED BY THE STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF THE CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p> <p>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN STATE CONTRACT ORDER (FORM NUMBER WV-39) TO THE VENDOR FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL COPY OF THE WV-39 SHALL BE MAILED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT, A SECOND COPY MAILED TO THE PURCHASING DIVISION, AND A THIRD COPY 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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Michelle A. Bellman</i>	TELEPHONE 541-928-5868	DATE 12-23-10
TITLE <i>Manager</i>	FEIN 93-125 3586	ADDRESS CHANGES TO BE NOTED ABOVE

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<p>ELECTRONIC MEDIUM SUCH AS CD-ROM.</p> <p>REV. 05/26/2009</p> <p>PURCHASING CARD ACCEPTANCE: THE STATE OF WEST VIRGINIA CURRENTLY UTILIZES A VISA PURCHASING CARD PROGRAM WHICH IS ISSUED THROUGH A BANK. THE SUCCESSFUL VENDOR MUST ACCEPT THE STATE OF WEST VIRGINIA VISA PURCHASING CARD FOR PAYMENT OF ALL ORDERS PLACED BY ANY STATE AGENCY AS A CONDITION OF AWARD.</p> <p>EXHIBIT 4</p> <p>LOCAL GOVERNMENT BODIES: UNLESS THE VENDOR INDICATES IN THE BID HIS REFUSAL TO EXTEND THE PRICES, TERMS, AND CONDITIONS OF THE BID TO COUNTY, SCHOOL, MUNICIPAL AND OTHER LOCAL GOVERNMENT BODIES, THE BID SHALL EXTEND TO POLITICAL SUBDIVISIONS OF THE STATE OF WEST VIRGINIA. IF THE VENDOR DOES NOT WISH TO EXTEND THE PRICES, TERMS, AND CONDITIONS OF THE BID TO ALL POLITICAL SUBDIVISIONS OF THE STATE, THE VENDOR MUST CLEARLY INDICATE SUCH REFUSAL IN HIS BID. SUCH REFUSAL SHALL NOT PREJUDICE THE AWARD OF THIS CONTRACT IN ANY</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</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Michael A. Billman</i>	TELEPHONE 541-928-5868	DATE 12-23-10
TITLE <i>Manager</i>	FEIN 93-123 3586	ADDRESS CHANGES TO BE NOTED ABOVE

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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
				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.: 6611C014 BID OPENING DATE: 12/28/2010 BID OPENING TIME: 1:30 PM PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- 541-928-5581 ----- CONTACT PERSON (PLEASE PRINT CLEARLY): ----- Mike Billman -----						
0002		EA		595-15		
	1					
TO PROVIDE WILDFLOWER SEEDS PACKAGED AS NATIVE						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE	TELEPHONE	DATE	
<i>Michael A. Billman</i>	541-928-5868	12-23-10	
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE	
<i>Manager</i>	93-125-3586		

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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0003	1	EA		595-15		
TO PROVIDE WILDFLOWER CUSTOM/PERENNIAL SEED MIX						
0004	1	EA		595-15		
TO PROVIDE WILDFLOWER CUSTOM/ANNUAL SEED MIX						
***** THIS IS THE END OF RFQ 6611C014 ***** TOTAL:						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE	TELEPHONE	DATE	
<i>Michael P. Bellman</i>	541-928-5868	12/23/10	
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE	
<i>Manager</i>	93-1253586		

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

SPECIFICATIONS

Seed must be United States origin.

Successful vendor(s) must provide documentation with each delivery that seed is grown in North America for a period of three growing seasons prior to seed harvest.

Quantities are for pure live seed (PLS).

No substitutions of species will be accepted.

Minimum 80% germination

Minimum 98% purity

Proof of germination and purity must be attached to each bag of seed.

All seed shipped must meet West Virginia Chapter 19, Article 16, Section 2, labeling requirements. All seed shall be tested by a certified seed laboratory with certified results submitted to the purchaser in writing at the time of delivery.

The state of West Virginia will randomly test seed for purity and germination.

Shipping must be FOB

CONTRACT AWARD

Qualified vendors who submit a valid low bid will be awarded a contract for those items for which their bid is low. The State of West Virginia reserves the right to make multiple awards on this contract when it is in the best interest of the State.

ACCEPTANCE PLAN

With each delivery of wildflowers to the Division, the vendor will certify that the products so delivered do conform to the materials specifications. Material failing to comply with the quality requirement will not be accepted.

BID QUANTITIES

Vendor should base quotation on estimated pure live seed (PLS) quantities.

Vendors are cautioned that the quantities on the Attachment I: Cost Sheet, are estimates only. Estimated quantities are intended for bid evaluation purposes only. Actual orders will be for the required needs of the Division of Highways.

**RFQ#: 66-11-C014 -- Wildflower Seeds
Attachment I: Cost Sheet**

The vendor must provide pricing inclusive of all associated costs for the following items including the cost of delivery. The estimated quantities contained in this cost sheet are intended for bid evaluation purposes only. Actual quantities may vary based upon the needs of the Division of Highways.

Item No.	Description -- Genus and Species				Unit Cost Per Pound	Estimated Quantity	Extended Cost
1	Red Straight Poppy/Flaners Poppy/Papaver Rhoeas (Papaveraceae)	Purity	%	Germination	%	14.87	300 pounds (PLS) \$4461.00
			98		85		
2	Dwarf Cornflower/Straight Blue Bachelor's Button/Centaurea Cyanus (Asteraceae)	Purity	%	Germination	%	6.95	400 pounds (PLS) \$2780.00
			98		85		
3	Plain Coreopsis/Calliopsis/Coreopsis Tinctoria (Asteraceae)	Purity	%	Germination	%	No Bid	400 pounds (PLS)
4	Crest Red Cosmos/Cosmos Sulphureus	Purity	%	Germination	%	No Bid	200 pounds (PLS)
5	Wild Cosmos/Cosmos Bipinnatus (Asteraceae)	Purity	%	Germination	%	11.29	700 pounds (PLS) \$7903.00
			98		80		
6	Yellow Cosmos/Cosmos Sulphureus (Asteraceae)	Purity	%	Germination	%	No Bid 10.60 (MD)	100 pounds (PLS)
			97		80		
7	Blanket Flower/Gaillardia Aristata (Asteraceae)	Purity	%	Germination	%	No Bid	300 pounds (PLS)
8	Golden Lupine/Lupinus Densiflorus	Purity	%	Germination	%	18.19	200 pounds (PLS) \$3638.00
			98		75		

9	Rocket Lockspur/Delphinium Ajacis	Purity	98	%	Germination	85	%	\$18.19	700 pounds (PLS)	\$12,733.00
10	Tickseed/lance-leaved Coreopsis/Coreopsis Lanceolata	Purity		%	Germination		%	\$14.29	200 pounds (PLS)	\$2858.00
11	Ox-Eyed Daisy/Chrysanthemum Leucanthemum	Purity		%	Germination		%	\$22.79	200 pounds (PLS)	\$4558.00
12	Butterfly Weed/Asclepias Tuberosa	Purity		%	Germination		%	No Bid	100 pounds (PLS)	
13	Black-Eyed Susan/Rudbeckia Hirta	Purity		%	Germination		%	\$16.19	300 pounds (PLS)	\$4857.00
14	Beard-Tongue/Penstemon Digitalis	Purity		%	Germination		%	No Bid	100 pounds (PLS)	

Item No.	Description -- Genus and Species		Unit Cost Per Pound	Estimated Quantity	Extended Cost
15	Custom Mix - Perennial Mix (Packaged in 8.0 pound bags)		\$16.89	5000 pounds (PLS)	\$84,450
	20% by Weight	25.3% by Seed			
	(Chrysanthemum)	Purity	%	Maximum Shasta Daisy	Germination %
	32% by Weight	26.2% by Seed		Tickseed/Coreopsis, Lance Leaved	Germination %
	(Coreopsis lanceolata)	Purity	%	Germination	%
	40% by Weight	22.9% by Seed		Purple Coneflower	Germination %
	(Echinacea purpurea)	Purity	%	Black-Eyed Susan	Germination %
	8% by Weight	25.6% by Seed		Germination	%
	(Rudbeckia hirta)	Purity	%		
16	Custom Mix - Annual Mix (Packaged in 8.0 pound bags)			5000 pounds (PLS)	
	25% by Weight	8.4% by Seed			
	(Centaurea cyanus)	Purity	%	Dwarf Cornflower	Germination %
	5% by Weight	20.7% by Seed		Plains Coreopsis	Germination %
	(Coreopsis tinctoria)	Purity	%	Wild Cosmos	Germination %
	20% by Weight	5.2% by Seed		Yellow Cosmos	Germination %
	(Cosmos bipinnatus)	Purity	%	California Poppy	Germination %
	35% by Weight	6.8% by Seed		Red Poppy	Germination %
	(Cosmos sulphureus)	Purity	%	Germination	%
	10% by Weight	8.7% by Seed			
	(Eschscholzia California)	Purity	%		
	5% by Weight	50.2% by Seed			
	(Papaver rhoeas)	Purity	%		

No Bid

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: S4S/Environmental Supply Products Signed: Michael A. Billman
Date: 12-22-10 Title: manager

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

RFQ No. 6611C014

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: 345 Environmental Social Producers

Authorized Signature: Michelle A. Bellman Date: 12-23-10

State of OR

County of Linn, to-wit:

Taken, subscribed, and sworn to before me this 23 day of December, 2010

My Commission expires 02/18/2014, 20

AFFIX SEAL HERE

NOTARY PUBLIC Denise Ann Wheeler

