



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
ISCL0048

PAGE
1

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

RFQ COPY

TYPE NAME/ADDRESS HERE

**AMERICAN POWER & LTG. SYS.
 P O BOX 8341
 S CHARLESTON WV 25303**

DEPARTMENT OF ADMINISTRATION
 IS&C - COMMUNICATIONS
 1900 KANAWHA BLVD. E.
 BUILDING 5, 10TH FLOOR
 CHARLESTON, WV
 25305 304-558-5472

DATE PRINTED 12/10/2010	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
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BID OPENING DATE: **01/12/2011** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA		287-54		95081.07
<p>THREE PHASE UNINTERRUPTIBLE POWER SUPPLY</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 AND INSTALL ONE (1) NEW LEIBERT SERIES 80KVA NX THREE PHASE UNINTERRUPTIBLE POWER SUPPLY, MODEL 38SA081A0A00 (OR EQUAL) PER THE ATTACHED SPECIFICATIONS.</p> <p>TECHNICAL QUESTIONS MUST BE SUBMITTED IN WRITING TO KRISTA FERRELL IN THE WEST VIRGINIA STATE PURCHASING DIVISION VIA MAIL AT THE ADDRESS SHOWN IN THE BODY OF THIS RFQ, VIA FAX AT 304-558-4115, OR VIA EMAIL AT KRISTA.S.FERRELL@WV.GOV. DEADLINE FOR ALL TECHNICAL QUESTIONS IS WEDNESDAY, DECEMBER 22, 2010 AT THE CLOSE OF BUSINESS. ALL TECHNICAL QUESTIONS RECEIVED WILL BE ANSWERED BY FORMAL ADDENDUM TO BE ISSUED BY THE PURCHASING DIVISION AFTER THE DEADLINE HAS LAPSED.</p> <p>NOTICE TO PROCEED: THE INSTALLATION OF THE EQUIPMENT SHALL BE PERFORMED WITHIN 60 CALENDAR DAYS AFTER THE NOTICE TO PROCEED IS RECEIVED. THE RECEIVED PURCHASE ORDER SHALL SERVE AS THE NOTICE TO PROCEED.</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>						

RECEIVED

2011 JAN 20 PM 12:07

WV PURCHASING DIVISION

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]* TELEPHONE: **304 546 1177** DATE: **1-19-11**

TITLE: **OWNER** FEN: **118586557** ADDRESS CHANGES TO BE NOTED ABOVE

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



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 304-558-2596**

RFQ COPY
 TYPE NAME/ADDRESS HERE

DEPARTMENT OF ADMINISTRATION
 IS&C - COMMUNICATIONS
 1900 KANAWHA BLVD. E.
 BUILDING 5, 10TH FLOOR
 CHARLESTON, WV
 25305 304-558-5472

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
12/10/2010				

BID OPENING DATE: **01/12/2011** BID OPENING TIME: **01:30PM**

LINE	QUANTITY	UQP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p>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.: ISCL0048</p> <p>BID OPENING DATE: 01/12/2011</p> <p>BID OPENING TIME: 1:30 PM</p> <p>PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- 304 348 -0245</p> <p>CONTACT PERSON (PLEASE PRINT CLEARLY): LEONARD VARRIO</p>						

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

RFQ COPY
 TYPE NAME/ADDRESS HERE

VENDOR

SHIP TO

DEPARTMENT OF ADMINISTRATION
 IS&C - COMMUNICATIONS
 1900 KANAWHA BLVD. E.
 BUILDING 5, 10TH FLOOR
 CHARLESTON, WV
 25305 304-558-5472

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
12/10/2010				

BID OPENING DATE: **01/12/2011** BID OPENING TIME: **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
***** THIS IS THE END OF RFQ ISCL0048 ***** TOTAL:						<u>95081.07</u>

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>[Signature]</i>	TELEPHONE 304 546 1177	DATE 1-18-11
TITLE OWGSR	FEIN 128 58 6557	ADDRESS CHANGES TO BE NOTED ABOVE

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



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

VENDOR

**American Power & Lighting Systems
 P O Box 8341
 South Charleston WV 25303**

BUYER

**DEPARTMENT OF ADMINISTRATION
 IS&C - COMMUNICATIONS
 1900 KANAWHA BLVD. E.
 BUILDING 5, 10TH FLOOR
 CHARLESTON, WV
 25305 304-558-5472**

DATE PRINTED	TERMS OF SALE	SHIP VIA	EGN	FREIGHT TERMS
12/22/2010				

BID OPENING DATE: **01/20/2011** BID OPENING TIME: **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 1 THIS ADDENDUM IS ISSUED TO: 1.) ADD A MANDATORY PRE-BID MEETING PER THE ATTACHED 2.) EXTEND THE DEADLINE FOR TECHNICAL QUESTIONS FROM DECEMBER 22, 2010 TO JANUARY 10, 2010 AT THE CLOSE OF BUSINESS. 3.) EXTEND THE BID OPENING DATE FROM JANUARY 12, 2011 TO JANUARY 20, 2011 AT 1:30 PM. ***** NO OTHER CHANGES *****						
0001	1	EA		287-54		95081.07
THREE PHASE UNINTERRUPTIBLE POWER SUPPLY						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]* TELEPHONE: **304 546 477** DATE: **1-19-11**

TITLE: **OWNER** FEIN: **228504557** ADDRESS CHANGES TO BE NOTED ABOVE

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



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 KRISTA FERRELL
 304-558-2596

VENDOR

American Power
 P O Box 8341
 So Charleston WV 25303

PHONE

DEPARTMENT OF ADMINISTRATION
 IS&C - COMMUNICATIONS
 1900 KANAWHA BLVD. E.
 BUILDING 5, 10TH FLOOR
 CHARLESTON, WV
 25305 304-558-5472

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
01/10/2011				

BID OPENING DATE: 01/20/2011 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 2 THIS ADDENDUM IS ISSUED TO: 1.) PROVIDE A COPY OF THE MANDATORY PRE-BID ATTENDEE LIST, 2.) PROVIDE CLARIFICATION AS STATED BELOW, "THE ISOLATION TRANSFORMER MUST BE SUPPLIED BY THE VENDOR AS STATE IN THE PRE-BID CONFERENCE ON 01/05/2011." 3.) PROVIDE ANSWERS TO ALL TECHNICAL QUESTIONS SUBMITTED IN ACCORDANCE WITH THE PROVISIONS OF THE ORIGINAL REQUEST FOR QUOTATION, ISCL0048. BID OPENING DATE REMAINS: 01/20/2011 BID OPENING TIME REMAINS: 1:30 PM ***** END ADDENDUM NO. 2 *****						
0001	1	EA		287-54		95001.07
THREE PHASE UNINTERRUPTIBLE POWER SUPPLY						

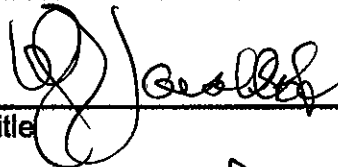
SIGNATURE: *[Signature]* TELEPHONE: 304 546 1177 DATE: 1.19.11
 TITLE: *[Signature]* MAIL: 228 58 4557 ADDRESS CHANGES TO BE NOTED ABOVE

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

By signing below, vendor certifies that all specifications will be followed, that vendor meets all criteria, and will adhere to the schedule if awarded the purchase order.

Total Cost Quote: 95081.07

LEONARD VARELA
Print Name

 OWNER
Signature/ Title

AMERICAN POWER & LTG. SYSTEMS
Vendors Name

Eaton 9390 Executive Summary

Understanding the challenges today's executives face – system availability requirements, control infrastructure expenses, minimize operating costs to meet profit objectives – was key in the design and development of the Eaton 9390. Capitalizing on over 40 years of research and development excellence, industry experience, customer interviews and web surveys, this patented new product was designed to integrate all of Eaton's award-winning technology, software and service capabilities into a single module capable of supporting critical server, ISP, telecommunications or process control equipment from 40 - 160kVA.

■ POWER PERFORMANCE

The innovative design of the Eaton 9390 delivers the highest level of power protection by isolating supported equipment from the "raw", unprotected, utility. Combine this with the incredibly high system efficiency (94%), minimized input current distortion (<4.5%), and the extremely high input power factor (0.9) and the result is unmatched *Power Performance*.

The dollars and cents value of such performance is lower initial investment, lower installation cost and long-term operational expense is lower. Plus the Eaton 9390 does not effect the operation of existing facility equipment. That means no added expense to install additional expensive filters that reduce or minimize "harmonic" interference.

■ POWER DENSITY

The Eaton 9390 has the smallest footprint in the industry by over 40% and its transformerless design dramatically reduces equipment weight. The result is the highest *Power Density* available today. That means reduced shipping costs, reduced installation costs and reduced space requirements in a facility. The Eaton 9390 also requires only front access for servicing and allows for either top or bottom entry of power cables. The result is an incredibly small, light weight UPS system that can installed in a back corner or other out of the way location, not commanding valuable computer room real estate.

■ SCALABILITY

One of the most challenging aspects of purchasing equipment is determining whether investing in just what is needed is the most cost effective solution or sizing the equipment to meet potential growth requirements makes the most sense. Both have their benefits.

The upside to purchasing equipment that meets today's requirements is a smaller initial capital investment and the performance of the equipment is optimized, lower costs all around. The down side is having to reinvest and replace the system down the road, added expense to remove, reinstall and re-start.

If purchasing for future growth you don't have additional expense of purchasing and redeploying a new system down the road. However the operation of the equipment may cost more because the performance is not optimized.

The Eaton 9390 changes all that with its *Scalability*. The 9390 can be purchase to meet your protection needs today, and can be upgraded, in the field, to meet your needs tomorrow. Not only that, but the Eaton 9390, utilizing patented Eaton Hot Sync™ technology, field upgradeable, enabling the addition of system redundancy or additional capacity should the need arise. With the Eaton 9390 there is no penalty for purchasing what you need when you need it, there is just peace of mind knowing that when your needs change your infrastructure can change with you.

West Virginia Office of Technology
January 17, 2011

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Lynn Associates, Inc.
Quote # CEB201012015

■ **BATTERY MANAGEMENT**

Eaton's extensive experience in the UPS industry has taught them that a UPS system is only as good as the batteries that support it and effective *Battery Management* extends the life of the batteries. The integral and critical nature of the battery system lead Eaton to the development of their patented Advanced Battery Management® that optimizes battery life as well and battery recharge time. This integrated technology:

- Performs system tests and monitors battery health that provide indications of potential problems
- Monitors battery temperature with optional temperature-compensated charging to extend battery life
- Eaton's patented three-stage charging that essentially doubles service life and optimizes recharge time, is a major component in the Eaton 9390
- Enables remote monitoring of the UPS and the battery system

An additional cost savings advantage of the Eaton 9390 battery system is its Variable Battery Bus. This allows battery times to be sized to exact requirements and enables the seamless increase or decrease of battery support time as needed. There is no need to purchase more battery time than need or to be stuck with insufficient battery protection. The Eaton 9390 can also utilize a legacy battery system, if available, because of this feature, a significant cost savings.

■ **SERVICEABILITY**

The *Serviceability* of the Eaton 9390 is unmatched. With a modular design, should the 9390 require service, the repair time is less than 30 minutes. All the power modules as well as the fan tray are field replaceable. With fast and easy front access, no side or rear clearance is required, the unit can be installed and serviced in place.

■ **WARRANTY**

The Eaton 9390 comes with a one-year limited factory warranty.

- A one-year limited factory warranty on parts and labor for the UPS
- One year of secure monitoring by Eaton experts
- A one year service protection plan that includes initial start-up of the UPS, a performance check and one year of battery replacement labor coverage
- A 3 year limited factory warranty on parts for the battery parts

The Eaton 9390 provides optimum performance, unmatched reliability and the most comprehensive warranty and service plans available.

BILL OF MATERIALS:

100kVA Reverse Transfer System Configuration, including:

Item #1: One (1) 60Hz, Eaton 9390-120/100 UPS Module rated at:

Output Rating: 100kVA at .9pf (90kW) leading or lagging
UPS Input Voltage: 208V 3-Phase, 4-Wire plus ground
UPS Output Voltage: 208V 3-Phase, 4-Wire plus ground

Includes:

- 1 Eaton 9390, Model 120 - 100kVA/90kW, 208V input, 208V output**
- Double Conversion Topology
 - Redundant Logic Power Supplies
 - Local Emergency Power Off (EPO)
 - Load Power Factor Range- .9 lagging to .9 leading
 - Scalable Architecture (parallel capability up to 8 modules)
 - Advanced Battery Management Technology (ABM)
 - LCD Multi-Language Display Page
 - Low Input Harmonic Distortion (<4.5% THD)
 - English Display and Manual

West Virginia Office of Technology
January 17, 2011

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Lynn Associates, Inc.
Quote # CEB201012015

- Upgradeable to 120kVA via firmware
- 208V In / 208V Out
- Software Suite CD
- 9390 100-160kVA Install and Operation Manual, Incl.
- Reverse Transfer Configuration
- ConnectUPS-X Communications Card
- 9390 IBC Battery Cab Install and Oper. Manual, Incl.
- Bracket Kit for line-up and match installation

2 Integrated Battery Cabinet

- Line up and Match and Remote Configuration
- Valve Regulated, Lead Acid Battery, Flame Retardant Enclosures
- Includes Internal DC Disconnect and Interconnect Cables
- Modular Battery Tray Design for Easy Serviceability
- Battery Runtime at Specified load of 80kVA: 71 minutes
- Battery Runtime at full load of 100kVA: 53 minutes
- Supports Custom Configurations
- Pay as You Grow Scalability

1 Integrated Accessory Cabinet – Bypass, 65kAIC

- Line-up and match
- Four-Breaker MBP (MOB, MIS, BIB)
- Aux 2A/2B, Shunt Trips, Solenoid with KK Locks

Services:

- 1 Service Protection Plan, 7x24 Cov, 8hr Resp
- 1 Standard Start-up Package, 5x8 Coverage

Other:

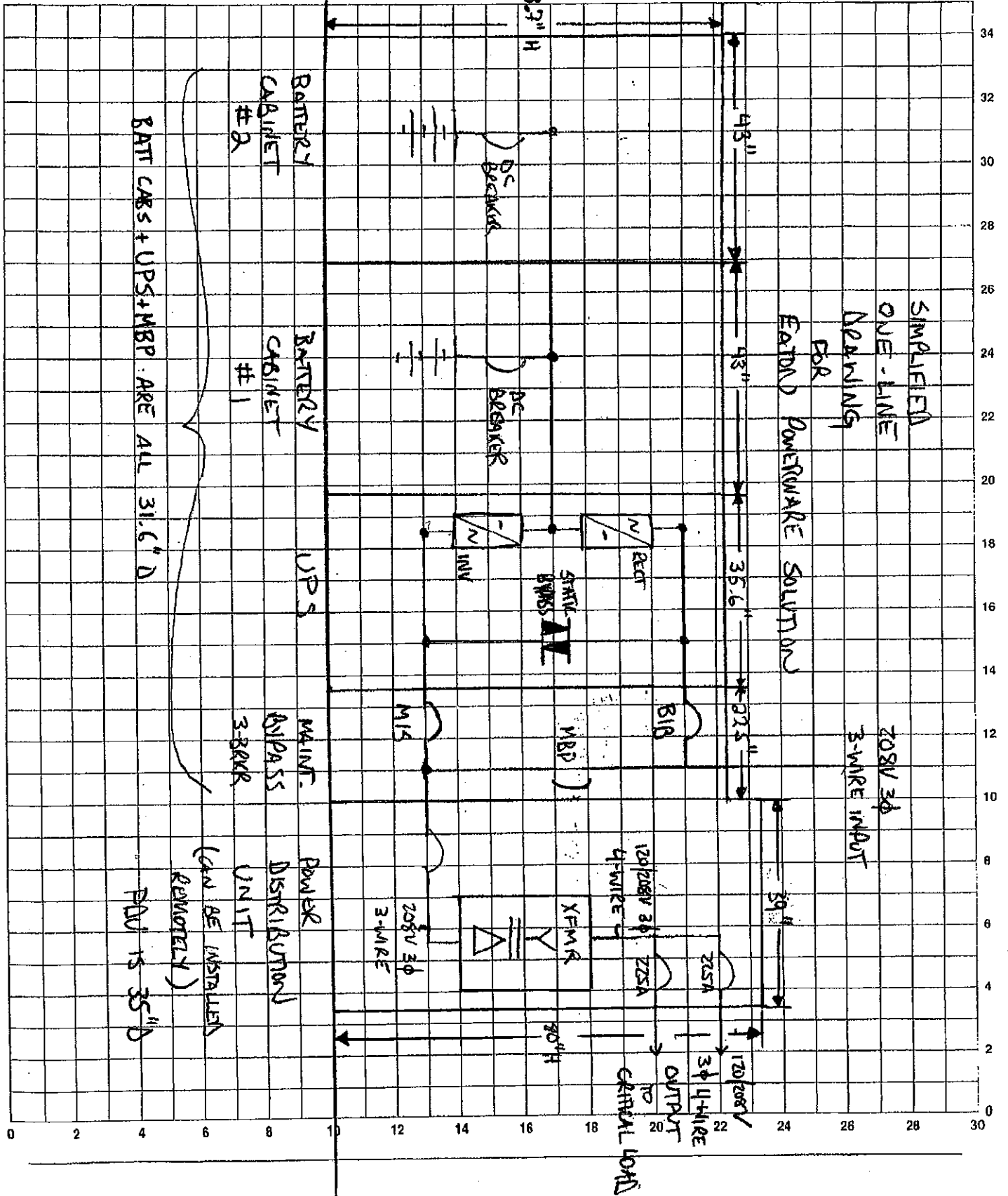
- 1 Freight, Dock-to-Dock, to First Destination in West Virginia

Item #1: One (1) 125kVA Power Distribution Unit (PDU)

- Next Generation Eaton PDU
- UL Listed
- 208V 3-Phase, 3-Wire, 60Hz Input
- Isolation Transformer, K-13
- 120/208V 3-Phase, 4-Wire, 60Hz Output
- 200% Rated Neutral
- EMS Premium – System Level Metering with Sub-Feed Breaker Monitoring
- Summary Alarm Contact
- Main Door
- Locking Door Latches
- Top & Bottom Entry
- 65kAIC Main Input Breaker with Lock-out Tag
- Front Facing Main Chassis includes Pow-R-Line 3 Sub-feed Breaker Chassis with two (2) 225A 3-Pole Sub-Feed Breakers, each with Lock-out Tags
- Provisions for an additional two (2) Sub-feed Breakers
- Factory Start-up 5x8
- 2700 pounds installed weight and the dimensions are 39"W x 35"D x 80"H

To: _____ From: _____

Fax #: _____ Phone #: _____ Subject: _____ Date: _____





American Power & Lighting Systems

P. O. BOX 8341 • SO. CHARLESTON, WV 25303 • (304) 744-6942

Over 40 years experience in battery & charger systems for every application.

• **CD** C&D Batteries
An Allied Company

• **DUAL LITE**
Emergency Lighting

Replacement
Batteries & Parts
For All Brands

• **JOHNSON CONTROLS**
Globe Union
Batteries & Chargers

• **UPS:**

VEST

EMERSON
Computer Power

• PM Programs
& Diagnostic on-site
Testing

1.19.11

REF: RFQ ISCL 0048

WE WOULD LIKE TO OFFER THE
FOLLOWING ALTERNATE UPS UNIT FOR
YOUR CONSIDERATION:

- 1) EATON POWERWARE MODEL 9390-100 KVA,
FIELD UPGRADABLE TO 120 KVA, AS REQUESTED
- 2) 71 MINUTE FULL LOAD RUNTIME @ 80 KVA
(66 MINUTE RUNTIME REQUESTED IN RFQ)
- 3) ISOLATION TRANSFORMER ON INPUT NOT
REQUIRED BECAUSE POWERWARE UNIT ACCEPTS
208 VAC POWER DIRECTLY. THE LIEBERT UPS
UNIT REQUIRES 480 VAC INPUT POWER &
THEREFORE MUST HAVE A TRANSFORMER TO
STEP UP THE VOLTAGE. WE DID NOT QUOTE A
ISOLATION TRANSFORMER FOR THIS REASON.
- 4) ALL OTHER REQUIREMENT CRITERIA FOR
THIS RFQ IS FULFILLED.

PLEASE FEEL FREE TO CONTACT US IF
WE MAY ANSWER ANY QUESTIONS OR CONCERNS.

[Handwritten Signature]

304 546 1177

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: AMERICAN POWER & LTA. SYS. Signed: [Signature]

Date: 1.19.11 Title: OWNER

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

RFQ No. 25CL00A8

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

West Virginia Code §6A-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: American Power & Ltg. Systems

Authorized Signature: [Signature] Date: 11.20.11

State of WV

County of Kanawha to-wit:

Taken, subscribed, and sworn to before me this 20 day of January, 2011

My Commission expires April 26, 2014

NOTARY PUBLIC Virginia Hunt

AFFIX SEAL HERE

