



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
 WEH11142

PAGE
 1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
 ROBERTA WAGNER
 804-558-0067

*126160344 800-366-1884
 VISTA STAFFING SOLUTIONS INC
 275 EAST 200 SOUTH
 SALT LAKE CITY UT 84111

HEALTH AND HUMAN RESOURCES
 WELCH COMMUNITY HOSPITAL
 454 MCDOWELL STREET
 WELCH, WV 24801 304-436-8710

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|------------------------------|---------------|----------|--------|---------------|
| DATE PRINTED 04/28/2011 | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
| BID OPENING DATE: 06/08/2011 | | | | |
| BID OPENING TIME 01:30PM | | | | |

| LINE | QUANTITY | UOP | CAT. NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|--|----------|-----|----------|-------------|------------|--------|
| 0001 | 1 | OB | | 964-65 | | |
| <p>OPEN END CONTRACT FOR LOCUM TENENS OB/GYN PHYSICIANS</p> <p>THIS WILL BE A PROGRESSIVE MULTIPLE AWARD CONTRACT, TO PROVIDE LOCUM TENENS OB/GYN PHYSICIAN(S) TO SATISFY THE STAFFING REQUIREMENTS OF HOSPITAL FACILITY LOCATED IN WELCH, (MCDOWELL COUNTY), WEST VIRGINIA. PER ATTACHED SPECIFICATIONS.</p> <p>EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON AWARD 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 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 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</p> | | | | | | |

RECEIVED

MAY 19 A 10:10
 PURCHASING DIVISION
 STATE OF WV

SIGNATURE: *[Signature]* SEE REVERSE SIDE FOR TERMS AND CONDITIONS

TITLE: *[Signature]* FERN 870474292 TELEPHONE: 800-366-1884 DATE: 5/16/2011

ADDRESS CHANGES TO BE NOTED ABOVE

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



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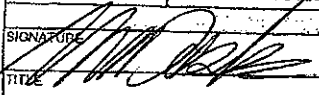
SHIP TO

HEALTH AND HUMAN RESOURCES
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| | | | | | | |
| <p>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 SERVICE SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM 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, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER</p> | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE:  TELEPHONE: 800-366-1884 DATE: 5/16/2011
 TITLE: FEIN: 870474292 ADDRESS CHANGES TO BE NOTED ABOVE

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SALT LAKE CITY UT 84111

VENDOR

SHIP TO

HEALTH AND HUMAN RESOURCES
 WELCH COMMUNITY HOSPITAL

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| ORDER. | | | | | | |
| 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. | | | | | | |
| REV. 04/11/2001 | | | | | | |
| INQUIRIES: | | | | | | |
| WRITTEN QUESTIONS WILL BE ACCEPTED THROUGH CLOSE OF BUSINESS ON 05/18/2011. QUESTIONS MAY BE SENT VIA USPS, FAX, COURIER OR EMAIL. IN ORDER TO ASSURE NO VENDOR RECEIVES AN UNFAIR ADVANTAGE NO SUBSTANTIVE QUESTIONS WILL BE ANSWERED VERBALLY. IF POSSIBLE EMAIL QUESTIONS ARE PREFERRED. ADDRESS INQUIRIES TO: | | | | | | |
| ROBERTA WAGNER DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION 2019 WASHINGTON STREET EAST CHARLESTON, WV 25305 FAX: 304-558-4115 EMAIL: ROBERTA.A.WAGNER@WV.GOV | | | | | | |
| EXHIBIT 4 | | | | | | |
| 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 | | | | | | |

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PURCHASER

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| <p>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 MANNER.</p> <p>REV. 3/88</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>REV 07/16/2007</p> <p>VENDOR PREFERENCE CERTIFICATE</p> <p>THIS TEAM EXHIBIT HAS BEEN REPLACED BY THE ONLINE VERSION WHICH IS AVAILABLE HERE: HTTP://WWW.STATE.WV.US/ADMIN/PURCHASE/VRC/VENPREF.PDF</p> <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>PLEASE NOTE: A CONVENIENCE COPY WOULD BE APPRECIATED.</p> | | | | | | |

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| THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED: SEALED BID BUYER:-----RW/FILE 22----- RFQ. NO.:-----WEH11142----- BID OPENING DATE:-----06/08/2011----- BID OPENING TIME:-----1:30 PM----- PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: -----866-360-6021----- CONTACT PERSON (PLEASE PRINT CLEARLY): -----Shakira Treckleton----- A CONVENIENCE COPY OF YOUR BID WOULD BE APPRECIATED | | | | | | |

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| ***** THIS IS THE END OF RFQ WEH11142 ***** TOTAL: _____ | | | | | | |

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REQUEST FOR QUOTATION
Department of Health and Human Resources
Welch Community Hospital
RFQ #WEH11142

GENERAL INFORMATION

PURPOSE: To provide "Locum Tenens" Obstetrics (OB)/Gynecology (GYN) Physician(s) to comply with the staffing needs of Welch Community Hospital, a 124-bed acute care facility; owned and operated by the State of West Virginia. The acute care beds: 7 intensive care beds; 2 pediatric beds; 8 obstetrical beds and 45 medical/surgical beds. The hospital services the counties of McDowell, Wyoming and Mingo with a total market population of approximately 83,000 citizens.

The words "will", "must", and "shall" listed herein are used to denote mandatory requirements. Bids that do not address and/or meet the mandatory requirements shall be disqualified.

LOCATION: Welch Community Hospital at 454 McDowell Street, Welch WV 24801

GENERAL REQUIREMENTS:

The vendor shall provide "Locum Tenens" OB/GYN Physician(s) coverage for clinic work, births and on-call coverage. All physicians are required to have a Medical License to practice in the State of West Virginia, in an acute care facility.

This is an open contract that will allow the bid to be awarded to multiple vendors. The vendor chosen for use by the Agency on any given day or time period will be from this group of winning bidders. All winning bidders shall meet the mandatory requirements, as stated below. How the Agency chooses a specific vendor for a specific time shall be based upon: first, the Agency's cost of overall services, and second, the vendor's ability to supply physician(s) on the Agency's schedule.

The physician(s) shall not be housed at the facility during their stay unless foul weather conditions exist.

MANDATORY REQUIREMENTS:

Vendor shall monitor, assure and document the competency of the staff assigned to provide the aforementioned services to Welch Community Hospital and will provide documentation of such when requested. Certifications (Basic Life Support [BLS], Advanced Cardiac Life Support [ACLS], Pediatric Advanced Life Support [PALS], Neonatal Advanced Life Support [NALS], Board Certification) obtained by physicians will be accepted as their competency assessment. The

vendor shall provide the licenses, certifications and all other documentation to the hospital, prior to the physician arriving at this hospital.

Welch Community Hospital uses an Electronic Medical Record (EMR). All physicians supplied by the vendor must be capable and willing to function within this environment. The vendor shall assure the physician is available for a four hour training period prior to their beginning work or coverage at the facility. Physicians that have had this training (given by this facility) are not required to repeat it.

All costs related to providing service to the facility (travel, air fare, room rental, rental equipment [cars, beepers, phones, etc.] or other fees) must be factored into the fee for service.

The physician must carry a vendor supplied AT & T or other cell phone and/or a beeper/pager that provides coverage in the Welch area and vendor shall provide the phone numbers for each to the hospital. Vendor must verify with the cell phone carrier that they do have full service coverage in the Welch area and for what total area they are covered in conjunction with the location of Welch Community Hospital. Since the physician(s) shall not be housed at the facility during their stay unless foul weather conditions exist, vendor must take into consideration that the cell phone and/or beeper/pager must have a carrier that will have full service coverage for the area they are located to the facility. All cost related to this provision must be factored into the fee for service.

MANDATORY QUALIFICATIONS:

1. Must be qualified to sit for exam/certified in OB/GYN care.
2. Must be certified in Basic Life Support (BLS).
3. Must have current West Virginia Board of Medicine license.
4. OB – Must have the following required procedure qualifications:
 - a. Routine Deliveries
 - b. Low Risk Deliveries
 - c. Circumcision
 - d. Fetal Monitor
 - e. Forceps
 - f. C-Section
 - g. Vacuum
5. GYN – Must have the following required procedure qualifications:
 - a. General gynecology
 - b. Colposcopy

PREFERRED QUALIFICATIONS (OPTIONAL):

1. OB – Preferred Procedure Qualifications:
 - a. Complicated Pregnancy/Delivery
 - b. High Risk Pregnancy/Delivery
 - c. Twin Delivery
 - d. Breech Delivery
2. GYN – Preferred Procedure Qualifications:
 - e. Diagnostic laparoscopy
 - f. Laparoscopic surgery
 - g. Bladder surgery
 - h. Urologic procedures
 - i. Posterior repairs

ESSENTIAL DUTIES AND RESPONSIBILITIES: (Mandatory)

Vendor shall be responsible for providing “locum tenens” OB/GYN physicians whose duties will include, but are not limited to the following:

- a. Physician will provide coverage for the OB/GYN Clinic whose operating hours are Monday through Friday 8:00 am till 4:00 pm, 52 weeks per year.
- b. Physician will provide “On-Call” services during all hours of non-clinic times. This includes: Monday through Thursday 4:00 pm till 8:00 a.m. and on weekends from 4:00 pm Friday evening until 8:00 am Monday morning. Coverage for the major holidays will begin at the end of business on the eve of the holiday 4:00 pm and will end on the following regular business day at 8:00 am. The major holidays are defined as: New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, the Friday after Thanksgiving and Christmas Day.
- c. Physician must arrive and be ready to work at the designated/scheduled time. The vendor shall not charge the agency for hours scheduled but not worked by the physician. Time sheets shall be provided to the hospital and shall reflect the actual hours worked by the physician.
- d. Physician must be within thirty minutes of the facility at all times, in order to be able to respond to any emergencies that may arise.
- e. The physician must apply and become credentialed by the hospital’s Medical Staff and Governing Body and as such, agree to follow and obey the By-laws and rules and regulations of the Medical Staff. This must be done prior to starting work at the facility.

By-laws and rules and regulations of the Medical Staff states, “The on-call physician will be available at all times while on call and capable of responding by telephone within fifteen minutes and in person within thirty minutes. When the ED physician requests that the on-call physician examine the patient, the on-call physician must physically come to the hospital within 30 minutes of that request.”

- f. Physicians must make rounds among OB/GYN in patients and provide services as needed, 24 hours per day, 7 days per week including all holidays.
- g. Physician shall be responsible for the supervision of OB clinic Registered Nurses (RN) and Licensed Practical Nurses (LPN) only.
- h. Physician will be required to submit patient dictations: to include but not necessarily limited to: history, physical, delivery, inpatient and surgeries.
- i. Physician will be responsible for patient admitting.
- j. The vendor must be able and willing to provide coverage for extended or limited time periods. No minimum or maximum number of days of coverage will be allowed.

AGENCY SHALL:

- a. Contact vendor at least one week prior to coverage period needed.
- b. NOT provide the vendor or the physician with phones or beepers.
- c. Provide an adequate orientation for each physician. Orientation will include, but not be limited to, providing basic information regarding universal precautions. Hospital will comply with Occupational Safety and Health Administration (OSHA) Blood-Borne Exposure Control Regulations and provide site and task specific training regarding safety regulations required by OSHA. Hospital certifies that it has developed and follows an exposure plan in conformance with those regulations. Hospital will provide post-exposure evaluation and make a confidential medical evaluation of the exposure incident. Hospital agrees to provide copies of all records of post-exposure care to vendor.
- d. Provide new physicians with limited (approximately four hours) instructions on the EMR prior to their first shift.
- e. Provide work schedule for physician.

SPECIAL TERMS AND CONDITIONS: (Mandatory)

Insurance Requirements:

The vendor, as an independent contractor, is solely liable for the acts and omissions of its employees and agents.

The vendor shall maintain and furnish proof of coverage of liability insurance for loss, damage, or injury (including death) of third parties arising from acts and omissions on the part of the vendor, its agents and employees in the following amounts:

1. For bodily injury (including death): \$1,000,000.00 per Occurrence.
2. For property damage and professional liability: Up to \$1,000,000.00 per Occurrence.

DHHR MUST BE LISTED AS THE CERTIFICATE HOLDER. (Mandatory)

License Requirements:

The successful vendor must present evidence of certification or licensure with WV Workers Compensation and Unemployment Funds, a copy of its WV business Certificate and any other license it may be required to hold by the nature of its operation.

EXHIBIT 3

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.

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.

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.

RFQ COST SHEET WEH11142

BID COST SHEET

Note:

Any anticipated travel must be incorporated into the vendor's fee. No travel will be reimbursed by the State and is the sole responsibility of the vendor. Physician housing should be included in the vendor's fee. If the vendor has additional charges they wish to be reimbursed for, the vendor must include the charges in the vendor's fee or they will not be allowed.

| QUANTITY | DESCRIPTION | UNIT COST | TOTAL EXTENDED COST |
|--------------|---|--------------------|---------------------|
| 1. 60 days | Daily Rate (OB/GYN Clinic Coverage) (per eight-hour day) | \$ <u>1458/d</u> | \$ <u>87,480</u> |
| 2. 100 hours | Overtime Rate (After Normal Clinic Coverage) | \$ <u>182.25/h</u> | \$ <u>18,225</u> |
| 3. 100 ea. | Evening On Call Rate (5:00 pm to 8:00 am) (per beeper on call) | \$ <u>175/h</u> | \$ <u>17,500</u> |
| 4. 22 ea. | Weekend On Call Rate (5:00 pm Friday To 8:00 am Monday (per beeper on call) | \$ <u>1575/w</u> | \$ <u>34,650</u> |
| 5. 120 hours | Weekend Hour Rate (if called to facility) (per hours worked) | \$ <u>182.25/h</u> | \$ <u>21,870</u> |
| 6. 6 ea. | Holiday Rate On Call (per beeper on call) | \$ <u>700/24h</u> | \$ <u>4,200</u> |
| 7. 6 days | Holiday Rate (per eight-hour day) | \$ <u>1458/d</u> | \$ <u>8,748</u> |
| 8. 40 hours | Holiday Rate On Call (if required to be at clinic) <u>callback?</u> | \$ <u>182.25/h</u> | \$ <u>7,290</u> |
| Grand Total | | | \$ <u>199,963</u> |

There will be no minimum number of weeks per assignment.

Permanent Placement Fee: ~~\$28,000~~ one-time fee per each (if any) permanently placed physician by vendor. This fee will not be considered in the evaluation and award of this contract.

THIS SHALL BE A PROGRESSIVE AWARD AND WILL BE MADE ACCORDING TO EACH QUALIFYING VENDOR'S BID RESPONSE AND LOWEST COSTS. LOW BID WILL BE DESIGNATED AS WEH11142A; NEXT LOWEST BID WILL BE WEH11142B, AND SO ON. AGENCY WILL CONTACT VENDOR "A" FIRST TO PROVIDE THEIR NEEDS. IF VENDOR "A" CANNOT PROVIDE SERVICES, AGENCY WILL GO TO VENDOR "B" AND SO ON.

RFQ No WEH11142

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: Utah State

Authorized Signature: [Signature] Date: 17 May 11

State of Utah

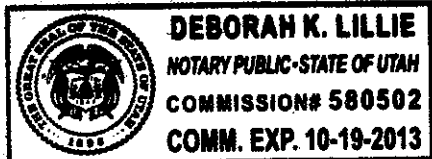
County of SJC, to-wit:

Taken, subscribed, and sworn to before me this 19 day of May, 2011

My Commission expires October 19, 2013

AFFIX SEAL HERE

NOTARY PUBLIC [Signature]



Purchasing Affidavit (Revised 12/15/09)

State of West Virginia

VENDOR PREFERENCE CERTIFICATE

Not applicable 14

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: VISTA Staffing Solutions Signed: _____

Date: _____ Title: _____

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