



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

0412C518

PAGE

1

ADDRESS CORRESPONDENCE TO ATTENTION OF

ALAN CUMMINGS  
304-558-2402

\*709022429 03 610-337-7000  
06 724-557-4187  
AMERIGAS PROPANE, LLC L.P.  
1355 GREENBAG RD PO BOX 965

MORGANTOWN WV 26508

Valley Forge, PA 19482

DIVISION OF HIGHWAYS  
VARIOUS LOCALES AS INDICATED  
BY ORDER

| DATE PRINTED   | TERMS OF SALE | SHIP VIA                 | FOB    | FREIGHT TERMS                     |            |        |
|--|---------------|--------------------------|--------|-----------------------------------|------------|--------|
| 03/27/2012   | Net 30        |                          |        |                                   |            |        |
| BID OPENING DATE: 04/11/2012   |               | BID OPENING TIME 01:30PM |        |                                   |            |        |
| LINE   | QUANTITY      | UOP                      | CAT NO | ITEM NUMBER                       | UNIT PRICE | AMOUNT |
| 0001   |               |                          |        | 405-13                            |            |        |
| LP GAS   |               |                          |        |                                   |            |        |
| OPEN-END CONTRACT  |               |                          |        |                                   |            |        |
| THE WEST VIRGINIA STATE PURCHASING DIVISION FOR THE AGENCY, THE WEST VIRGINIA DIVISION OF HIGHWAYS, IS SOLICITING BIDS TO PROVIDE THE AGENCY WITH AN OPEN-END CONTRACT FOR ALL MATERIALS, LABOR, EQUIPMENT AND TANKS TO SUPPLY LP GAS (PROPANE) TO THE WEST VIRGINIA DIVISION OF HIGHWAYS LOCATIONS PER THE ATTACHED SPECIFICATIONS.   |               |                          |        |                                   |            |        |
| 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.   |               |                          |        |                                   |            |        |
| EXHIBIT 3  |               |                          |        |                                   |            |        |
| 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 |               |                          |        |                                   |            |        |
| SEE REVERSE SIDE FOR TERMS AND CONDITIONS  |               |                          |        |                                   |            |        |
| SIGNATURE  |               | TELEPHONE                |        | DATE                              |            |        |
| [Signature]  |               | 610-768-3874             |        | 4/30/12                           |            |        |
| TITLE  |               | FEIN                     |        | ADDRESS CHANGES TO BE NOTED ABOVE |            |        |
| [Signature]  |               | 232787917                |        |                                   |            |        |

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

RECEIVED

2012 MAY -1 AM 10:02

WV PURCHASING  
DIVISION



State of West Virginia  
Department of Administration  
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| LINE  | QUANTITY      | UOP                      | CAT NO | ITEM NUMBER                       | UNIT PRICE | AMOUNT |
| <p>WRITTEN NOTICE.</p> <p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT BY THE STATE OF WEST VIRGINIA, ITS AGENCIES, OR POLITICAL SUBDIVISIONS, THE TERMS, CONDITIONS, AND PRICING SET FORTH HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.</p> <p>RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>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,</p> |               |                          |        |                                   |            |        |
| SEE REVERSE SIDE FOR TERMS AND CONDITIONS   |               |                          |        |                                   |            |        |
| SIGNATURE   |               | TELEPHONE 610-768-3874   |        | DATE 4/30/12                      |            |        |
| TITLE VP Sales  |               | FEIN 232787917           |        | ADDRESS CHANGES TO BE NOTED ABOVE |            |        |

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



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Valley Forge, PA 19482

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| LINE   | QUANTITY      | UOP                      | CAT. NO. | ITEM NUMBER                       | UNIT PRICE | AMOUNT |
| <p>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 ELECTRONIC MEDIUM SUCH AS CD-ROM.</p> <p>REV. 01/17/2012<br/>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 MANNER.</p> |               |                          |          |                                   |            |        |
| SEE REVERSE SIDE FOR TERMS AND CONDITIONS  |               |                          |          |                                   |            |        |
| SIGNATURE <i>[Signature]</i>   |               | TELEPHONE 610-768-3874   |          | DATE 4/30/12                      |            |        |
| TITLE <i>[Signature]</i>   |               | FEIN 232787917           |          | ADDRESS CHANGES TO BE NOTED ABOVE |            |        |

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| LINE  | QUANTITY      | UOP                      | CAT NO | ITEM NUMBER                       | UNIT PRICE | AMOUNT |
| REV. 3/88   |               |                          |        |                                   |            |        |
| EXHIBIT 10  |               |                          |        |                                   |            |        |
| REQUISITION NO.: 0412C518   |               |                          |        |                                   |            |        |
| ADDENDUM ACKNOWLEDGEMENT  |               |                          |        |                                   |            |        |
| I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED<br>ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO<br>MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.  |               |                          |        |                                   |            |        |
| ADDENDUM NO.'S:   |               |                          |        |                                   |            |        |
| NO. 1 ✓   |               |                          |        |                                   |            |        |
| NO. 2 ✓   |               |                          |        |                                   |            |        |
| NO. 3   |               |                          |        |                                   |            |        |
| NO. 4   |               |                          |        |                                   |            |        |
| NO. 5   |               |                          |        |                                   |            |        |
| I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF<br>THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.  |               |                          |        |                                   |            |        |
| VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL<br>REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY<br>ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES<br>AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE<br>INFORMATION ISSUED IN WRITING AND ADDED TO THE<br>SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING. |               |                          |        |                                   |            |        |
| SEE REVERSE SIDE FOR TERMS AND CONDITIONS   |               |                          |        |                                   |            |        |
| SIGNATURE   |               | TELEPHONE                |        | DATE                              |            |        |
| [Signature]   |               | 610-768-3874             |        | 4/30/12                           |            |        |
| TITLE   |               | FEIN                     |        | ADDRESS CHANGES TO BE NOTED ABOVE |            |        |
| VP Sub  |               | 232787917                |        |                                   |            |        |

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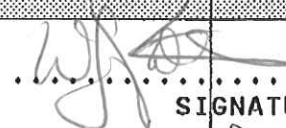
| DATE PRINTED | TERMS OF SALE | SHIP VIA | FOB | FREIGHT TERMS |
|--------------|---------------|----------|-----|---------------|
| 03/27/2012   | Net 30        |          |     |               |

BID OPENING DATE:

04/11/2012

BID OPENING TIME

01:30PM

| LINE  | QUANTITY | UOP | CAT. NO. | ITEM NUMBER   | UNIT PRICE | AMOUNT |  |  |
|---|----------|-----|----------|---|------------|--------|--|--|
|   |          |     |          | <br>SIGNATURE<br>Amerigas Propane, L.P.<br>COMPANY<br>4/30/12<br>DATE |            |        |  |  |
| NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.   |          |     |          |   |            |        |  |  |
| REV. 09/21/2009   |          |     |          |   |            |        |  |  |
| NOTICE  |          |     |          |   |            |        |  |  |
| A SIGNED BID MUST BE SUBMITTED TO:  |          |     |          |   |            |        |  |  |
| DEPARTMENT OF ADMINISTRATION<br>PURCHASING DIVISION<br>BUILDING 15<br>2019 WASHINGTON STREET, EAST<br>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:  |          |     |          | ALAN CUMMINGS - FILE 33   |            |        |  |  |
| RFQ. NO.:   |          |     |          | 0412C518  |            |        |  |  |

SIGNATURE



TELEPHONE

610-368-3874

DATE

4/30/12

TITLE



FEIN

232787917

ADDRESS CHANGES TO BE NOTED ABOVE

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| BID OPENING DATE: 04/11/2012  |               |                          |              |               |                                   |        |
| BID OPENING TIME: 1:30 P.M.   |               |                          |              |               |                                   |        |
| PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:  |               |                          |              |               |                                   |        |
| 610-768-7694  |               |                          |              |               |                                   |        |
| CONTACT PERSON (PLEASE PRINT CLEARLY):  |               |                          |              |               |                                   |        |
| Dawn Stevenson  |               |                          |              |               |                                   |        |
| ANY INDIVIDUAL SIGNING THIS BID IS CERTIFYING THAT:<br>(1) HE OR SHE IS AUTHORIZED BY THE BIDDER TO EXECUTE THE BID OR ANY DOCUMENTS RELATED THERETO ON BEHALF OF THE BIDDER, (2) THAT HE OR SHE IS AUTHORIZED TO BIND THE BIDDER IN A CONTRACTUAL RELATIONSHIP, AND (3) THAT THE BIDDER HAS PROPERLY REGISTERED WITH ANY STATE AGENCIES THAT MAY REQUIRE REGISTRATION. |               |                          |              |               |                                   |        |
| ***** THIS IS THE END OF RFQ 0412C518 *****   |               |                          |              |               | TOTAL: \$15,450. <sup>00</sup>    |        |
| (See page 10)   |               |                          |              |               |                                   |        |
| SEE REVERSE SIDE FOR TERMS AND CONDITIONS   |               |                          |              |               |                                   |        |
| SIGNATURE   |               |                          | TELEPHONE    |               | DATE                              |        |
| [Signature]   |               |                          | 610-768-3874 |               | 4/30/12                           |        |
| TITLE   |               |                          | FEIN         |               | ADDRESS CHANGES TO BE NOTED ABOVE |        |
| VP Sales  |               |                          | 232787917    |               |                                   |        |

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## **Specifications**

Purpose: The WV Division of Highways, District Four is contracting for an Open-End Contract for the purchase and delivery of Liquid Propane Gas (LPG) for consumption at the facilities listed below:

Preston County Headquarters: 4 tanks @ 1,000 gallons each  
 Preston County Fellowship Substation: 1 tank @ 1,000 gallons  
 Monongalia Headquarters: 3 tanks @ 1,000 gallons  
 Coopers Rock Substation: 2 tanks @ 1,000 gallons 1 tank @ 500 gallons  
 I-68 Welcome enter: 4 tanks @ 1,000 gallons

### **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 "Contract" 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 labor and materials necessary to supply LP Gas to the locations specified in this contract. Bid prices must remain constant throughout the life of this contract.

#### **2.1 Pricing**

2.2.2 Vendors must bid a firm fixed mark-up price per gallon on fuel delivery with product price tied to the OIL PRICE INFORMATION SERVICE (OPIS) publication. Prices should reflect the OPIS price for the terminal used to service District Four. The OPIS price used in bid evaluation shall be the OPIS average of the

bid opening week, for the terminal listed by the bidder for District Four. All prices quoted shall be delivered price to each location within district four.

**FIRM FIXED MARK-UP PER GALLON:** *The vendor is to bid only a firm fixed mark-up for business profit and expenses in supplying to a State Agency. Product cost shall be the average rack price of the products as published (for the preceding week) for the vendor supply terminal location in the OIL PRICE INFORMATION SERVICE. As published by United Communications Group, 1300 Rockville Pike Suite 1100, Rockville, MD 20852. Telephone (800)929-4824*

## 2.2 Freight

2.2.1 Bidders shall incorporate all delivery costs into their unit price. No additional freight will be paid by the WVDOH.

## 2.3 Delivery

2.3.1 Deliveries shall be made within ten (10) working days after the vendor receives the WV -39 Blanket release Order stating items and quantities to be purchased. If for some reason the vendor is unable to meet the ten (10) day delivery time on any specific item, the vendor must contact the requesting Agency to provide a reason for the delay and expected date the item(s) will be delivered.

## 3.0 ORDERING AND INVOICING

### 3.1 Release Orders

3.1.1 For all orders, the Agency will issue to the Vendor a WV-39 Release Order. Issuance of the Release Order shall contain the type of merchandise to be purchased and shall serve as the authorization to begin work. No work other than that specified in the release Order shall be undertaken by the vendor.

3.1.2 Release Orders may be placed by any or all of the WVDOH locations listed in the cost sheet.

### 3.2 Invoicing



3.2.1 The Vendor shall supply itemized invoices to:

**WV DIVISION of HIGHWAYS**

**PO BOX 4220**

**CLARKSBURG, WV 26302**

**4.0 AWARD**

This contract will be awarded to the lowest responsible bidder meeting all mandatory specifications.

### Cost Sheet

| Item Number | *Quantity | Unit of Measure | Description                                | Unit Price | **Amount                |
|-------------|-----------|-----------------|--|------------|-------------------------|
| 1           | 20,000    | GL              | PROPANE PRESTON CO HQ                      | 0.30       | \$ 6,000. <sup>00</sup> |
| 2           | 4,500     | GL              | PROPANE PRESTON CO FELLOWSVILLE SUBSATAION | 0.30       | \$ 1,350. <sup>00</sup> |
| 3           | 3,500     | GL              | PROPANE MONONGALIA HQ                      | 0.30       | \$ 1,050. <sup>00</sup> |
| 4           | 3,500     | GL              | PROPANE I-68 COOPERS ROCK SUBSTATION       | 0.30       | \$ 1,050. <sup>00</sup> |
| 5           | 20,000    | GL              | PROPANE I-68 WELCOME CENTER                | 0.30       | \$ 6,000. <sup>00</sup> |
| 6           |           |                 |  |            | \$                      |
| 7           |           |                 |  |            | \$                      |
| 8           |           |                 |  |            | \$                      |
| 9           |           |                 |  |            | \$                      |
| 10          |           |                 |  |            | \$                      |
| 11          |           |                 |  |            | \$                      |
| 12          |           |                 |  |            | \$                      |
| 13          |           |                 |  |            | \$                      |
| 14          |           |                 |  |            | \$                      |
| 15          |           |                 |  |            | \$                      |
| 16          |           |                 |  |            | \$                      |
|             |           |                 |  |            |                         |
|             | 51,500.00 |                 | Total Amount                               |            | \$ 15,450               |

*\*Quantities listed in this RFQ are approximations only. 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. Award will be based on lowest total cost.*

*\*\*Vendor must honor bid pricing throughout the life of this contract*



## 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.html](http://www.state.wv.us/admin/purchase/vrc/hipaa.html) 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).

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



EXHIBIT 10

REQUISITION NO.: 0412C518.....

ADDENDUM ACKNOWLEDGEMENT

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED  
ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY  
PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.

ADDENDUM NO.'S:

NO. 1 ✓.....


NO. 2 ✓.....

NO. 3 .....

NO. 4 .....

NO. 5 .....

I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE  
ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS. 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.

  
SIGNATURE

AmeriGas Propane, L.P.  
COMPANY

4/30/12  
DATE

## 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:**

- NA 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**,  
NA 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**,  
NA 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:**

- NA 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:**

- NA 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:**

- NA 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:**

- NA 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:**

- NA 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: Americas Propane, L.P.

Signed: [Signature]

Date: 4/30/12

Title: VPSales

Jsk

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

RFQ No. 04120518STATE 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: Americas Propane, L.P.Authorized Signature: [Signature]Date: 4/30/12Commonwealth  
State ofPennsylvaniaCounty of Montgomery, to-wit:Taken, subscribed, and sworn to before me this 30<sup>th</sup> day of April, 2012.My Commission expires March 1, 2016.**AFFIX SEAL HERE****NOTARY PUBLIC.**Susan Linkenhoker