

Request for Quotation – No. DEP 15657:

**To Provide Services for  
Provide Groundwater Monitoring Services  
at Twenty-Nine (29) Facilities Managed within the  
Landfill Closure Assistance Program**



*Prepared For:*

**West Virginia Department of Environmental Protection  
Division of Land Restoration  
Office of Environmental Remediation  
601 – 57<sup>th</sup> Street, SE  
Charleston, West Virginia 25304  
304-926-0455**

*Submitted by:*

**Marshall Miller & Associates  
534 Industrial Park Road  
Bluefield, Virginia 24605  
304-809-0629**

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DIVISION

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Charleston, WV • (304) 344-3970  
Blacksburg, VA • (540) 605-9005

534 Industrial Park Road / Bluefield, VA / 24605 / Tel (304) 809-0629 / Fax (276) 322 -5460 / E-mail bluefield@mma1.com

May 8, 2012

Department of Administration  
Purchasing Division  
Building 15  
2019 Washington Street, East  
Charleston, WV 25305-0130  
Attn: Mr. Guy Nisbet

Re: RFQ No. DEP15657  
Landfill Closure Assistance Program  
29 Landfills Groundwater Monitoring & Statistical Analysis  
Various Locales, West Virginia

Dear Mr. Nisbet:

**Marshall Miller & Associates, Inc. (MM&A)** is pleased to respond to the above referenced RFQ. All of MM&A's staff is OSHA HAZWOPER trained and we have a strong safety record. Additionally, MM&A has completed several landfill related environmental projects and are familiar with their requirements.

Enclosed please find all required documentation in response to the RFQ. MM&A sincerely appreciates this opportunity to provide this scope of work. If you have any questions, feel free to contact us any time at (304) 809-0629.

Sincerely,  
**Marshall Miller & Associates, Inc.**

P. Brent Scott, P.G.  
Branch Manager, Bluefield -  
Director of Environmental Services



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

DEP15657

PAGE

1

ADDRESS CORRESPONDENCE TO ATTENTION OF:

GUY NISBET  
304-558-8802

\*709033950 01 276-322-5467

**MARSHALL MILLER & ASSOCIATES**

**534 Industrial Park Road  
Bluefield, VA 24605**

ENVIRONMENTAL PROTECTION  
DEPARTMENT OF  
VARIOUS LOCALES AS INDICATED  
BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS		
03/28/2012						
BID OPENING DATE: 04/26/2012		BID OPENING TIME 01:30PM				
LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
001	1	JB		493-96		
WATER QUALITY MONITORING						
REQUEST FOR QUOTATION						
THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, IS SOLICITING BIDS FROM QUALIFIED VENDORS TO PROVIDE GROUNDWATER MONITORING SERVICES AT TWENTY-NINE (29) FACILITIES MANAGED WITHIN THE LANDFILL CLOSURE ASSISTANCE PROGRAM (LCAP) IN WEST VIRGINIA, WHICH INCLUDES ONE HUNDRED FOURTY EIGHT (148) GROUNDWATER MONITORING WELLS, PER THE ATTACHED SPECIFICATIONS, TERMS & CONDITIONS, BID REQUIREMENTS, AND THE ATTACHED BID SCHEDULE.						
IT IS THE AGENCY'S INTENTION TO RENEW THIS CONTRACT FOR TWO (2) ONE-YEAR RENEWAL PERIODS. THE QUANTITIES LISTED ARE CONSTANT FOR THE FIRST YEAR; HOWEVER, IT IS POSSIBLE THAT AT SOMETIME DURING THE RENEWAL PERIODS ADDITIONAL FIELD SERVICE SITES MAY BE ADDED OR SOME PRESENT FIELD SERVICE SITES ELIMINATED. THEREFORE, THE UNIT PRICES QUOTED WILL PREVAIL, THUS ALTERING THE TOTAL PROJECT COST FOR THE RENEWAL PERIODS FROM THAT OF THE ORIGINAL CONTRACT YEAR. THIS POTENTIAL QUANTITY CHANGE WILL BE ADDRESSED BY CHANGE ORDERS.						
EXHIBIT 3						
LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON AWARD..... AND EXTENDS FOR A PERIOD OF ONE (1						
SEE REVERSE SIDE FOR TERMS AND CONDITIONS						
SIGNATURE <i>Phillip Bent Scott</i>			TELEPHONE (307) 809-0629		DATE 05/08/2012	
TITLE Bluefield Dir. of Enviro. Services		FEIN 540989421		ADDRESS CHANGES TO BE NOTED ABOVE		

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

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

1. Awards will be made in the best interest of the State of West Virginia.
  2. The State may accept or reject in part, or in whole, any bid.
  3. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
  4. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods this Purchase Order/Contract becomes void and of no effect after June 30.
  5. Payment may only be made after the delivery and acceptance of goods or services.
  6. Interest may be paid for late payment in accordance with the *West Virginia Code*.
  7. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
  8. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
  9. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
  10. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern the purchasing process.
  11. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
  12. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, the State may deem this contract null and void, and terminate such contract without further order.
  13. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, is available online at [www.state.wv.us/admin/purchase/vrc/hipaa.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).





State of West Virginia  
Department of Administration  
Purchasing Division  
2019 Washington Street East  
Post Office Box 50130  
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ADDRESS CORRESPONDENCE TO ATTENTION OF

GUY NISBET  
304-558-8802

\*709033950 01 276-322-5467  
**MARSHALL MILLER & ASSOCIATES**  
534 Industrial Park Road  
Bluefield, VA 24605

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ENVIRONMENTAL PROTECTION  
DEPARTMENT OF  
VARIOUS LOCALES AS INDICATED  
BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS		
03/28/2012						
BID OPENING DATE: 04/26/2012		BID OPENING TIME 01:30PM				
LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>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 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>						
SEE REVERSE SIDE FOR TERMS AND CONDITIONS						
SIGNATURE <i>Phillip Burt Scott</i>			TELEPHONE (304) 809-0629		DATE 05/08/2012	
TITLE Bluefield Dir. of Enviro. Services		FEIN 540989421		ADDRESS CHANGES TO BE NOTED ABOVE		

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



State of West Virginia  
Department of Administration  
Purchasing Division  
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\*709033950 01 276-322-5467

**MARSHALL MILLER & ASSOCIATES****534 Industrial Park Road****Bluefield, VA 24605**V  
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ENVIRONMENTAL PROTECTION

DEPARTMENT OF

VARIOUS LOCALES AS INDICATED

BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS		
03/28/2012						
BID OPENING DATE: 04/26/2012		BID OPENING TIME 01:30PM				
LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<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>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</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>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p>						
SEE REVERSE SIDE FOR TERMS AND CONDITIONS						
SIGNATURE <i>Phillip Burt Scott</i>			TELEPHONE (304) 809-0629		DATE 05/08/2012	
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DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS		
03/28/2012						
BID OPENING DATE: 04/26/2012		BID OPENING TIME 01:30PM				
LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
BUYER: GN-23						
RFQ. NO.: DEP15657						
BID OPENING DATE: -----4/26/2012-----						
BID OPENING TIME: -----1:30PM-----						
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: (276) 322-5460						
CONTACT PERSON (PLEASE PRINT CLEARLY): Brent Scott						
ANY INDIVIDUAL SIGNING THIS BID IS CERTIFYING THAT: (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 DEP15657 ***** TOTAL:						\$172,528.75
SEE REVERSE SIDE FOR TERMS AND CONDITIONS						
SIGNATURE <i>Phillip Brent Scott</i>			TELEPHONE (304) 809-0629		DATE 05/08/2012	
TITLE Bluefield Dir. of Enviro. Services		FEIN 540989421		ADDRESS CHANGES TO BE NOTED ABOVE		

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1

ADDRESS CORRESPONDENCE TO ATTENTION OF

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RFQ COPY

**MARSHALL MILLER & ASSOCIATES**  
534 Industrial Park Road  
Bluefield, VA 24605

ENVIRONMENTAL PROTECTION  
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DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS		
04/11/2012						
BID OPENING DATE: 04/26/2012		BID OPENING TIME 01:30PM				
LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 1						
ADDENDUM ISSUED TO DISTRIBUTE Q&A'S AND A REVISED VENDOR BID SHEET. ADDENDUM ACKNOWLEDGEMENT IS ATTACHED						
BID OPENING DATE REMAINS UNCHANGED AT: 04/26/2012 AT 1:30 PM						
EXHIBIT 10						
REQUISITION NO.: DEP15657						
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	.....			<i>Phillip B. Scott</i>		
NO. 2	.....			<i>Phillip B. Scott</i>		
NO. 3	.....			<i>Phillip B. Scott</i>		
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						
SEE REVERSE SIDE FOR TERMS AND CONDITIONS						
SIGNATURE <i>Phillip B. Scott</i>		TELEPHONE (304) 809-0629		DATE 05/08/2012		
TITLE Bluefield Dir. of Enviro. Services		FEIN 540989421		ADDRESS CHANGES TO BE NOTED ABOVE		





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DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS		
04/11/2012						
BID OPENING DATE: 04/26/2012		BID OPENING TIME 01:30PM				
LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
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.						
<div>..... SIGNATURE Marshall Miller &amp; Associates ..... COMPANY 05/08/2012 ..... DATE</div>						
NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.						
REV. 09/21/2009						
0001	1	JB		493-96		
WATER QUALITY MONITORING						
SEE REVERSE SIDE FOR TERMS AND CONDITIONS						
SIGNATURE <i>Phillip Burt Scott</i>				TELEPHONE (304) 809-0629		DATE 05/08/2012
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04/11/2012						
BID OPENING DATE: 04/26/2012		BID OPENING TIME 01:30PM				
LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
***** THIS IS THE END OF RFQ DEP15657 ***** TOTAL:						\$172,528.75
SEE REVERSE SIDE FOR TERMS AND CONDITIONS						
SIGNATURE <i>Phillip Butts Scott</i>				TELEPHONE (304) 809-0629	DATE 05/08/2012	
TITLE Bluefield Dir. of Enviro. Services				FEIN 540989421	ADDRESS CHANGES TO BE NOTED ABOVE	

## Ground Water Monitoring For LCAP

DEP

## Contractor's Bid Sheet-Appendix A

Vendors Name: Marshall Miller & Associates

The DEP reserves the right to request additional information and supporting documentation regarding unit prices when the unit price appears to be unreasonable.

[illegible]



State of West Virginia  
Department of Administration  
Purchasing Division  
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DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS		
04/20/2012						
BID OPENING DATE: 05/10/2012		BID OPENING TIME 01:30PM				
LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 2						
ADDENDUM FOR GROUNDWATER MONITORING SERVICES IS ISSUED FOR THE FOLLOWING INFORMATION CHANGES.						
1. END OF Q&A PERIOD IS: 04/26/2012 AT 11AM, EST.						
2. BID OPENING DATE CHANGED FROM: 04/26/2012 AT 1:30 PM TO: 05/10/2012 AT 1:30 PM						
NO OTHER CHANGES						
END OF ADDENDUM NO. 2						
0001	1	JB		493-96		
WATER QUALITY MONITORING						
***** THIS IS THE END OF RFQ DEP15657 ***** TOTAL:						\$172,528.75
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SIGNATURE <i>Philly Bente East</i>			TELEPHONE (304) 809-0629		DATE 05/08/2012	
TITLE Bluefield Dir. of Enviro. Services		FEIN 540989421		ADDRESS CHANGES TO BE NOTED ABOVE		

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**MARSHALL MILLER & ASSOCIATES****534 Industrial Park Road****Bluefield, VA 24605**V  
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ENVIRONMENTAL PROTECTION

DEPARTMENT OF

VARIOUS LOCALES AS INDICATED

BY ORDER

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05/02/2012									
BID OPENING DATE: 05/10/2012				BID OPENING TIME 01:30PM					
LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT			
ADDENDUM NO. 3									
ADDENDUM FOR GROUNDWATER MONITORING SERVICES IS ISSUED FOR THE FOLLOWING INFORMATION DISTRIBUTION.									
1. PUBLISH Q&A'S SUBMITTED.									
2. BID OPENING DATE REMAINS UNCHANGED AT: 05/10/2012 AT 1:30 PM									
NO OTHER CHANGES									
END OF ADDENDUM NO. 3									
0001	1	JB	493-96	WATER QUALITY MONITORING					
***** THIS IS THE END OF RFQ DEP15657 ***** TOTAL:						\$172,528.75			
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RFQ No. DEP15657STATE 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: Marshall Miller & AssociatesAuthorized Signature: Cathy S. Gost Date: 05/08/2012State of VIRGINIACounty of Tazewell, to-wit:Taken, subscribed, and sworn to before me this 5th day of May, 2012.My Commission expires JUNE 30, 2013.

AFFIX SEAL HERE

NOTARY PUBLIC

Mary Kelley ChubbMy Commission No.  
172625