



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 |
| DNR212046 |

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| PAGE |
| 1 |

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| ADDRESS CORRESPONDENCE TO ATTENTION OF: |
| FRANK WHITTAKER |
| 304-558-2316 |

VENDOR

Landscapes Supply Inc.
 Attn: Joe Hammer
 PO Box 12706
 Roanoke, VA 24027

SHIP TO

DIVISION OF NATURAL RESOURCES
 PIPESTEM STATE PARK
 ATTN: PARK SUPERINTENDENT
 STATE ROUTE 20
 PIPESTEM, WV
 25979 304-466-2804

| | | | | |
|----------------------------|---------------|----------|--------|---------------|
| DATE PRINTED 10/03/2011 | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
|----------------------------|---------------|----------|--------|---------------|

BID OPENING DATE: 11/08/2011 BID OPENING TIME 01:30PM

| LINE | QUANTITY | UOP | CAT NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|---------|-------------|------------|--------|
| 0001 | 1 | LS | | 335-37 | | |
| FERTILIZER W/FUNGICIDE AND/OR INSECTICIDE THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY THE WEST VIRGINIA DIVISION OF NATURAL RESOURCES IS SOLICITING BIDS FOR GOLF COURSE CHEMICALS FOR PIPESTEM STATE PARK PER THE ATTACHED SPECIFICATIONS. ALL TECHNICAL QUESTIONS MUST BE SUBMITTED IN WRITING TO FRANK WHITTAKER IN THE WV PURCHASING DIVISION VIA EMAIL AT FRANK.M.WHITTAKER@WV.GOV OR VIA FAX AT 304-558-4115. DEADLINE FOR TECHNICAL QUESTIONS IS 10/18/2011 AT 4:00 PM. ALL TECHNICAL QUESTIONS WILL BE ADDRESSED BY ADDENDUM AFTER THE DEADLINE. 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. EXHIBIT 10 REQUISITION NO.: <i>DNR 212046</i> 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 ✓ | | | | | | |

RECEIVED
 2011 NOV -3 AM 10:10
 DIVISION
 WV PURCHASING
 DIVISION

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

| | | |
|--------------------------------|-----------------------------|-----------------------------------|
| SIGNATURE <i>Joe Hammer</i> | TELEPHONE 1-800-876-2151 | DATE Oct. 28, 2011 |
| TITLE Sales representative | FEIN 541392476 | 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)

8

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.htm 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).



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RFQ NUMBER
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ADDRESS CORRESPONDENCE TO ATTENTION OF:
 FRANK WHITTAKER
 304-558-2316

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE

SHIP TO

DIVISION OF NATURAL RESOURCES
 PIPESTEM STATE PARK
 ATTN: PARK SUPERINTENDENT
 STATE ROUTE 20
 PIPESTEM, WV
 25979 304-466-2804

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| DATE PRINTED 10/03/2011 | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
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BID OPENING DATE: 11/08/2011 BID OPENING TIME 01:30PM

| LINE | QUANTITY | UOP | CAT. NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|----------|-------------|------------|--------|
| | NO. 2 | ✓ | | | | |
| | NO. 3 | ✓ | | | | |
| | NO. 4 | ✓ | | | | |
| | NO. 5 | ✓ | | | | |
| <p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</p> <p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p style="text-align: center;"> <i>Joe Hammer</i> SIGNATURE <i>Landscape Supply, Inc.</i> COMPANY <i>Oct. 28, 2011</i> DATE </p> <p>NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.</p> <p>REV. 09/21/2009</p> <p style="text-align: center;">NOTICE</p> | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

| | | |
|--------------------------------|-----------------------------|-----------------------------------|
| SIGNATURE <i>Joe Hammer</i> | TELEPHONE 1-800-876-2151 | DATE Oct 28, 2011 |
| TITLE Sales rep | FEIN 541392476 | ADDRESS CHANGES TO BE NOTED ABOVE |

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| <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: 44</p> <p>RFQ. NO.: DNR212046</p> <p>BID OPENING DATE: 11/08/2011</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:</p> <p>----- 1-540-343-1484 -----</p> <p>CONTACT PERSON (PLEASE PRINT CLEARLY):</p> <p>----- Joe Hammer -----</p> | | | | | | |

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| ***** THIS IS THE END OF RFQ DNR212046 ***** TOTAL: | | | | | | |

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|-------------------|----------------|-----------------------------------|
| SIGNATURE | TELEPHONE | DATE |
| <i>Joe Hammer</i> | 1-800-876-2151 | Oct. 28, 2011 |
| TITLE | FEIN | ADDRESS CHANGES TO BE NOTED ABOVE |
| <i>sales rep</i> | 541392476 | |

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

GOLF COURSE CHEMICAL SPECIFICATIONS
PIPESTEM RESORT STATE PARK

| Item No. | Quantity | Description | Unit Price | Amount |
|----------|--------------------------|---|---------------------|---------|
| 1 | 120 bags | Milogranite organic fertilizer, 6-2-0 Green Grade, 5.5% water insoluble nitrogen, 0.5% water soluble nitrogen, 2.0% available phosphoric acid, 4.0% iron, 50 lb. bags or equal. | 11.25 | 1350.00 |
| 2 | 15 gal. | Bensumec, 4LF, 2 - 2 1/2 gallon per case. Active ingredient Bensulide; S-(0, 0-Disopropyl Phosphorodithioate) eater of N-(2-Mercaptoethyl) Benzenensulfonamide 46% inert ingredient 54% or equal. | 255.00 2.5 gal | 1530.00 |
| 3 | 66 44 bags | Anderson's fungicide IX, active ingredient chlorobeb 3.2% snow mold control granular Thipohanate methyl 1.63%, 44.7# bag or equal. | 76.56 30 lb. bag | 5052.96 |
| 4 | 120 bags | Milogranite organic fertilizer, 6-0-2 Classic, over 4% iron, slow release, water soluble, 50 lb. bags or equal. | 10.80 | 1296.00 |
| 5 | 8 cases | Daconil ZN Flowable fungicide, active ingredient Chlorothairnil (Tetrachloroisophthalontrile) 30.5% inert ingredient 61.5%. Made and sold by Zeneca Professional Products or equal | 154.76 | 1238.08 |
| 6 | 400 bags | 18-5-9 Lebanon Country Club medium granular, 7.3% ammoniacal nitrogen, 5.5% water insoluble nitrogen, 5.2% water soluble nitrogen source, ammoniacal phosphate, ammoniacal sulfate of potash, 1% magnesium, 0.2% water soluble magnesium, 6% sulphur, 1% iron total, 0.5% manganese, 0.1% water soluble manganese, 50 lb bags or equal. | NO BID | |
| 7 | 8 cases | Cleary 3336 WP all water soluble foil packs, 6 x 2 lb, 50% Thiophanate methyl or equal. | 118.98 | 951.84 |
| 8 | 4 cases | Banner Maxx, Sygenta, active ingredient Propiconazole 14.3%, 1[[2-(2,4-dichlorophenyl)-4-propyl-1,3 dioxolan-2-yl]methyl]-1H-1, 2, 4-triazole or equal | 195.20 | 780.80 |
| 9 | 100 bags | 19-3-19 Anderson's Greens Grade, 100% Methalyne urea, 80 SGN, sulfate of potash or equal. | 51.80 | 5180.00 |
| 10 | 4 cases | Subdue Maxx fungicide, Active ingredients: R-2-((2,6 dimethylphenyl)-methoxyacetyl amino)-proplonic acid methyl ester 21.3%, (2) 1 gallon containers per case or equal. | 802.00 | 3208.00 |
| 11 | 6 cases | ^{Dithane} Fore, Rain Shield, active ingredient Mancozeb, 8 x 6# or equal. | 201.12 | 1206.72 |

All items are to be F.O.B. Destination. Freight or delivery charges must be included in the price of the line item cost.

GOLF COURSE CHEMICAL SPECIFICATIONS
PIPESTEM RESORT STATE PARK

| Item No. | Quantity | Description | Unit Price | Amount |
|--------------|---|--|-----------------------|---------|
| 12 | 300 bags | <i>20-0-5 20% controlled release, 1.15 from</i> 20-4-10 with 1.15% Team, Lebanon Country Club, 50 lb. bags, Fairway Grade, 39% controlled release or equal. | 22.25 | 6675.00 |
| 13 | 8 cases | 29-2-3 Anderson's Fluid Fertilizer, active ingredient 29% total Nitrogen (12.8% Urea Nitrogen, 16.2% other water soluble Nitrogen) 2% Phosphoric Acid, 3% soluble Potash, 2 - 2.5 gallons per case or equal. | 80.70 | 645.60 |
| 14 | 6 cases | Chipco Signature, 4 x 5.5#, active ingredient aluminum (0 - ethyl phosphonate 80%. Inert ingredient 20% or equal. | 532.40 | 3194.40 |
| 15 | 1 case | Primo Maxx, 11.3% Trinexapac-ethyl, Sygenta, (2) 1 gallon containers per case or equal. | 184.00 gal | 368.00 |
| 16 | 10 cases | Dursban 50 WSP insecticide, active ingredient 0,0 - Diethylo - (3,5,6-Trichloro-2-Pyridinyl) Phosphorpthioate (Chyorpyrifos 50%) 8 x 1.75 or equal. | 216.00 | 2160.00 |
| 17 | <i>167</i> <i>15 lb.</i> <i>bags</i> 100 bags | Bayleton Granular Lebanon Turf Fungicide, contains 1% Bayleton granulate product to be dry-applied. Non-burning, ready to use, composed of Homogeneous dust-free particles. 90 - 95% of the particles should pass through a 10 but not a 70 mesh US sieve. Active ingredient Triadenfon, bulk density, 25 lb. bags or equal. | 15 lb Bag 37.61 | 6280.87 |
| 18 | 4 gallon | Rubigan, 1 gallon per case. Active ingredient Ferarimol AK-2-(4- Chorophenyl-5-Pyrimidenemihanol 50% or equal. | 304.54 | 1218.16 |
| 19 | 8 cases | Daconil Ultrex, Sygenta, 82.5%, Chlorothanil, 4 x 5 lb. per case or equal. <i>Chlorothalonil 2x10lb</i> | 103.00 | 824.00 |
| 20 | 4 gallons | Torque fungicide, active ingredient Tebuconazole (2(4- chlorophenyl)(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol 38.7%, other ingredients 61.3%, contains 3.6 pounds Tebuconazole per gallon or equal. | 219.00 | 876.00 |
| 21 | 6 cases | Spectro 90 WDG combination using 3336 and Daconil WeatherSilk, 90% water dispersible granule, 72% Chlorothalonil, 18% Thiophanate-methyl, 4 x 5 lb. per case or equal. | 164.40 | 986.40 |
| TOTAL | | | | |

All items are to be F.O.B. Destination. Freight or delivery charges must be included in the price of the line item cost.

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: Landscape Supply

Signed: Joe Hammer

Date: Oct. 31, 2011

Title: Sales representative

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

