



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
60E5242

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
 BUYER 41
 304-558-0492

RFQ COPY

VENDOR

Cisco Abbatemarco
 Whirlpool Corporation
 414 N. Peters Road
 Knoxville, TN 37922

SHIP TO

GOVERNORS OFFICE OF ECONOMIC OPPORTUNITY
 950 KANAWHA BOULEVARD, EAST
 CHARLESTON, WV 25301
 304-558-8860

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B	FREIGHT TERMS
07/28/2011				

BID OPENING DATE: 08/09/2011 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		045-66		
REFRIGERATORS, HOUSEHOLD						
OPEN-END CONTRACT						
THE WEST VIRGINIA PURCHASING DIVISION FOR THE AGENCY, GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT, WV WEATHERIZATION ASSISTANCE PROGRAM, IS SOLICITING BIDS TO PROVIDE ENERGY STAR CERTIFIED REFRIGERATORS PER THE ATTACHED SPECIFICATIONS.						
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 WRITTEN NOTICE.						
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,						

RECEIVED
 08/09/2011 10:09
 PURCHASING DIVISION
 WV

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]* TELEPHONE: 800-434-9621 ext 15018 DATE: 8-26-11
 TITLE: SALES ASSOCIATE FEIN: 38-1490038
 ADDRESS CHANGES TO BE NOTED ABOVE



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<p>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, 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>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>[Signature]</i>	TELEPHONE 800-634-9621 ext 5012	DATE 8-20-11
TITLE Sales Associate	FEIN 38-1490038	ADDRESS CHANGES TO BE NOTED ABOVE

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



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<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. 05/26/2009</p> <p>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> <p>REV. 3/88</p> <p>THE MODEL/BRAND/SPECIFICATIONS NAMED HEREIN ESTABLISH THE ACCEPTABLE LEVEL OF QUALITY ONLY AND ARE NOT INTENDED TO REFLECT A PREFERENCE OR FAVOR ANY PARTICULAR BRAND OR VENDOR. VENDORS WHO ARE BIDDING ALTERNATES SHOULD SO STATE AND INCLUDE PERTINENT LITERATURE AND SPECIFICATIONS. FAILURE TO PROVIDE INFORMATION FOR ANY ALTERNATES MAY BE GROUNDS FOR</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Paula G. Gifford</i>	TELEPHONE 800-631-9621 opt 5 ext 2	DATE 8-26-11
TITLE Sales Associate	FEIN 38-1490038	ADDRESS CHANGES TO BE NOTED ABOVE

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<p>REJECTION OF THE BID. THE STATE RESERVES THE RIGHT TO WAIVE MINOR IRREGULARITIES IN BIDS OR SPECIFICATIONS IN ACCORDANCE WITH SECTION 148-1-4(F) OF THE WEST VIRGINIA LEGISLATIVE RULES AND REGULATIONS.</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 style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p style="text-align: center;">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: -----41-----</p> <p>RFQ. NO.: -----G0E5242-----</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>F. L. Buffert</i>	TELEPHONE 866-634-9621	DATE 8-26-11
TITLE Sales Associate	FEIN 38-1490038	ADDRESS CHANGES TO BE NOTED ABOVE

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BID OPENING DATE: -----08/09/2011----- BID OPENING TIME: -----1:30 PM----- PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- CONTACT PERSON (PLEASE PRINT CLEARLY): ----- ***** THIS IS THE END OF RFQ GOE5242 ***** TOTAL: _____						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Paula Gruber</i>	TELEPHONE 800-634-9621 ext 15012	DATE 8-26-11
TITLE <i>Sales Associate</i>	FEIN 38-1490038	ADDRESS CHANGES TO BE NOTED ABOVE

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

The West Virginia Weatherization Assistance Program (WVWAP) is seeking bids for replacing old, inefficient or inoperable refrigerators for clients who qualify for Weatherization Assistance throughout the state of West Virginia. There are 12 non-profit Community Action Partnership agencies throughout the state that administer the Weatherization Assistance Program serving 55 counties throughout the state. The Governor's Office of Economic Opportunity (GOEO) monitors and assists these agencies. To date, the WVWAP has replaced 699 refrigerators during the 2009 program year and more than 614 refrigerators through May of the 2010 program year. Please submit a bid on refrigerator replacements as per the following specifications.

Specifications:

Contract Items:

1. 15 Cubic Foot Refrigerator (Top Mount)
 - a. Must be Energy Star qualified
 - b. Must have an automatic defrost
 - c. Must be ADA compliant
 - d. Should have up front temperature controls
 - e. Should have fixed door storage in refrigerator and freezer compartments
2. 18 Cubic Foot Refrigerator (Top Mount)
 - a. Must be Energy Star qualified
 - b. Must have an automatic defrost
 - c. Must be ADA compliant
 - d. Should have up front temperature controls
 - e. Should have humidity controlled crispers
 - f. Must have interior lighting
 - g. Should have fixed door storage in refrigerator and freezer compartments
 - h. Must have factory installed automatic ice maker
3. 19 Cubic Foot Refrigerator (Top Mount)
 - a. Must be Energy Star qualified
 - b. Must have an automatic defrost
 - c. Must be ADA compliant
 - d. Should have up front temperature controls
 - e. Should have fixed door storage in refrigerator and freezer compartments
 - f. Should have humidity controlled crispers
 - g. Must have interior lighting
 - h. Must have interior water dispenser
 - i. Should have water filtration system
 - j. Must have factory installed automatic ice maker

4. 21 Cubic Foot Refrigerator (Top Mount)
 - a. Must be Energy Star qualified
 - b. Must have an automatic defrost
 - c. Must be ADA compliant
 - d. Should have up front temperature controls
 - e. Should have fixed door storage in refrigerator and freezer compartments
 - f. Should have humidity controlled crispers
 - g. Must have interior lighting
 - h. Must have factory installed automatic ice maker
5. 22 Cubic Foot Refrigerator (Top Mount)
 - a. Must be Energy Star qualified
 - b. Must have an automatic defrost
 - c. Must be ADA compliant
 - d. Should have up front temperature controls
 - e. Should have fixed door storage in refrigerator and freezer compartments
 - f. Should have humidity controlled crispers
 - g. Must have interior lighting
 - h. Must have factory installed automatic ice maker
6. 22 Cubic Foot Refrigerator (Side by Side)
 - a. Must be Energy Star qualified
 - b. Must have an automatic defrost
 - c. Must be ADA compliant
 - d. Should have water filtration system
 - e. Must have exterior of door mounted electronic ice & water system dispenser with standard push button controls
 - f. Should have slide interior temperature controls
 - g. Must have interior lighting
 - h. Should have water filter "change" indicator light
 - i. Must have factory installed automatic ice maker
 - j. Should have fixed freezer and refrigerator door storage
7. 18.5 Cubic Foot Refrigerator (Bottom Mount Freezer)
 - a. Must be Energy Star qualified
 - b. Must have an automatic defrost
 - c. Must be ADA compliant
 - d. Should have up front temperature controls
 - e. Should have fixed door storage in refrigerator and freezer compartments
 - f. Should have humidity controlled crispers
 - g. Must have interior lighting
 - h. Must have factory installed automatic ice maker

- Other information that is necessary for each refrigerator model: model number, capacity, kWh/yr, total cost, life of the refrigerator, height, width, and depth.
 - “Total cost” per unit refers to the **installation** of new refrigerators as well as **removal** of old refrigerators per make and model as agreed upon between the West Virginia Weatherization Assistance Program and the participating company of interest.
- The vendor shall establish separate accounts for the 12 Community Action Partnership agencies for the ordering and payment process.
- The Governor’s Office of Economic Opportunity shall be able to access the 12 agencies’ accounts for monitoring and reference purposes.
- The refrigerators shall be delivered and installed in qualified clients’ homes throughout the entire state of West Virginia.
- Old refrigerators deemed inefficient, defective or inoperable are to be removed by the participating company and taken out of service and disposed of in compliance with EPA guidelines (Code of Federal Regulations). At no point will a refrigerator be put back into service.
- Any necessary forms will be developed by the Governor’s Office of Economic Opportunity in association with the 12 agencies and the participating company.
- The agencies shall be able to contact the company for ordering and other purposes through at least one of the following means: toll free number, 800 number, fax number, or web based means.
- Installation and removal must take place within 30 days after an order from the local weatherization agency is placed to the participating company. If for some reason this cannot be met due to extenuating circumstances of any particular client, the agency will be contacted and the agency and the company will make arrangements for an alternative delivery date.
- The participating company shall notify the local weatherization agency upon delivering and installing a new refrigerator for verification purposes.

Refrigerators	Brand	Model No.	Capacity cubic ft.	kWh/yr.	Height in.	Width in.	Depth in.	Total Cost*/ea.	Estimated Qty.	Evaluation Cost
15 Cubic Foot Top Mount					in.	in.	in.	\$	X	\$
18 Cubic Foot Top Mount					in.	in.	in.	\$	X	\$
19 Cubic Foot Top Mount					in.	in.	in.	\$	X	\$
21 Cubic Foot Top Mount					in.	in.	in.	\$	X	\$
22 Cubic Foot Top Mount					in.	in.	in.	\$	X	\$
22 Cubic Foot Side-by-Side					in.	in.	in.	\$	X	\$
18.5 Cubic Foot with bottom mount freezer					in.	in.	in.	\$	X	\$

Total:

~~XXXXXXXXXX~~

Instructions to bidders:
 Multiply the total cost/ea. by the estimated quantity and enter the result in the "Evaluation Cost" for each model.
 Add all evaluation cost amounts and enter the result on the Total line.

PRELIMINARY PRICING SHEET ONLY.
FINAL PRICING SHEET WILL BE DISTRIBUTED BY
ADDENDUM.

*Total cost is the installation of the refrigerator (including all electrical and plumbing connections) in addition to the removal of the old refrigerator.

RFQ No. GOE5242

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: Whirlpool

Authorized Signature: [Signature] Date: 8-26-11

State of TN

County of KNOX, to-wit:

Taken, subscribed, and sworn to before me this 26 day of August, 2011.

My Commission expires My Commission Expires: 4/29/15, 20 .

AFFIX SEAL HERE



NOTARY PUBLIC [Signature]

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: _____ Signed: _____

Date: _____ Title: _____

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



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VENDOR

Cisco Abbatemarco
Whirlpool Corporation
414 N. Peters Road
Knoxville, TN 37922

SHIP TO

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950 KANAWHA BOULEVARD, EAST CHARLESTON, WV 25301 304-558-8860

Table with 5 columns: DATE PRINTED (08/07/2011), TERMS OF SALE, SHIP VIA, F.O.B., FREIGHT TERMS.

BID OPENING DATE: 08/23/2011 BID OPENING TIME 01:30PM

Main table with columns: LINE, QUANTITY, UOP, CAT NO., ITEM NUMBER, UNIT PRICE, AMOUNT. Contains Addendum No. 1 details.

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

Signature section with fields for SIGNATURE, TELEPHONE (800-634-9621), DATE (8-26-11), TITLE (Sales Associate), and FEIN (38-1490038).

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



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<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>Russell Guffey</i> SIGNATURE <i>Whirlpool</i> COMPANY <i>8-26-2011</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;">END OF ADDENDUM NO. 1</p>						
0001	1	LS		045-66		
REFRIGERATORS, HOUSEHOLD						

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SIGNATURE <i>Russell Guffey</i>	TELEPHONE 800-634-9621	DATE 8-26-2011	
TITLE Sales Associate	FEIN 38-1490038	ADDRESS CHANGES TO BE NOTED ABOVE	

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BUYER

GOVERNORS OFFICE OF ECONOMIC OPPORTUNITY

950 KANAWHA BOULEVARD, EAST
 CHARLESTON, WV
 25301 304-558-8860

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
08/15/2011				

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

LINE	QUANTITY	UOP	CAT. NO	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 2						
1. TO MOVE THE BID OPENING FROM 08/23/2011 TO 08/30/2011. 2. REVISED BID FORM ATTACHED. 3. ADDENDUM ACKNOWLEDGEMENT IS ATTACHED. THIS DOCUMENT SHOULD BE SIGNED AND RETURNED WITH YOUR BID. FAILURE TO SIGN AND RETURN MAY RESULT IN DISQUALIFICATION OF YOUR BID. EXHIBIT 10						
REQUISITION NO.: GOE5242						
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.						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]* TELEPHONE: 800-634-9621 DATE: 8-26-11
 TITLE: Sales Associate FAX: 304-558-0638 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.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).



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: **GOE5242**

PAGE: **2**

ADDRESS CORRESPONDENCE TO ATTENTION OF:
**BUYER 41,
 304-558-0492**

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE

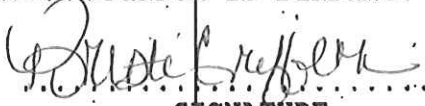
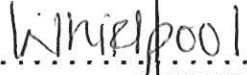
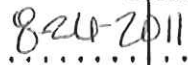
BUYER

GOVERNORS OFFICE OF ECONOMIC OPPORTUNITY

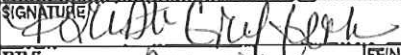
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 CHARLESTON, WV 25301 304-558-8860

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
08/15/2011				

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

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<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;">  SIGNATURE  COMPANY  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;">END OF ADDENDUM NO. 2</p>						
0001	1	LS		045-66		
REFRIGERATORS, HOUSEHOLD						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE:  TELEPHONE: **800-634-9621** DATE: **8-26-11**
 TITLE: **Sales Associate** FEIN: **38-1490038** ADDRESS CHANGES TO BE NOTED ABOVE

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

GO55242

Refrigerators	Brand	Model No.	Capacity cubic ft.	kWh/yr.	Height in.	Width in.	Depth in.	Total Cost*/ea.	Estimated Qty.	Evaluation Cost
15 Cubic Foot Top Mount	Whirlpool	W5TXENFND	14.0	354	22 3/4 in.	23 in.	21 1/8 in.	\$ 525	208	\$ 107,100.00
18 Cubic Foot Top Mount	Whirlpool	W5TXENFND	17.0	378	27 1/8 in.	25 in.	22 1/8 in.	\$ 584	326	\$ 190,384.00
19 Cubic Foot Top Mount	Whirlpool	WRT359SPVN	19.0	345	29 1/4 in.	29 1/2 in.	23 1/8 in.	\$ 649	65	\$ 42,185.00
21 Cubic Foot Top Mount	Whirlpool	WRT359SPVN	20.7	410	30 1/4 in.	32 1/2 in.	27 5/8 in.	\$ 679	65	\$ 44,135.00
22 Cubic Foot Top Mount	N/A	N/A						\$	15	\$
22 Cubic Foot Side-by-Side	Whirlpool	EDZKXEVXVQ	21.7	537	34 1/4 in.	32 1/4 in.	33 3/4 in.	\$ 919	124	\$ 107,756.00
18.5 Cubic Foot with bottom mount freezer	Whirlpool	E69SHKXVQ	18.5	448	26 1/2 in.	29 5/8 in.	33 1/8 in.	\$ 849	1	\$ 849.00

Total: 494,509.00

Instructions to bidders:
 Multiply the total cost/ea. by the estimated quantity and enter the result in the "Evaluation Cost" for each model.
 Add all evaluation cost amounts and enter the result on the Total line.

*Total cost is the installation of the refrigerator (including all electrical and plumbing connections)
 In addition to the removal of the old refrigerator.

The State reserves the right to award each refrigerator category described on this cost sheet to a separate vendor or to award the contract in whole to a single vendor in accordance with what the Purchasing Division determines to be in the best interest of the State.



WHIRLPOOL CORPORATION
 DIRECT SALES NETWORK
 414 N. PETERS ROAD
 KNOXVILLE, TN. 37922

Quote # 4000768540

Quotation

Prepared for:
 2040053 - STATE OF WV OFFICE OF ECONOMIC
 950 HANAWHA BLVD E 3RD FLOOR
 CHARLESTON, WV 25301

Project Name: STATE OF WV WEATHERIZATION 2011-2012

Prepared by:
 Whirlpool Account Manager
 KRISTI GRIFFETH
 800.634.9621 OPTION 5 OPTION 2

Prices are a firm offer for deliveries from 09/01/2011 to 08/31/2012

Products

Qty	Model Number	Description	Price	Freight	Tax	Line Total	Ext Total
1	EB9SHKXVQ	2008 WHR 19' 2 DR BM.E-STAR. AMA	\$769.00	\$35	\$0.00	\$804.00	\$804.00
1	ED2KVEXVQ	SIDE BY SIDE REF. 22'	\$789.00	\$35	\$0.00	\$824.00	\$824.00
1	W5TXEWFQ	2009 WHPL 15'TFA.E-STAR. WHITE.	\$445.00	\$35	\$0.00	\$480.00	\$480.00
1	W8TXEWFYQ	WHIRLPOOL 18 CUFT E-STAR WIRE WHITE	\$504.00	\$35	\$0.00	\$539.00	\$539.00
1	WRT1LITZYW	WHIRLPOOL 21 CUFT XL WHITE	\$599.00	\$35	\$0.00	\$634.00	\$634.00
1	WRT359SFYW	WHIRLPOOL 19 CUFT XL WHITE	\$569.00	\$35	\$0.00	\$604.00	\$604.00
							\$3,885.00

Services

Qty	Model Number	Description	Price	Freight	Tax	Line Total	Ext Total
1	HDFSIC	HOMEDEL/FREESTANDINSTALLCOMP/REM&HAULOLD	\$45.00	\$0	\$0.00	\$45.00	\$45.00
1	OUHAC	OLD UNIT HAUL AWAY COMPRESSOR	\$25.00	\$0	\$0.00	\$25.00	\$25.00
1	RDRF	REVERSE DOOR SWING REFR/FZR WINE COOLER	\$20.00	\$0	\$0.00	\$20.00	\$20.00
1	UNINST	UNINSTALL	\$24.00	\$0	\$0.00	\$24.00	\$24.00
							\$114.00

This Quote is a firm offer made under the Uniform Commercial Code.

The current builder price sheet controls any prices not listed on this Quote.

This Quote is automatically withdrawn if not acknowledged within 30 days of the Issue Date

Sales tax and fees will be added at appropriate rate in effect at time of order.

All purchases are subject to Whirlpool's Standard Direct Terms and Conditions, additional copies available upon request.

Whirlpool Corporation Representative:

Trade Partner Acknowledgment
 I acknowledge receipt of this Quote:

 Name

 Name

 Title

 Issue Date

 Signature

THIS AGREEMENT IS NOT VALID UNTIL SIGNED BY WHIRLPOOL

WHIRLPOOL CORPORATION EMPLOYS MORE U.S. WORKERS THAN ANY OTHER MAJOR APPLIANCE MANUFACTURER