



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
VET012175

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
TARA LYLE 304-558-2544

RFQ COPY

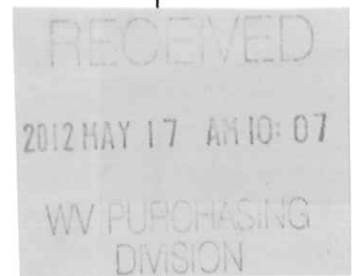
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Middletown Tractor Sales  
2050 Boyers dRive  
Fairmont, WV 26554

DIVISION OF VETERANS AFFAIRS  
ATTENTION: C. PRATHER  
SUITE 101  
1321 PLAZA EAST  
CHARLESTON, WV  
25301-1400 558-3661

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
04/18/2012	Net 30 Days	Our truck	Destination	Pre-Paid
BID OPENING DATE: 05/24/2012		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		515-40-01-001		
LAWN EQUIPMENT INCLUDING MOWERS & TRIMMERS						
THE WEST VIRGINIA PURCHASING DIVISION FOR THE AGENCY, WV DIVISION OF VETERANS AFFAIRS, IS SOLICITING BIDS TO PROVIDE COMMERCIAL LAWN EQUIPMENT INCLUDING MOWERS AND TRIMMERS, FOR THE WV VETERANS CEMETERY LOCATED IN DUNBAR, WV, PER THE ATTACHED SPECIFICATIONS.						
INQUIRIES:						
WRITTEN QUESTIONS WILL BE ACCEPTED UNTIL CLOSE OF BUSINESS ON 05/08/2012. QUESTIONS MAY BE SENT VIA USPS, FAX, COURIER OR E-MAIL. IN ORDER TO ASSURE NO VENDOR RECEIVES AN UNFAIR ADVANTAGE, NO SUBSTANTIVE QUESTIONS WILL BE ANSWERED ORALLY. IF POSSIBLE, E-MAIL QUESTIONS ARE PREFERRED. ADDRESS INQUIRIES TO:						
TARA LYLE DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305						
FAX: 304-558-4115 EMAIL: TARA.L.LYLE@WV.GOV						



SIGNATURE <i>Philip A. Prather</i>		SEE REVERSE SIDE FOR TERMS AND CONDITIONS	
TITLE Sales Consultant		TELEPHONE 304-366-4690 (Ext. 2425)	DATE 16 May 2012
FAX 55-054-7175		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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DIVISION OF VETERANS AFFAIRS  
ATTENTION: C. PRATHER  
SUITE 101  
1321 PLAZA EAST  
CHARLESTON, WV  
25301-1400 558-3661

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
04/18/2012				

BID OPENING DATE:

05/24/2012

BID OPENING TIME

01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<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>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 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 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>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 THERE TO 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.</p> <p>VENDOR PREFERENCE CERTIFICATE</p> <p>THIS TEAM EXHIBIT HAS BEEN REPLACED BY THE ONLINE VERSION WHICH IS AVAILABLE HERE:</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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

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Department of Administration  
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DIVISION OF VETERANS AFFAIRS  
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SUITE 101  
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CHARLESTON, WV  
25301-1400 558-3661

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
04/18/2012				

BID OPENING DATE:

05/24/2012

BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
CONTACT PERSON (PLEASE PRINT CLEARLY): Phillip A. cotttrille						
***** THIS IS THE END OF RFQ VET012175 ***** TOTAL:						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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VET012175

The WV Department of Veteran's Assistance is soliciting bids for commercial lawn equipment for the Donel Kinnard Memorial State Veterans Cemetery in Dunbar, WV.

The lawn equipment must be manufactured for commercial use. All items must be new. Damaged or defective items must be replaced at no additional expense to the WV Department of Veterans Assistance.

If bidding "or equal" brands, Vendors should attach manufacturer's literature documenting that it meets the requirements stated in the specifications. If vendors are bidding equivalent products, product literature should be included with your bid.

All items are to be FOB Destination. Freight or delivery prices should be included in the bid price. Items to be delivered to the Donel Kinnard Memorial State Veterans Cemetery located at 130 Academy Drive Dunbar, WV 25064. Delivery should occur 30 days after the purchase order issued to the successful vendor.

The contract may be awarded to one or multiple vendors, depending what is in the best interest of the State, with the lowest bid meeting all of the specifications with the most complete bid. An authorized signature must be in the bid.

See additional specifications.

STATE OF WEST VIRGINIA  
PURCHASE CONTINUATION SHEET

Page \_\_\_ of \_\_\_ Pages

Requisition / P.O. No.:  
VET012175

File#

Accl. No.:

Vendor: \_\_\_\_\_ P.O. Date: \_\_\_\_\_

Spending Unit:

Veterans Assistance

Item No.	Quantity	Description	Unit Price	Amount
1	1	Walk-Behind Mower Bob Cat Hydro model 934306G, or equal, minimum 48" mower deck Gasoline powered 5.5 gal fuel tank minimum 2 cylinder 18 hp/600cc minimum engine 15,000 fpm @ 3600 engine rpm minimum 7 gauge steel deck skirt Side discharge deck with molded rubber chute 10 gauge deck top w/7 gauge reinforcements Floating mower deck Maintenance free spindle with 1" shaft and double sealed precision ground ball bearings Adjustable cutting height from 1 3/8" to 4 5/8" minimum Electric clutch deck drive V-belt blade drive Electronic spark ignition/starter Standard oil filter Air cooled Dual element air cleaner 6 mph forward ground speed minimum 3 mph reverse ground speed minimum Dynamic braking with dual wheel parking brake Tires: 9 x 3.5 front and 16 x 6.5 rear, minimum Material collection system (bagger) Mulching kit 1 set additional blades 2 year warranty		
2	1	Walk-behind Mower Bob Cat Hydro model 935308G, or equal, minimum 54" mower deck Gasoline powered 5.5 gal fuel tank minimum 2 cylinder 20 hp/600cc minimum engine 16,900 fpm @3600 engine rpm minimum 7 gauge steel deck skirt Side discharge deck w/molded rubber chute 10 gauge deck top w/7 gauge reinforcements Floating mower deck Maintenance free spindle with 1" shaft and double sealed precision ground ball bearings Adjustable cutting height from 1 3/8" to 4 5/8" minimum Electric clutch deck drive V-belt blade drive Electronic spark ignition/starter Standard oil filter Air cooled Dual element air cleaner 6 mph forward ground speed minimum 3 mph reverse ground speed minimum		

STATE OF WEST VIRGINIA  
PURCHASE CONTINUATION SHEET

Page \_\_\_ of \_\_\_ Pages

Requisition / P.O. No.:  
VET012175

File: \_\_\_\_\_

Acct. No.: \_\_\_\_\_

Vendor: \_\_\_\_\_ P.O. Date: \_\_\_\_\_

Spending Unit: \_\_\_\_\_

Veterans Assistance

Item No.	Quantity	Description	Unit Price	Amount
3	1	Dynamic braking with dual wheel parking brake Tires: 9 x3.5 front and 16 x 6.5 rear, minimum Material collection system (bagger) attachment Mulching kit 1 set additional blades 2 year warranty		
4	1	Zero-turn riding mower Bob Cat Pro-Cat model 942506G, or equal 52" mower deck Gasoline powered 14 gal fuel tank minimum 29 hp/852 cc engine, minimum 18,000rpm @3600 engine rpm minimum 7 gauge steel deck skirt and baffles with adjustable anti-scalp rollers front and rear Side discharge deck with molded rubber chute Maintenance free spindle with 1" shaft and double sealed precision ground ball bearings Adjustable cutting height from 1" to 5" minimum Electric clutch deck drive Manual hand lift with spring assist deck lift Electronic spark ignition/starter Standard oil filter Air cooled Dual stage heavy-duty canister air filter 11 mph forward speed minimum Tires: 13 x6.5 front caster wheels and 23 x 10 rear wheels Seat: Hi-back seat with full vibration isolation, adjustable seat and adjustable armrests Material collection system (bagger) attachment Mulching kit 1 set additional blades 2 year warranty		
		Zero-turn riding mower Bob Cat Pro-Cat model 942502G, or equal 61" mower deck Gasoline powered 14 gal fuel tank, minimum 29 hp/726 cc engine, minimum 18,300rpm @ 3500 engine rpm minimum 10 gauge steel top w/7 & 3 gauge reinforcements Side discharge with molded rubber chute Maintenance free spindle with 1" shaft & double sealed precision ground ball bearings Adjustable cutting height from 1" to 5" minimum Electric clutch deck drive Manual hand lift with spring assist deck lift Electronic spark ignition/starter Air cooled Dual stage heavy duty canister air filter 11 mph forward speed minimum Tires: 13 x 6.5 caster front wheels and 24 x 12 rear wheels		



STATE OF WEST VIRGINIA

## PURCHASE CONTINUATION SHEET

Page \_\_\_\_ of \_\_\_\_ Pages

Requisition / P.O. No.:  
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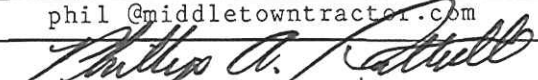
Acct. No.:

Spending Unit:

Veterans Assistance

Vendor: \_\_\_\_\_ P.O. Date: \_\_\_\_\_

Item No.	Quantity	Description	Unit Price	Amount
		Seat: Hi-back seat with full vibration isolation, adjustable seat and armrests Material collection system (bagger) attachment Mulching kit 1 set additional blades 2 year warranty		
5	2	21" Self propelled Gas Push Mower Troy-Bilt model 12AGA26G711, or equal Electric start Front wheel drive with variable control speed 5 adjustable cutting heights minimum Side discharge chute Material collection system (bagger) attachment Mulch kit Briggs & Stratton engine 8" front and rear wheels minimum Adjustable steel handle 2 sets additional blades 2 year warranty		
6	2	Gasoline Powered Hedge Trimmer Stihl HS 81 T C-E, or equal Double sided reciprocating blades with integrated cutter guard Front hand guard Anti-vibration system Start/run/stop controls on handle Upright fuel tank with retainer cap Heavy-duty gearbox Multi-position handle Built in hanger Lightweight		
7	2	Bike Handle Trimmer Stihl FS 250, or equal Electronic ignition Standard string head Blade head attachment Soft grip handle Solid steel drive shaft 2 pre-wound replacement spools and line 1 universal harness		

VET012175 - Lawn Equipment					
Bid Form					
Item #	Description	Model Information	Estimated Quantity	Unit Price	Extended Amount
1	Walk Behind Mower - Bobcat model 934306G, or equal	John Deere WH48A	1 ea	\$ 5,546.56	\$ 5,546.56
2	Walk Behind Mower - Bobcat model 935308G, or equal	John Deere WH52A	1 ea	\$ 5,836.59	\$ 5,836.59
3	Zero-turn Riding Mower-Bobcat model 942506G, or equal	John Deere Z930A	1 ea	\$ 9,549.14	\$ 9,549.14
4	Zero-turn Riding Mower - Bobcat model 942502G, or equal	John Deere Z930A	1 ea	\$ 9,549.14	\$ 9,549.14
5	21" Self propelled gas mower - Troy Bilt model 12AGA26G711, or equal	John Deere JS46	2 ea	\$ 551.59	\$ 1,103.18
6	Gas powered Hedge Trimmer - Stihl model HS81TC-E, or equal	SAME	2 ea	\$ 580.07	\$ 1,160.14
7	Bike Handle Trimmer - Stihl model FS250, or equal	SAME	2 ea	\$ 499.95	\$ 999.90
Failure to use this form may result in disqualification				<b>GRAND TOTAL:</b>	\$ 33,744.65
Bidder / Vendor Information: MIDDLETOWN tractor Sales					
Name: Phillip A. Cottrille					
Address: 2050 Boyers drive					
Fairmont, WV 26554					
Phone#: 304-366-4690 (Ext. 242)					
Email Address: phil@middletowntractor.com					
Authorized Signature: 					

RFQ No. VET012175STATE 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.

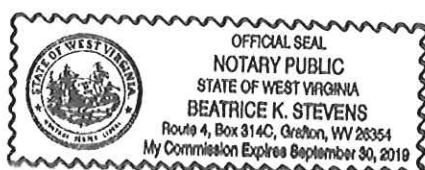
**EXCEPTION:** The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into 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: Middletown tractor SalesAuthorized Signature: *Phillip A. Galt*Date: 16 May 2012State of WVCounty of Taylor, to-wit:Taken, subscribed, and sworn to before me this 16 day of MAY, 2012My Commission expires 9-30, 2019

AFFIX SEAL HERE

NOTARY PUBLIC

*Beatrice K. Stevens*

Purchasing Affidavit (Revised 12/15/09)

Rev. 09/08

## 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: Middletown Tractor Sales

Signed: *Phillip A. Galt*

Date: 16 May 2012

Title: Sales consultant

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



## MIDDLETOWN TRACTOR SALES

2050 BOYERS DR.  
FAIRMONT, WV 26554

304-366-4690 (EXT 42)  
304-366-4698 (FAX)

[www.middletowntractor.com](http://www.middletowntractor.com)

**"Make your main factor Middletown Tractor"**

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### **"LETTER OF EXCEPTIONS TO ADVERTISED SPECIFICATIONS"**

**Division of Veterans Affairs  
1321 Plaze East  
Suite 101  
Charleston, WV 25301-0130  
REF: RFQ# VET012175  
ATTN: C. Prather**

**This letter is being attached to our bid package to explain our exceptions to the advertised bid specifications for the aforementioned RFQ.**

#### **Walk Behind Mower:**

<b>Exception #1 REQUEST: 5.5 Gal Fuel</b>	<b>OUR OFFERING: 5.8 Gal.</b>
<b>Exception #2 REQUEST: 18HP</b>	<b>OUR OFFERING: 20HP</b>
<b>Exception #3 REQUEST: 15,000FPM</b>	<b>OUR OFFERING: 18,000FPM</b>
<b>Exception #4 REQUEST: 10 Gauge Deck</b>	<b>OUR OFFERING: 7 Gauge</b>
<b>Exception #5 REQUEST: 6 MPH FWD</b>	<b>OUR OFFERING: 7 MPH FWD</b>

#### **Commercial Zero Turn # 1**

<b>Exception #1 REQUEST: 52" Mower</b>	<b>OUR OFFERING: 60" 7-Iron</b>
<b>Exception #2 REQUEST: 14 Gal Fuel</b>	<b>OUR OFFERING: 11.5</b>
<b>Exception #3 REQUEST: Manual Lift</b>	<b>OUR OFFERING: Electric/Hyd.</b>
<b>Exception #4 REQUEST: 11 MPH</b>	<b>OUR OFFERING: 12 MPH</b>

#### **Commercial Zero Turn # 2**

<b>Exception # 1 REQUEST: 61" Deck</b>	<b>OUR OFFERING: 60" 7-Iron</b>
--	---------------------------------

**All other exceptions as above.**

Respectfully yours;

Phillip A. Cottrille  
PHIL@MIDDLETOWNTRACTOR.COM  
304-483-6770 (CELL)

**SERVING MY CUSTOMERS SINCE 1972**