



State of West Virginia  
 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

**Solicitation**

NUMBER
DPS1340

PAGE
1

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

REQ COPY

Battery Plus  
 Attn: Jon McDavid  
 314 Goff Mountain Road  
 Cross Lanes, WV 25313

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H  
I  
P  
T  
O

WEST VIRGINIA STATE POLICE  
 4124 KANAWHA TURNPIKE  
 SOUTH CHARLESTON, WV  
 25309 304-746-2141

DATE PRINTED
05/21/2013

BID OPENING DATE: 06/13/2013 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
OPEN-END CONTRACT  THE WEST VIRGINIA PURCHASING DIVISION FOR THE AGENCY, WV STATE POLICE, IS SOLICITING BIDS TO PROVIDE FLASHLIGHT AND RADIO BATTERIES FOR THE WEST VIRGINIA STATE POLICE, PER THE ATTACHED SPECIFICATIONS.  ATTACHMENTS INCLUDE: 1. INSTRUCTIONS TO VENDORS SUBMITTING BIDS 2. GENERAL TERMS AND CONDITIONS 3. DPS1340 SPECIFICATIONS 4. CERTIFICATION AND SIGNATURE PAGE 5. PURCHASING AFFIDAVIT 6. RESIDENT VENDOR PREFERENCE FORM						
0001	1	LS		450-32-97-000		
				NICKEL-CADMIUM FOR STREAMLIGHT SL-20X FLASHLIGHT		
0002	1	LS		450-32-97-000		
				NICKEL-CADMIUM STREAMLIGHT STINGER LED-HP FLASHLIGHT		

05/31/13 02:16:47 PM  
 West Virginia Purchasing Division

SIGNATURE	TELEPHONE	DATE
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TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
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WHEN RESPONDING TO SOLICITATION, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



State of West Virginia  
 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

**Solicitation**

NUMBER
DPS1340

PAGE
3

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

VENDOR

RFQ COPY  
 TYPE NAME/ADDRESS HERE

SHIP TO

WEST VIRGINIA STATE POLICE  
  
 4124 KANAWHA TURNPIKE  
 SOUTH CHARLESTON, WV  
 25309 304-746-2141

DATE PRINTED:
05/21/2013

BID OPENING DATE: 06/13/2013 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0007	1	LS		450-32-97-000		
				LITHIUM ION FOR MOTOROLA APX-7000 PORTABLE RADIO		
0008	1	LS		450-32-97-000		
				LITHIUM POLYMER FOR MOTOROLA APX-7000 PORTABLE RADIO		
0009	1	LS		450-32-97-000		
				NICKEL METAL HYDRIDE KENWOOD 5310 PORTABLE RADIO		
				STATEWIDE CONTRACT TO FURNISH DRY CELL BATTERIES, FLASHLIGHTS, AND LANTERNS.		
0010	1	LS		450-32-97-000		
				LITHIUM ION FOR KENWOOD 5310 PORTABLE RADIO		

SIGNATURE	TELEPHONE	DATE
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TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
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WHEN RESPONDING TO SOLICITATION, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

**GENERAL TERMS AND CONDITIONS:**

1. **CONTRACTUAL AGREEMENT:** Issuance of a Purchase Order signed by the Purchasing Division Director, or his designee, and approved as to form by the Attorney General's office constitutes acceptance of this Contract made by and between the State of West Virginia and the Vendor. Vendor's signature on its bid signifies Vendor's agreement to be bound by and accept the terms and conditions contained in this Contract.
  
2. **DEFINITIONS:** As used in this Solicitation / Contract, the following terms shall have the meanings attributed to them below. Additional definitions may be found in the specifications included with this Solicitation / Contract.
  - 2.1 **"Agency" or "Agencies"** means the agency, board, commission, or other entity of the State of West Virginia that is identified on the first page of the Solicitation or any other public entity seeking to procure goods or services under this Contract.
  
  - 2.2 **"Contract"** means the binding agreement that is entered into between the State and the Vendor to provide the goods and services requested in the Solicitation.
  
  - 2.3 **"Director"** means the Director of the West Virginia Department of Administration, Purchasing Division.
  
  - 2.4 **"Purchasing Division"** means the West Virginia Department of Administration, Purchasing Division.
  
  - 2.5 **"Purchase Order"** means the document signed by the Agency and the Purchasing Division, and approved as to form by the Attorney General, that identifies the Vendor as the successful bidder and Contract holder.
  
  - 2.6 **"Solicitation"** means the official solicitation published by the Purchasing Division and identified by number on the first page thereof.
  
  - 2.7 **"State"** means the State of West Virginia and/or any of its agencies, commissions, boards, etc. as context requires.
  
  - 2.8 **"Vendor" or "Vendors"** means any entity submitting a bid in response to the Solicitation, the entity that has been selected as the lowest responsible bidder, or the entity that has been awarded the Contract as context requires.

The apparent successful Vendor shall also furnish proof of any additional insurance requirements contained in the specifications prior to Contract award regardless of whether or not that insurance requirement is listed above.

- LICENSE(S) / CERTIFICATIONS / PERMITS:** In addition to anything required under the Section entitled Licensing, of the General Terms and Conditions, the apparent successful Vendor shall furnish proof of the following licenses, certifications, and/or permits prior to Contract award, in a form acceptable to the Purchasing Division.

JW BATTERIES, LLC DBA BATTERIES PLUS

TAX ID. 26-4386887

Control Number 99DB9 STATE OF WVA

The apparent successful Vendor shall also furnish proof of any additional licenses or certifications contained in the specifications prior to Contract award regardless of whether or not that requirement is listed above.

9. **LITIGATION BOND:** The Director reserves the right to require any Vendor that files a protest of an award to submit a litigation bond in the amount equal to one percent of the lowest bid submitted or \$5,000, whichever is greater. The entire amount of the bond shall be forfeited if the hearing officer determines that the protest was filed for frivolous or improper purpose, including but not limited to, the purpose of harassing, causing unnecessary delay, or needless expense for the Agency. All litigation bonds shall be made payable to the Purchasing Division. In lieu of a bond, the protester may submit a cashier's check or certified check payable to the Purchasing Division. Cashier's or certified checks will be deposited with and held by the State Treasurer's office. If it is determined that the protest has not been filed for frivolous or improper purpose, the bond or deposit shall be returned in its entirety.
10. **ALTERNATES:** Any model, brand, or specification listed herein establishes the acceptable level of quality only and is not intended to reflect a preference for, or in any way favor, a particular brand or vendor. Vendors may bid alternates to a listed model or brand provided that the alternate is at least equal to the model or brand and complies with the required specifications. The equality of any alternate being bid shall be determined by the State at its sole discretion. Any Vendor bidding an alternate model or brand should clearly identify the alternate items in its bid and should include manufacturer's specifications, industry literature, and/or any other relevant documentation demonstrating the equality of the alternate items. Failure to provide information for alternate items may be grounds for rejection of a Vendor's bid.
11. **EXCEPTIONS AND CLARIFICATIONS:** The Solicitation contains the specifications that shall form the basis of a contractual agreement. Vendor shall clearly mark any exceptions, clarifications, or

REQUEST FOR QUOTATION  
DPS 1340 Flashlight and Radio Batteries

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- 3.5.2** Lithium-Polymer Battery for Motorola XTS-2500 portable radio must be compatible with the Motorola XTS-2500 series radios and chargers manufactured by Motorola Solutions, Inc.
- 3.5.3** Lithium-Polymer Battery for Motorola XTS-2500 portable radio must meet the following specifications: each battery shall be a 7.2 volt, 2700mAh, Lithium-Polymer, each battery must maintain a minimum of 80% of rated capacity for 24 month and shall be a Honeywell H9858-Lip, or equal.
- 3.5.4** Lithium-Polymer battery for Motorola XTS-2500 portable radio shall be guaranteed to be free from defects in materials and workmanship and shall maintain a minimum of eighty (80) percent of its rated capacity for twenty four (24) months from the date of shipment under normal use.
- 3.6 Nickel-Metal Hydride Batteries for Motorola APX 7000 portable radios**
- 3.6.1** Nickel-Metal Hydride Battery for Motorola APX-7000 portable radio must be a Motorola Impress® NNTN7037, or equal.
- 3.6.2** Nickel-Metal Hydride Battery for Motorola APX-7000 portable radio must be compatible with the Motorola APX-7000 Series radios and chargers manufactured by Motorola Solutions, Inc.
- 3.6.3** Nickel-Metal Hydride Battery for Motorola APX-7000 portable radio must meet the following specifications: each battery shall be a 7.4 volt, 2100 mAh, Nickel-Metal Hydride, must have Impress® capability, and shall be a Motorola NNTN7037 or equal.
- 3.6.4** Nickel-Metal Hydride battery for Motorola APX-7000 portable radio shall be guaranteed to be free from defects in materials and workmanship and shall maintain a minimum of eighty (80) percent of its rated capacity for twelve (12) months from the date of shipment under normal use.
- 3.7 Lithium-Ion Batteries for Motorola APX 7000 portable radios**
- 3.7.1** Lithium-Ion Battery for Motorola APX-7000 battery must be a Motorola Impres® NNTN7038 or equal.

REQUEST FOR QUOTATION  
DPS 1340 Flashlight and Radio Batteries

000029

DPS 1340 – Pricing Page

DPS - 1340 – Flashlight and Radio Batteries		BID OPENING:		
Item #	Description	*Estimated Annual Quantity (ea)	Unit Price	Extended Price
3.1	Nickel-Cadmium battery for Streamlight SL-20X flashlight	100	\$ 31.95	\$ 3,195. <sup>00</sup>
3.2	Nickel-Cadmium battery for Streamlight Stinger LED-HP flashlight	100	\$ 16.95	\$ 1,695. <sup>00</sup>
3.3	Nickel-Metal Hydride battery for Streamlight Stinger LED-HP flashlight	100	\$ 17.95	\$ 1,795. <sup>00</sup>
3.4	Nickel-Metal Hydride battery for Motorola XTS-2500 portable radio	50	\$ 36.95	\$ 1,847. <sup>50</sup>
3.5	Lithium-Polymer battery for Motorola XTS-2500 portable radio	50	\$ 82.50	\$ 4,125. <sup>00</sup>
3.6	Lithium-Ion battery for Motorola XTS-2500 portable radio	50	\$ 62.40	\$ 3,120. <sup>00</sup>
3.7	Lithium-Ion battery for Motorola APX-7000 portable radio	50	\$ 142.50	\$ 7,125. <sup>00</sup>
3.8	Lithium-Polymer battery for Motorola APX-7000 portable radio	50	\$ N/A	\$ N/A
3.9	Nickel-Metal Hydride battery for Kenwood 5310 portable radio	50	\$ 49.40	\$ 2,470. <sup>00</sup>
3.10	Lithium-Ion battery for Kenwood 5310 portable radio	50	\$ 63.95	\$ 3,197. <sup>50</sup>
Failure to use this form may result in disqualification.			Total Cost:	\$ 28,570. <sup>00</sup>
<b>Bidder / Vendor Information:</b>				
Name:		BATTERIES PLUS #454		
Address:		314 COFF Mountain Rd suite #8 CROSS LANES WV 25313		
Phone and Fax Nos.:		304 776-7606(ph) 776-7007(f)		
Email Address:		bp454@batteriesplus.net		
<b>Contract Coordinator Information:</b>				
Name:		Jon McDavid		
Address:		SAME AS ABOVE		
Phone and Fax Nos.:				
Email Address:				
*Quantities are estimated annual usage for bidding purposes and bidder's information.				



RFQ No. \_\_\_\_\_

STATE OF WEST VIRGINIA  
Purchasing Division**PURCHASING AFFIDAVIT**

**MANDATE:** Under W. Va. Code §5A-3-10a, 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: (1) the debt owed is an amount greater than one thousand dollars in the aggregate; or (2) the debtor is in employer default.

**EXCEPTION:** The prohibition listed above does not apply where a vendor has contested any tax administered pursuant to chapter eleven of the W. Va. 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.

**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.

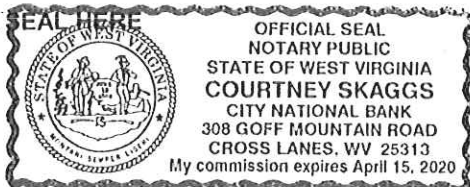
**"Employer default"** means having an outstanding balance or liability to the old fund or to the uninsured employers' fund or being in policy default, as defined in W. Va. Code § 23-2c-2, failure to maintain mandatory workers' compensation coverage, or failure to fully meet its obligations as a workers' compensation self-insured employer. An employer is not in employer default if it has entered into a repayment agreement with the Insurance Commissioner and remains in compliance with the obligations under the repayment agreement.

**"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 exceed five percent of the total contract amount.

**AFFIRMATION:** By signing this form, the vendor's authorized signer affirms and acknowledges under penalty of law for false swearing (*W. Va. Code §61-5-3*) that neither vendor nor any related party owe a debt as defined above and that neither vendor nor any related party are in employer default as defined above, unless the debt or employer default is permitted under the exception above.

**WITNESS THE FOLLOWING SIGNATURE:**Vendor's Name: BATTERIES PLUSAuthorized Signature: Jon McDavid Date: 5/31/13State of West VirginiaCounty of KANAWHA, to-wit:Taken, subscribed, and sworn to before me this 31 day of May, 2013.My Commission expires April 15, 2020.

AFFIX SEAL HERE



NOTARY PUBLIC

Courtney Skaggs  
Purchasing Affidavit (Revised 07/01/2012)



State of West Virginia  
 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

WV PURCHASING AGENCY SECTION Fax 304-558-4115

Jun 11 2013 10:31am P001/003

DPS1340

1

ADDRESS CORRESPONDENCE TO ATTENTION OF

TARA LYLE  
 304-558-2544

RFQ COPY

TYPE NAME/ADDRESS HERE

Batteries Plus  
 314 Goff Mountain Rd.  
 Suite #8  
 CROSS LANES, WV  
 25313

SHIP TO

WEST VIRGINIA STATE POLICE  
 4124 KANAWHA TURNPIKE  
 SOUTH CHARLESTON, WV  
 25309 304-746-2141

DATE PRINTED:  
 06/11/2013

BID OPENING DATE: 06/18/2013

BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
				ADDENDUM NO. 1		
				SEE ATTACHED PAGES.		
				END OF ADDENDUM NO. 1		

Post-it<sup>®</sup> Fax Note 7671  
 To: John  
 Co./Dept.  
 Phone #  
 Date: 6/11/13 # of pages: 3  
 From: T. Lyle  
 Co.  
 Phone #  
 Fax #: 304-776-7007

06/17/13 10:10:21 AM  
 West Virginia Purchasing Division

\*\*\*\*\* THIS IS THE END OF RFQ DPS1340 \*\*\*\*\* TOTAL: \_\_\_\_\_

SIGNATURE: *Jon McJannet* TELEPHONE: 304 776-7006 DATE: 6/12/13  
 TITLE: OWNER FEIN: 26-4386887 ADDRESS CHANGES TO BE NOTED ABOVE

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



000002

**SOLICITATION NUMBER: DPS1340**  
**Addendum Number: 1**

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The purpose of this addendum is to modify the solicitation identified as DPS1340 ("Solicitation") to reflect the change(s) identified and described below.

**Applicable Addendum Category:**

- [ X ] Modify bid opening date and time
- [ ] Modify specifications of product or service being sought
- [ ] Attachment of vendor questions and responses
- [ ] Attachment of pre-bid sign-in sheet
- [ ] Correction of error
- [ ] Other

**Description of Modification to Solicitation:** The bid opening date has moved from June 13, 2013 to June 18, 2013. The responses to vendor questions will be issued under a separate addendum.

**Additional Documentation:** Documentation related to this Addendum (if any) has been included herewith as Attachment A and is specifically incorporated herein by reference.

**Terms and Conditions:**

1. All provisions of the Solicitation and other addenda not modified herein shall remain in full force and effect.
2. Vendor should acknowledge receipt of all addenda issued for this Solicitation by completing an Addendum Acknowledgment, a copy of which is included herewith. Failure to acknowledge addenda may result in bid disqualification. The addendum acknowledgement should be submitted with the bid to expedite document processing.

**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.
7. Application is made for preference as a non-resident small, women- and minority-owned business, in accordance with *West Virginia Code* §5A-3-59 and *West Virginia Code of State Rules*.  
 Bidder has been or expects to be approved prior to contract award by the Purchasing Division as a certified small, women- and minority-owned business.

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: BATTERIES PLUS Signed: Jon M. David  
 Date: 6/12/13 Title: OWNER

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. [checked] 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.
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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: BATTERIES PLUS Signed: Jon M. David
Date: 6/12/13 Title: OWNER

# Honorable Discharge



from the Armed Forces of the United States of America

*This is to certify that*

JONATHAN WAYNE MCDAVID, 236-80-0882  
SPECIALIST FOUR EA, TROOP B, 1ST SQUADRON, 150TH ARMORED CAVALRY

*was Honorably Discharged from the* ARMY NATIONAL GUARD OF  
WEST VIRGINIA

AND AS A RESERVE OF THE ARMY

*on the* 28th *day of* NOVEMBER 1977

*This certificate is awarded as a testimonial of Honest and Faithful Service*

THIS DISCHARGE DOES NOT RELIEVE THE INDIVIDUAL NAMED HEREIN FROM ANY RESERVE OBLIGATION TO WHICH HE  
MAY BE SUBJECT UNDER THE PROVISIONS OF THE UNIVERSAL MILITARY TRAINING AND SERVICE ACT, AS AMENDED

PAUL R. MARTIN  
COL, GS, WYARNG  
Command Administrative Assistant