



The following documentation is an electronically-submitted vendor response to an advertised solicitation from the *West Virginia Purchasing Bulletin* within the Vendor Self-Service portal at [wvOASIS.gov](http://wvOASIS.gov). As part of the State of West Virginia's procurement process, and to maintain the transparency of the bid-opening process, this documentation submitted online is publicly posted by the West Virginia Purchasing Division at [WVPurchasing.gov](http://WVPurchasing.gov) with any other vendor responses to this solicitation submitted to the Purchasing Division in hard copy format.



## Header 1

[List View](#)

## General Information

[Contact](#)[Default Values](#)[Discount](#)[Document Information](#)

Procurement Folder: 425042

SO Doc Code: CRFQ

Procurement Type: Central Purchase Order

SO Dept: 0603

Vendor ID: 

SO Doc ID: ADJ1800000009

Legal Name: MIDDLETOWN TRACTOR SALES

Published Date: 2/26/18

Alias/DBA:

Close Date: 3/8/18

Total Bid: \$203,676.03

Close Time: 13:30

Response Date: 

Status: Closed

Response Time: Solicitation Description: [Apply Default Values to Commodity Lines](#)[View Procurement Folder](#)



Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

**State of West Virginia  
 Solicitation Response**

**Proc Folder :** 425042

**Solicitation Description :** ADDENDUM 1 AGRICULTURE TRACTORS FOR APPLE PROJECT

**Proc Type :** Central Purchase Order

Date issued	Solicitation Closes	Solicitation Response	Version
	2018-03-08 13:30:00	SR 0603 ESR03081800000003968	1

<b>VENDOR</b>
000000202582 MIDDLETOWN TRACTOR SALES

**Solicitation Number:** CRFQ 0603 ADJ1800000009

**Total Bid :** \$203,676.03      **Response Date:** 2018-03-08      **Response Time:** 10:29:55

**Comments:**

**FOR INFORMATION CONTACT THE BUYER**  
 Crystal Rink  
 (304) 558-2402  
 crystal.g.rink@wv.gov

<b>Signature on File</b>	<b>FEIN #</b>	<b>DATE</b>
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All offers subject to all terms and conditions contained in this solicitation

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
1	Item No. 3.1.1 Boomer 54D Tractor & Access.	1.00000	EA	\$31,421.800000	\$31,421.80

Comm Code	Manufacturer	Specification	Model #
25101901			

<b>Extended Description :</b>	New Holland Model: Boomer 54D Tractor (or equal) and accessories
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**Comments:** REFER TO LETTER OF EXCEPTIONS

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
2	Item No. 3.1.2 T5.120 Series Tractor & Access.	1.00000	EA	\$109,735.350000	\$109,735.35

Comm Code	Manufacturer	Specification	Model #
25101901			

<b>Extended Description :</b>	New Holland Model: T5.120 Series Tractor (or equal) and accessories
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**Comments:** REFER TO LETTER OF EXCEPTION

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
3	Item No. 3.1.3 T4.110F Series Tractor & Access.	1.00000	EA	\$62,518.880000	\$62,518.88

Comm Code	Manufacturer	Specification	Model #
25101901			

<b>Extended Description :</b>	New Holland Model: T4.110F Series Tractor (or equal) and accessories
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**Comments:** REFER TO LETTER OF EXCEPTION



Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

State of West Virginia  
 Request for Quotation  
 01 - Agricultural

Proc Folder: 425042

Doc Description: AGRICULTURE TRACTORS FOR APPLE PROJECT

Proc Type: Central Purchase Order

Date Issued	Solicitation Closes	Solicitation No	Version
2018-02-20	2018-03-08 13:30:00	CRFQ 0603 ADJ1800000009	1

**BID RECEIVING LOCATION**

BID CLERK  
 DEPARTMENT OF ADMINISTRATION  
 PURCHASING DIVISION  
 2019 WASHINGTON ST E  
 CHARLESTON WV 25305  
 US

**VENDOR**

Vendor Name, Address and Telephone Number:

Middletown Tractor Sales  
 2050 Boyers Drive  
 Fairmont, WV 26554  
 304-366-4690

**FOR INFORMATION CONTACT THE BUYER**

Crystal Rink  
 (304) 558-2402  
 crystal.g.rink@wv.gov

Signature X

FEIN # 55-054-7175

DATE 8 March 2018

All offers subject to all terms and conditions contained in this solicitation

**ADDITIONAL INFORMATION:**

THE STATE OF WEST VIRGINIA PURCHASING DIVISION FOR THE AGENCY, WEST VIRGINIA ADJUTANT GENERAL AND THE WEST VIRGINIA ARMY NATIONAL GUARD, IS SOLICITING BIDS TO ESTABLISH A CONTRACT FOR THE ONE-TIME PURCHASE OF AGRICULTURE TRACTORS FOR THE PATRIOT "GUARDENS" APPLE PROJECT PER THE ATTACHED DOCUMENTATION.

INVOICE TO		SHIP TO	
STATE FINANCE ADJUTANT GENERALS OFFICE 1703 COONSKIN DR		PATRIOT GUARDENS APPLE PROJECT 4900 SCENIC HIGHWAY	
CHARLESTON	WV25311-1085	SUMMERSVILLE	WV 26651
US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
1	Item No. 3.1.1 Boomer 54D Tractor & Access.	1.00000	EA	\$31,421.80	\$31,421.80

Comm Code	Manufacturer	Specification	Model #
25101901	John Deere	Refer to Letter of Exception	4052R

**Extended Description :**

New Holland Model: Boomer 54D Tractor (or equal) and accessories

INVOICE TO		SHIP TO	
STATE FINANCE ADJUTANT GENERALS OFFICE 1703 COONSKIN DR		PATRIOT GUARDENS APPLE PROJECT 4900 SCENIC HIGHWAY	
CHARLESTON	WV25311-1085	SUMMERSVILLE	WV 26651
US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
2	Item No. 3.1.2 T5.120 Series Tractor & Access.	1.00000	EA	\$109,735.35	\$109,735.35

Comm Code	Manufacturer	Specification	Model #
25101901	John Deere	Refer to Letter of Exception	6120R

**Extended Description :**

New Holland Model: T5.120 Series Tractor (or equal) and accessories

INVOICE TO		SHIP TO	
STATE FINANCE ADJUTANT GENERALS OFFICE 1703 COONSKIN DR		PATRIOT GUARDENS APPLE PROJECT 4900 SCENIC HIGHWAY	
CHARLESTON	WV25311-1085	SUMMERSVILLE	WV 26651
US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
3	Item No. 3.1.3 T4.110F Series Tractor & Access.	1.00000	EA	\$62,518.88	\$62,518.88

Comm Code	Manufacturer	Specification	Model #
25101901	John Deere	Refer to Letter of Exception	5100GN

**Extended Description :**

New Holland Model: T4.110F Series Tractor (or equal) and accessories

**SCHEDULE OF EVENTS**

Line	Event	Event Date
1	QUESTION DEADLINE 10AM EST	2018-02-23

**EXHIBIT A**

**CRFQ ADJ1800000009- Agriculture Tractors & Accessories**

**PRICING PAGE**

CONTRACT ITEM NO.	DESCRIPTION	QTY	UNIT PRICE
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Item No. 3.1.1	<b>New Holland Model: Boomer 54D Tractor (or equal)</b> w/ Front Loader Attachment Model: 250TLA (or equal) Disc Harrows Attachment Model: EZ 78DC (or equal) Tractor Cab Model: SuperSuite (or equal)  Manufacturer Bid: John Deere/ Frontier Model No. Bid: 4052R - DHL180	1	\$ 31,421.80
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Item No. 3.1.2	<b>New Holland Model: T5.120 Series Tractor (or equal)</b> w/ Front Loader Attachment Model: 835TL (or equal) Tractor Cab Model: VisionView (or equal)  Manufacturer Bid: John Deere Model No. Bid: 6120R - 640R Loader	1	\$ 109,735.35
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Item No. 3.1.3	<b>New Holland Model: T4.110F Series Tractor (or equal)</b> w/ Tractor Cab Model: New Cab Blue4 (or equal)  Manufacturer Bid: John Deere Model No. Bid: 5100GN	1	\$ 62,518.88
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Unit prices to be inclusive of all freight/delivery costs  
 Failure to use this form may result in disqualification

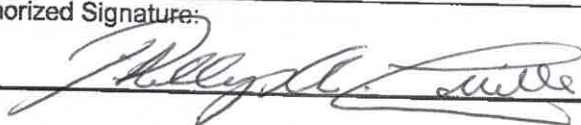
**GRAND TOTAL: \$203,676.03**

**Bidder / Vendor Information:**

Name: Middletown Tractor Sales  
 Address: 2050 Boyers Drive  
 Fairmont, WV 26554  
  
 Phone: 304-366-4690  
 Fax: 304-366-4698

E-mail Address: phil@middletowntractor.com

Authorized Signature:



Date:  
8 March 2018




**DESIGNATED CONTACT:** Vendor appoints the individual identified in this Section as the Contract Administrator and the initial point of contact for matters relating to this Contract.

Phillip A. Cottrille Sales Consultant  
(Name, Title)  
 Sales Consultant  
(Printed Name and Title)  
2050 Boyers Drive, Fairmont, WV 26554  
(Address)  
304-366-4690 304-366-4698  
(Phone Number) / (Fax Number)  
phil@middletowntractor.com  
(email address)

**CERTIFICATION AND SIGNATURE:** By signing below, or submitting documentation through wvOASIS, I certify that I have reviewed this Solicitation in its entirety; that I understand the requirements, terms and conditions, and other information contained herein; that this bid, offer or proposal constitutes an offer to the State that cannot be unilaterally withdrawn; that the product or service proposed meets the mandatory requirements contained in the Solicitation for that product or service, unless otherwise stated herein; that the Vendor accepts the terms and conditions contained in the Solicitation, unless otherwise stated herein; that I am submitting this bid, offer or proposal for review and consideration; that I am authorized by the vendor to execute and submit this bid, offer, or proposal, or any documents related thereto on vendor's behalf; that I am authorized to bind the vendor in a contractual relationship; and that to the best of my knowledge, the vendor has properly registered with any State agency that may require registration.

Middletown Tractor Sales  
(Company)

 Phillip A. Cottrille Sales consultant  
(Authorized Signature) (Representative Name, Title)

Phillip A. Cottrille Sales Consultant  
(Printed Name and Title of Authorized Representative)

8 March 2018  
(Date)

304-366-4690 304-366-4698  
(Phone Number) (Fax Number)

ADDENDUM ACKNOWLEDGEMENT FORM  
SOLICITATION NO.: CRFQ ADJ1800000009

Instructions: Please acknowledge receipt of all addenda issued with this solicitation by completing this addendum acknowledgment form. Check the box next to each addendum received and sign below. Failure to acknowledge addenda may result in bid disqualification.

Acknowledgment: I hereby acknowledge receipt of the following addenda and have made the necessary revisions to my proposal, plans and/or specification, etc.

Addendum Numbers Received:

(Check the box next to each addendum received)

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Addendum No. 1 | <input type="checkbox"/> Addendum No. 6  |
| <input type="checkbox"/> Addendum No. 2            | <input type="checkbox"/> Addendum No. 7  |
| <input type="checkbox"/> Addendum No. 3            | <input type="checkbox"/> Addendum No. 8  |
| <input type="checkbox"/> Addendum No. 4            | <input type="checkbox"/> Addendum No. 9  |
| <input type="checkbox"/> Addendum No. 5            | <input type="checkbox"/> Addendum No. 10 |

I understand that failure to confirm the receipt of addenda may be cause for rejection of this bid. I further 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.

Middletown Tractor Sales  
Company

  
Authorized Signature

8 March 2018  
Date

NOTE: This addendum acknowledgment should be submitted with the bid to expedite document processing.

# 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 Vendor Preference, if applicable.

1. **Application is made for 2.5% 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% 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% 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% 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% 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% 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: Middletown tRactor Sales

Signed: 

Date: 8 March 2018

Title: Sales Consultant



## MIDDLETOWN TRACTOR SALES

2050 BOYERS DR.  
FAIRMONT, WV 26554

304-366-4690 (EXT 242)  
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 BID SPECIFICATIONS”

7 March 2018

Bid Clerk  
Department of Administration  
Purchasing Division  
2019 Washington Street, East  
Charleston, WV 25305

REF: CRFQ ADJ18\*9  
ATTN: Crystal Rink

Ms. Rink;

This document is being created to define areas of the aforementioned RFQ that creates a concern for the John Deere products we are quoting herein. It is my contention that none of the areas discussed here will create any adverse performance and in most cases actually provides a much more efficient solution for the end-user.

3.1.1.9: John Deere provides an e-Hydro Transmission which allows for infinite ground speeds while providing constant PTO speed, better operator control and greater utilization.

3.1.1.10: John Deere's Tractor contained within this proposal does not meet the hitch lift as stated; we will be at 3,130# @ end of lift balls.

3.1.2.10: John Deere's Tractor contained within this section of the proposal does not meet the hitch lift as stated; we will be at 7,432# @ end of lift balls.

(PLEASE NOTE: NOT ALL MANUFACTURES MEASURE LIFT CAPACITY AT THE SAME POINT.)

3.1.2.13: The addition of the suspended front axle will require the wheelbase to be extended out to 102.5"  
(NOTE) I believe you will find this to be the case with any of the manufactures that offer a suspended axle.

3.1.3: Based upon all current available advertised specifications the John Deere 5115ML exceeds the requested bid specification for the proposed Tractor.

3.1.3.10: The requested “Super-Steer” axle as requested is not an option that John Deere offers, the main issues surrounds that fact that for New Holland to provide the option of “Super-Steer” they are required to move the front axle approximately 12” forward for all of the mechanical components and linkage required to make the tractor steer @ 76 degrees, the change of the wheelbase makes for a longer overall tractor and does not really provide much advantage especially considering the additional cost of maintaining all of the additional wear parts.

6: Delivery: As I mentioned in my previous letter concerning delivery, it is my experience that these “special” build tractors CANNOT be delivered within the time-frame requested. Production schedules and country of origin will set the delivery of these units back a minimum of 90-120 days ARO for “NEW” units.

STATE OF WEST VIRGINIA  
Purchasing Division

# PURCHASING AFFIDAVIT

**CONSTRUCTION CONTRACTS:** Under W. Va. Code § 5-22-1(i), the contracting public entity shall not award a construction contract to any bidder that is known to be in default on any monetary obligation owed to the state or a political subdivision of the state, including, but not limited to, obligations related to payroll taxes, property taxes, sales and use taxes, fire service fees, or other fines or fees.

**ALL CONTRACTS:** 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 exceeds 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: (1) for construction contracts, the vendor is not in default on any monetary obligation owed to the state or a political subdivision of the state, and (2) for all other contracts, 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: Middletown Tractor Sales

Authorized Signature: [Signature] Date: 8 March 2018

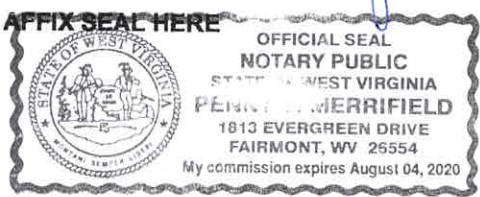
State of West Virginia

County of Marion, to-wit:

Taken, subscribed, and sworn to before me this 8<sup>th</sup> day of March, 2018

My Commission expires Aug 4, 2020

NOTARY PUBLIC [Signature]



West Virginia Ethics Commission  
**Disclosure of Interested Parties to Contracts**

(Required by W. Va. Code § 6D-1-2)

**Contracting Business Entity:** MIDDLETOWN TRACOR SALES **Address:** 2050 BOYERS DRIVE  
FAIRMONT, WV 26554

**Authorized Agent:** PHILLIP A. COTTRILLE **Address:** 2050 BOYERS DRIVE FAIRMONT, WV

**Contract Number:** CRFQ 0603 ADJ1800000009 **Contract Description:** AGRICULTURE TRACTORS FOR APPLE PROJECT

**Governmental agency awarding contract:** WV STATE FINANCE ADJUTANT GENERALS OFFICE

**Check here if this is a Supplemental Disclosure**

List the Names of Interested Parties to the contract which are known or reasonably anticipated by the contracting business entity for each category below (attach additional pages if necessary):

1. **Subcontractors or other entities performing work or service under the Contract**

Check here if none, otherwise list entity/individual names below.

2. **Any person or entity who owns 25% or more of contracting entity (not applicable to publicly traded entities)**

Check here if none, otherwise list entity/individual names below.

J. ADAM BOYERS, PRESIDENT

3. **Any person or entity that facilitated, or negotiated the terms of, the applicable contract (excluding legal services related to the negotiation or drafting of the applicable contract)**

Check here if none, otherwise list entity/individual names below.

PHILLIP A. COTTRILLE

Signature: *Phillip A. Cottrille*

Date Signed: MARCH 08, 2018

**Notary Verification**

State of WEST VIRGINIA, County of TAYLOR

I, PHILLIP A. COTTRILLE, the authorized agent of the contracting business entity listed above, being duly sworn, acknowledge that the Disclosure herein is being made under oath and under the penalty of perjury.

Taken, sworn to and subscribed before me this 08 day of MARCH

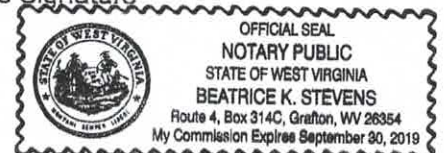
*Beatrice K. Stevens*  
Notary Public's Signature

**To be completed by State Agency:**

Date Received by State Agency: \_\_\_\_\_

Date submitted to Ethics Commission: \_\_\_\_\_

Governmental agency submitting Disclosure: \_\_\_\_\_



## West Virginia Ethics Commission



### Disclosure of Interested Parties to Contracts

Pursuant to *W. Va. Code* § 6D-1-2, a state agency may not enter into a contract, or a series of related contracts, that has/have an actual or estimated value of \$100,000 or more until the business entity submits to the contracting state agency a Disclosure of Interested Parties to the applicable contract. In addition, the business entity awarded a contract is obligated to submit a supplemental Disclosure of Interested Parties reflecting any new or differing interested parties to the contract within 30 days following the completion or termination of the applicable contract.

For purposes of complying with these requirements, the following definitions apply:

*"Business entity"* means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership or corporation.

*"Interested party"* or *"Interested parties"* means:

- (1) A business entity performing work or service pursuant to, or in furtherance of, the applicable contract, including specifically sub-contractors;
- (2) the person(s) who have an ownership interest equal to or greater than 25% in the business entity performing work or service pursuant to, or in furtherance of, the applicable contract. (This subdivision does not apply to a publicly traded company); and
- (3) the person or business entity, if any, that served as a compensated broker or intermediary to actively facilitate the applicable contract or negotiated the terms of the applicable contract with the state agency. (This subdivision does not apply to persons or business entities performing legal services related to the negotiation or drafting of the applicable contract.)

*"State agency"* means a board, commission, office, department or other agency in the executive, judicial or legislative branch of state government, including publicly funded institutions of higher education: Provided, that for purposes of *W. Va. Code* § 6D-1-2, the West Virginia Investment Management Board shall not be deemed a state agency nor subject to the requirements of that provision.

The contracting business entity must complete this form and submit it to the contracting state agency prior to contract award and to complete another form within 30 days of contract completion or termination.

*This form was created by the State of West Virginia Ethics Commission, 210 Brooks Street, Suite 300, Charleston, WV 25301-1804. Telephone: (304)558-0664; fax: (304)558-2169; e-mail: [ethics@wv.gov](mailto:ethics@wv.gov); website: [www.ethics.wv.gov](http://www.ethics.wv.gov).*