

Request for Quotation

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ADDRESS CORRESPONDENCE TO ATTENTION OF:

JOHN JOHNSTON 304-558-2402

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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. All quotations are governed by the West Virginia Code and the Legislative Rules of the Purchasing Division.
- 4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125.00 registration fee.
- 5. All services performed or goods delivered under State Purchase Orders/Contracts are to be continued for the term of the Purchase Order/Contract, 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.
- 6. Payment may only be made after the delivery and acceptance of goods or services.
- 7. Interest may be paid for late payment in accordance with the West Virginia Code.
- 8. Vendor preference will be granted upon written request in accordance with the West Virginia Code.
- 9. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
- 10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
- 11. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
- 12. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
- 13. BANKRUPTCY: In the event the vendor/contractor files for bankruptcy protection, this contract is automatically null and void, and is terminated without further order.
- 14. HIPAA Business Associate Addendum The West Viginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (http://www.state.wv.us/admin/purchase/vrc/hipaa.htm) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Covered Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.

INSTRUCTIONS TO BIDDERS

- 1. Use the quotation forms provided by the Purchasing Division.
- 2. SPECIFICATIONS: 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. Complete all sections of the quotation form.
- 4. Unit prices shall prevail in cases of discrepancy.
- 5. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
- 6. BID SUBMISSION: 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.

SIGNED BID TO:

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



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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 05700107

ADDRESS CORRESPONDENCE TO ATTENTION OF:

JOHN JOHNSTON 304-558-2402

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Department of Administration
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2019 Washington Street East Post Office Box 50130 Charleston, WV 25305-0130

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FREIGHT TERMS

JOHN JOHNSTON 304-558-2402

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MATERIAL:

THE SUPPLIER SHALL FURNISH A SOLUTION OF 42% LIQUID CALCIUM CHLORIDE. THE SOLUTION MUST CONTAIN A DYE FOR TRACING PURPOSES.

BASIS OF BIDDING:

THE SUPPLIER SHALL BID A DELIVERED PRICE FOR A LIQUID CALCIUM SOLUTION FOR ALL COUNITES IN DISTRICT FIVE (BERKELEY COUNTY, I-81 IN BERKELEY COUNTY, MORGAN COUNTY, JEFFERSON COUNTY, HARDY COUNTY, HAMPSHIRE COUNTY, GRANT COUNTY AND MINERAL COUNTY).

QUANTITIES: QUANTITIES LISTED IN THE REQUISITION ARE APPROXIMATE ONLY. BASED ON ESTIMATES SUPPLIED BY THE SPENDING UNITS, IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.

PAYMENT: CALCIUM CHLORIDE SOLUTION SHALL BE PAID AT THE PER GALLON UNIT BID PRICE OF THE SOLUTION DELIVERED AND APPLIED AND AS MEASURED BY THE APPROVED METERING DEVICE. IN NO CASE WILL THIS AMOUNT EXCEED THE TOTAL GALLONAGE CERTIFIED ON THE DELIVERY REPORT.

THE PER GALLON UNIT PRICE WILL BE ADJUSTED AT THE RATE OF 2.500 % PER 1% DEVIATION BEFORE 42%. IF THE DIVISION OF HIGHWAYS REPRESENTATIVE, BY SAMPLING THE MATERIAL, DECIDES THE MATERIAL DEVIATION IS LARGE ENOUGH THAT THE SOLUTION WILL NOT ACCOMPLISH ITS INTENDED USE, THE SHIPMENT WILL BE REFUSED AT NO COST TO THE DIVISION OF HIGHWAYS.

DEMURRAGE

DEMURRAGE WILL BE PAID AFTER TWO (2) HOURS AT ANY DELIVERY LOCATION WITHIN THE DISTRICT IN INCREMENTS OF ONE-HALF (1/2) HOUR INCREMENTS. SUPPLIER AND THE DIVISION OF HIGHWAYS WILL AGREE TO THE INCURRED DEMURRAGE AT THE POINT OF DELIVERY. DEMURRAGE WILL NOT BE INCURRED IF THE VENDOR ARRIVES AT THIS APPOINTED DESTINATION BEFORE THE APPOINTED TIME AGREED ON THE SUPPLIER AND THE DIVISION OF HIGHWAYS. DEMURRAGE WILL

ALSO NOT BE INCURRED IF THE TEMPERATURE OF THE SOLUTION DROPS TO A POINT IT CAUSES A PROBLEM IN THE APPLICATION.

PRE-WETTING INSTRUCTION

AT THE DELIVERY POINT SUPPLIER WILL PROVIDE PERSONNEL CAPABLE OF INSTRUCTING DEPARTMENTAL PERSONNEL IN USE OF PRE-WETTING EQUIPMENT AND IN PRE-WETTING TECHNIQUE. THE TRAINING SHOULD INCLUDE SUCH TOPICS AS HANDLING OF CALCIUM CHLORIDE, EQUIPMENT USED IN STOCKPILE WETTING OPERATIONS, SAFETY PRECAUTIONS, AND ANY OTHER TOPICS DEEMED NECESSARY TO INCREASE THE EFFICIENCY AND EFFECTIVENESS OF OPERATIONS.

ESTIMATED USAGE IS APPROXIMATELY 4,000 GALLONS FOR EACH COUNTY EACH YEAR.

DELIVERY SITES:

BERKELEY COUNTY – MARTINSBURG, WV
I-81 HEADQUARTERS – MARTINSBURG, WV
JEFFERSON COUNTY – CHARLES TOWN, WV
MORGAN COUNTY – BERKELEY SPRINGS, WV
GRANT COUNTY – PETERSBURG, WV
GRANT COUNTY – MT STORM, WV
HAMPSHIRE COUNTY – ROMNEY, WV
HAMPSHIRE COUNTY – CAPON BRIDGE, WV
HAMPSHIRE COUNTY – SLANESVILLE, WV
HARDY COUNTY – MOOREFIELD, WV
HARDY COUNTY – BAKER, WV
MINERAL COUNTY – NEW CREEK, WV
MINERAL COUNTY – SKYLINE
MINERAL COUNTY – SHORT GAP, WV

- ** MINIMUM ORDER/DELIVERY FOR EACH SITE IS 4,000 GALLONS
- ** MAXIMUM TIME INTERVAL BETWEEN ORDER AND DELIVERY DATE SHOULD NOT EXCEED 15 DAYS.

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 owned 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 exceed 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.

LICENSING:

The vendor must be licensed in accordance with any and all state requirements to do business with the state of West Virginia.

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. Vendors should visit www.state.wv.us/admin/purchase/privacy for the Notice of Agency Confidentiality Policies.

Under penalty of law for false swearing (West Virginia Code, §61-5-3), it is hereby certified that the vendor acknowledges the information in this said affidavit and are in compliance with the requirements as stated.

Vendor's Name:	
Authorized Signature:	Date:

No Debt Affidavit Revised 02/08/06