



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

Request for Quotation

| |
|------------|
| RFO NUMBER |
| 707C0013 |

| |
|------|
| PAGE |
| 1 |

| |
|--|
| ADDRESS CORRESPONDENCE TO ATTENTION OF |
| JOHN JOHNSTON 304-558-2402 |

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE

SHIP TO

DIVISION OF HIGHWAYS
 EQUIPMENT DIVISION
 ROUTE 33
 BRUSHY FORK ROAD
 BUCKHANNON, WV
 26201 304-472-1750

| | | | | |
|--------------|---------------|----------|--------|---------------|
| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
| 03/22/2007 | | | | |

BID OPENING DATE: 04/18/2007 BID OPENING TIME 01:30PM

| LINE | QUANTITY | UOP | CAT NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|---------|-------------|------------|--------|
| 0001 | 1 | LS | | 060-74 | | |
| REPLACEMENT CUTTING EDGES FOR MOTOR GRADERS OPEN END CONTRACT TO FURNISH STANDARD STEEL REPLACEMENT CUTTING EDGES FOR MOTOR GRADERS AS REQUIRED BY THE WEST VIRGINIA DIVISION OF HIGHWAYS. SEE ATTACHED EXHIBIT 3 LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE. UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT. RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE | | | | | | |

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'

**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 Virginia 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



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 |
| 707C0013 |

| |
|------|
| PAGE |
| 2 |

| |
|--|
| ADDRESS CORRESPONDENCE TO ATTENTION OF |
| JOHN JOHNSTON 304-558-2402 |

RFQ COPY
 TYPE NAME/ADDRESS HERE

VENDOR

SHIP TO

DIVISION OF HIGHWAYS
 EQUIPMENT DIVISION
 ROUTE 33
 BRUSHY FORK ROAD
 BUCKHANNON, WV
 26201 304-472-1750

| | | | | |
|--------------|---------------|----------|--------|---------------|
| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
| 03/22/2007 | | | | |

BID OPENING DATE: 04/18/2007 BID OPENING TIME 01:30PM

| LINE | QUANTITY | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|--------|-------------|------------|--------|
| | | | | | | |
| <p>ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICE SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p> <p>QUANTITIES: QUANTITIES LISTED IN THE REQUISITION ARE APPROXIMATIONS ONLY, BASED ON ESTIMATES SUPPLIED BY THE STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF THE CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p> <p>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN STATE CONTRACT ORDER (FORM NUMBER WV-39) TO THE VENDOR FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL COPY OF THE WV-39 SHALL BE MAILED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT, A SECOND COPY MAILED TO THE PURCHASING DIVISION, AND A THIRD COPY RETAINED BY THE SPENDING UNIT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER</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'



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 |
| 707C0013 |

| |
|------|
| PAGE |
| 3 |

| |
|---|
| ADDRESS CORRESPONDENCE TO ATTENTION OF: |
| JOHN JOHNSTON 304-558-2402 |

RFQ COPY
 TYPE NAME/ADDRESS HERE

VENDOR

SHIP TO

DIVISION OF HIGHWAYS
 EQUIPMENT DIVISION
 ROUTE 33
 BRUSHY FORK ROAD
 BUCKHANNON, WV
 26201 304-472-1750

| | | | | |
|--------------|---------------|----------|--------|---------------|
| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
| 03/22/2007 | | | | |

BID OPENING DATE: 04/18/2007 BID OPENING TIME 01:30PM

| LINE | QUANTITY | UOP | CAT NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|---------|-------------|------------|--------|
| <p>ORDER.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM.</p> <p>REV. 04/11/2001</p> <p>PURCHASING CARD ACCEPTANCE: THE STATE OF WEST VIRGINIA CURRENTLY UTILIZES A VISA PURCHASING CARD PROGRAM WHICH IS ISSUED THROUGH A BANK. THE SUCCESSFUL VENDOR MUST ACCEPT THE STATE OF WEST VIRGINIA VISA PURCHASING CARD FOR PAYMENT OF ALL ORDERS PLACED BY ANY STATE AGENCY FOR ORDERS THAT ARE LESS THAN \$2,500 AS A CONDITION OF AWARD.</p> <p>EXHIBIT 6</p> <p>PRICE ADJUSTMENT PROVISION: THE STATE OF WEST VIRGINIA WILL CONSIDER BIDS THAT CONTAIN PROVISIONS FOR PRICE ADJUSTMENTS PRIOR TO THE ORIGINAL EXPIRATION OF THE CONTRACT, PROVIDED THAT SUCH PRICE ADJUSTMENT COVERS BOTH UPWARD AND DOWNWARD MOVEMENT OF THE COMMODITY PRICE, AND THAT ADJUSTMENT IS BASED ON THE "PASS THROUGH" INCREASE OR DECREASE OF RA MATERIALS AND/OR LABOR, WHICH MAKE UP ALL OR A SUBSTANTIAL PART OF A PRODUCT. ADJUSTMENTS ARE TO BE BASED UPON AN ACTUAL DOLLAR FIGURE, NOT A PERCENTAGE. ALL PRICE ADJUSTMENT REQUESTS MUST BE SUBSTANTIATED IN A MANNER ACCEPTABLE TO THE DIRECTOR PURCHASING, E.G. GOVERNMENTAL BENCH MARKS, GENERAL MARKET INCREASE,</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'



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 |
| 707C0013 |

| |
|------|
| PAGE |
| 4 |

| |
|---|
| ADDRESS CORRESPONDENCE TO ATTENTION OF: |
| JOHN JOHNSTON 304-558-2402 |

RFQ COPY
 TYPE NAME/ADDRESS HERE

VENDOR

SHIP TO

DIVISION OF HIGHWAYS
 EQUIPMENT DIVISION
 ROUTE 33
 BRUSHY FORK ROAD
 BUCKHANNON, WV
 26201 304-472-1750

| | | | | |
|--------------|---------------|----------|--------|---------------|
| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
| 03/22/2007 | | | | |

BID OPENING DATE: 04/18/2007 BID OPENING TIME 01:30PM

| LINE | QUANTITY | UOP | CAT NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|--|----------|-----|---------|-------------|------------|--------|
| <p>PUBLISHED PRICE LISTS. SUCH REQUESTS FOR AND INCREASE SHOULD BE RECEIVED IN WRITING BY THE DIRECTOR OF PURCHASING AT LEAST 30 DAYS IN ADVANCE OF THE EFFECTIVE DATE OF THE INCREASE. ANY TIME THE VENDOR REQUESTS A PRICE ADJUSTMENT, THE PURCHASING DIVISION MAY EITHER ACCEPT THE PRICE ADJUSTMENT AND AMEND THE CONTRACT ACCORDINGLY OR REJECT THE ADJUSTMENT IN ITS ENTIRETY AND CANCEL THE CONTRACT.</p> <p>PREFERRED TERMS: IT IS PREFERRED THAT THE PRICES ON THIS CONTRACT ARE FIRM FOR LIFE OF THE CONTRACT, AS INDICATED IN THE LIFE OF CONTRACT CLAUSE CONTAINED HEREIN, NOT TO EXCEED ONE (1) YEAR.</p> <p>IF THE VENDOR CANNOT GUARANTEE A FIRM PRICE FOR THE LIFE OF CONTRACT, HE MUST INDICATE ONE OF THE PARAGRAPHS LISTED BELOW. FAILURE TO QUALIFY THE PREFERRED TERMS WILL BIND THE VENDOR TO A FIRM PRICE FOR THE LIFE OF THE CONTRACT.</p> <p>ALTERNATE TERMS:</p> <p>() THE PRICES ON THIS CONTRACT WILL REMAIN FIRM FOR DAYS AFTER THE EFFECTIVE DATE OF THE CONTRACT. PRICES WILL REMAIN FIRM AFTER EACH PRICE ADJUSTMENT FOR A MINIMUM OF DAYS.</p> <p>() THE VENDOR DOES NOT AGREE TO MAINTAIN A FIRM PRICE FOR THE LENGTH OF THE CONTRACT BUT OFFERS AN ALTERNATE PROPOSAL AS FOLLOWS: </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'



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 |
| 707C0013 |

| |
|------|
| PAGE |
| 5 |

| |
|--|
| ADDRESS CORRESPONDENCE TO ATTENTION OF |
| JOHN JOHNSTON 304-558-2402 |

RFQ COPY
 TYPE NAME/ADDRESS HERE

VENDOR

SHIP TO

DIVISION OF HIGHWAYS
 EQUIPMENT DIVISION
 ROUTE 33
 BRUSHY FORK ROAD
 BUCKHANNON, WV
 26201 304-472-1750

| | | | | |
|--------------|---------------|----------|--------|---------------|
| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
| 03/22/2007 | | | | |

BID OPENING DATE: 04/18/2007 BID OPENING TIME 01:30PM

| LINE | QUANTITY | UOP | CAT NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|--|----------|-----|---------|-------------|------------|--------|
| <p>VENDOR PREFERENCE CERTIFICATE</p> <p>CERTIFICATION AND APPLICATION* IS HEREBY MADE FOR PREFERENCE IN ACCORDANCE WITH WEST VIRGINIA CODE, 5A-3-37 (DOES NOT APPLY TO CONSTRUCTION CONTRACTS).</p> <p>A. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED:</p> <p>() 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</p> <p>() BIDDER IS A PARTNERSHIP, ASSOCIATION OR CORPORATION RESIDENT VENDOR AND HAS MAINTAINED ITS HEAD-QUARTERS 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</p> <p>() BIDDER IS A CORPORATION 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.</p> <p>B. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED:</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'



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 |
| 707C0013 |

| |
|------|
| PAGE |
| 6 |

| |
|---|
| ADDRESS CORRESPONDENCE TO ATTENTION OF: |
| JOHN JOHNSTON 304-558-2402 |

RFQ COPY
 TYPE NAME/ADDRESS HERE

VENDOR

SHIP TO

DIVISION OF HIGHWAYS
 EQUIPMENT DIVISION
 ROUTE 33
 BRUSHY FORK ROAD
 BUCKHANNON, WV
 26201 304-472-1750

| | | | | |
|--------------|---------------|----------|--------|---------------|
| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
| 03/22/2007 | | | | |

BID OPENING DATE: 04/18/2007 BID OPENING TIME 01:30PM

| LINE | QUANTITY | UOP | CAT NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|--|----------|-----|---------|-------------|------------|--------|
| <p>() 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;</p> <p>OR</p> <p>() 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 BIDDERS' 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.</p> <p>BIDDER UNDERSTANDS IF THE SECRETARY OF TAX & 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) RESCIND THE CONTRACT OR PURCHASE ORDER ISSUED; 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.</p> <p>BY SUBMISSION OF THIS CERTIFICATE, BIDDER AGREES TO DISCLOSE ANY REASONABLY REQUESTED INFORMATION TO THE PURCHASING DIVISION AND AUTHORIZES THE DEPARTMENT OF TAX AND REVENUE TO DISCLOSE TO THE DIRECTOR OF PURCHASING APPROPRIATE INFORMATION VERIFYING THAT</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'



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

Request for Quotation

| |
|------------|
| RFO NUMBER |
| 707C0013 |

| |
|------|
| PAGE |
| 7 |

| |
|---|
| ADDRESS CORRESPONDENCE TO ATTENTION OF: |
| JOHN JOHNSTON 304-558-2402 |

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE

SHIP TO

DIVISION OF HIGHWAYS
 EQUIPMENT DIVISION
 ROUTE 33
 BRUSHY FORK ROAD
 BUCKHANNON, WV
 26201 304-472-1750

| | | | | |
|--------------|---------------|----------|--------|---------------|
| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
| 03/22/2007 | | | | |

BID OPENING DATE: 04/18/2007 BID OPENING TIME 01:30PM

| LINE | QUANTITY | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
|--|----------|-----|--------|-------------|------------|--------|
| <p>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.</p> <p>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.</p> <p>BIDDER: -----</p> <p>DATE: -----</p> <p>SIGNED: -----</p> <p>TITLE: -----</p> <p>* CHECK ANY COMBINATION OF PREFERENCE CONSIDERATION(S) IN EITHER "A" OR "B", OR BOTH "A" AND "B" WHICH YOU ARE ENTITLED TO RECEIVE. YOU MAY REQUEST UP TO THE MAXIMUM 5% PREFERENCE FOR BOTH "A" AND "B". (REV. 12/00)</p> <p>NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p>DEPARTMENT OF ADMINISTRATION</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'



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 |
| 707C0013 |

| |
|------|
| PAGE |
| 8 |

| |
|---|
| ADDRESS CORRESPONDENCE TO ATTENTION OF: |
| JOHN JOHNSTON 304-558-2402 |

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE

SHIP TO

DIVISION OF HIGHWAYS
 EQUIPMENT DIVISION
 ROUTE 33
 BRUSHY FORK ROAD
 BUCKHANNON, WV
 26201 304-472-1750

| | | | | |
|--------------|---------------|----------|--------|---------------|
| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
| 03/22/2007 | | | | |

BID OPENING DATE: 04/18/2007 BID OPENING TIME 01:30PM

| LINE | QUANTITY | UOP | CAT NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|--|----------|-----|---------|-------------|------------|--------|
| PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130 | | | | | | |
| THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED: SEALED BID | | | | | | |
| BUYER: 33 RFQ. NO.: 707C0013 BID OPENING DATE AND TIME | | | | | | |
| PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- CONTACT PERSON (PLEASE PRINT CLEARLY): ----- | | | | | | |

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'



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 |
| 707C0013 |

| |
|------|
| PAGE |
| 9 |

| |
|---|
| ADDRESS CORRESPONDENCE TO ATTENTION OF: |
| JOHN JOHNSTON |
| 304-558-2402 |

RFQ COPY
 TYPE NAME/ADDRESS HERE

VENDOR

SHIP TO

DIVISION OF HIGHWAYS
 EQUIPMENT DIVISION
 ROUTE 33
 BRUSHY FORK ROAD
 BUCKHANNON, WV
 26201 304-472-1750

| | | | | |
|--------------|---------------|----------|--------|---------------|
| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
| 03/22/2007 | | | | |

BID OPENING DATE: 04/18/2007 BID OPENING TIME 01:30PM

| LINE | QUANTITY | UOP | CAT NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|--|----------|-----|---------|-------------|------------|--------|
| ***** THIS IS THE END OF RFQ 707C0013 ***** TOTAL: | | | | | | |

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'

STANDARD CURVED DOUBLE BEVEL.
STATE HIGHWAY STANDARD PUNCHING.
5/8" THICKNESS 6" WIDTH AND LENGTHS OF 5 FT., 6 FT. AND 7 FT. SQUARE
COUNTERSUNK HOLES FOR 5/8" CUTTING EDGE BOLT.

STANDARD STEEL REPLACEMENT CUTTING EDGES FOR SNOW PLOWS AS
REQUIRED BY THE WV DIVISION OF HIGHWAYS. BOLT HOLE SIZES AND
PATTERNS TO FIT ALL PLOWS USED BY THE WV DIVISION OF HIGHWAYS.

STANDARD STEEL REPLACEMENT WELD ON CUTTING EDGES FOR
ENLOADERS AS REQUIRED BY THE WV DIVISION OF HIGHWAYS. BOLT
HOLE SIZES AND PATTERNS TO FIT ALL LOADERS USED BY THE WV
DIVISION OF HIGHWAYS.

STANDARD STEEL NOSE PIECES, END BITS, SCARIFIED TEETH, SHANKS,
BOLTS, NUTS, SNOW PLOW SHOES, AND ALL APPROPRIATE HARDWARE
AND FASTENERS NECESSARY AS REPLACEMENT PARTS TO FIT ALL
EQUIPMENT AS REQUIRED BY THE WV DIVISION OF HIGHWAYS.

SPECIAL HARDENED REPLACEMENT CUTTING EDGES FOR MOTOR
GRADERS TO BE THROUGH HARDENED. STANDARD CURVED DOUBLE
BEVEL. STATE HIGHWAY STANDARD PUNCHING. 3/4" THICKNESS, 8"
WIDTH AND LENGTH OF 5'6," AND 7'. SQUARE COUNTERSUNK HOLES FOR
5/8" CUTTING EDGE BOLT. CUTTING EDGES TO BE HARDENED TO
ROCKWELL SCALE OF 45 TO 68. MINIMUM CARBON CONTENT OF .70%.

SPECIAL HARDENED REPLACEMENT CUTTING EDGES FOR SNOW PLOWS:
TO BE FLAME HARDENED OR THROUGH HARDENED 3/4" AND 1"
THICKNESS, 8" WIDE, HARDENED TO ROCKWELL C SCALE OF 45 TO 68
WITH MINIMUM CARBON CONTENT OF 70%. BOLT HOLE SIZES AND
PATTERNS TO FIT ALL PLOWS USED BY THE WV DIVISION OF HIGHWAYS.

WELD ON BASE AND BOLT ON BLADES FOR LOADERS. WELD IN BLADE
SHALL HAVE CARBON CONTENT OF 55/56, 1" THICK, 8" WIDE. SINGLE
BEVEL FLAT TO BE DRILLED OR PUNCHED ON 6' CENTERS FOR BOLT ON
BLADE. HOLES TO BE 3" FROM FRONT OF BLADE, 13/16" IN DIAMETER.

BOLT ON BLADES TO HAVE CARBON CONTENT OF .80%, 12" WIDE, 1 1/4"
THICK. DOUBLE BEVEL FLAT, DRILLED OR PUNCHED ON 6" CENTERS. IN
CENTER OF BLADE HOLES TO BE DEEP COUNTERSUNK AND PUNCHED
13/16' SQUARE TO ACCEPT 3/4" PLOW BOLT.

RUBBER SNOW PLOW CUTTING EDGES:

1 ½" X 2" THICKNESS – 6", 8", 10" AND 12" WIDTH AND IN LENGTHS TO FIT ALL SNOW PLOWS AS REQUIRED BY THE WV DIVISION OF HIGHWAYS, WITH 11/16" BY 3" SLOTTED HOLES IN PATTERNS TO FIT ALL SNOW PLOWS USED BY THE WV DIVISION OF HIGHWAYS, TO BE REVERSIBLE SO BOTH EDGES CAN BE USED.

¼" X 3" X 120" STEEL RETAINING STRIP FOR RUBBER BLADES, 5/8" BOLT SIZE. SQUARE HOLES TO MATCH HOLES SPACING OF BLADE.

A. PAINT: SHALL BE MANUFACTURER STANDARD PAINT.

ALL BLADES, SHOES, END BITS SHALL HAVE THE MANUFACTURER'S PART NUMBER READILY IDENTIFIABLE ON THE BLADE METAL AT A POINT OUTSIDE THE NORMAL WEAR AREA. PAINTED ON NUMBERS ARE ACCEPTABLE.

ITEMS #1, #2, AND #3 ARE TO BE OF THE FOLLOWING ANALYSIS"

| | |
|------------------------|-------------|
| CARBON | .80 – 1.00 |
| MANAGANESE | .60 – 1.00 |
| PHOSPHORUS | .04 MAXIMUM |
| SULPHUR | .05 MAXIMUM |
| SILICON | .30 MAXIMUM |
| BRINELL HARDNESS RANGE | 250 TO 350 |

ANY NEW PARTS AND FASTENERS PLACED ON THE MARKET BY THE MANUFACTURER DURING THE CONTRACT PERIOD SHALL BE MADE A PART OF THIS CONTRACT AND SHALL BE MADE AVAILABLE TO THE WV DIVISION OF HIGHWAYS AT LIST PRICE (MANUFACTURER'S FLEET PRICE LESS NEW PERCENT TRADE DISCOUNT).

_____ % DISCOUNT FROM LIST

ALL WARRANTY CLAIMS THAT REQUIRE FIELD SERVICE SHALL BE DONE BY THE VENDOR AT NO COST TO THE WV DIVISION OF HIGHWAYS. BIDDER MUST FURNISH A WRITTEN WARRANTY WITH QUOTE.

THE VENDOR SHALL FURNISH ANY TECHNICAL ENGINEERING SERVICE WHICH MIGHT BE NEEDED IN THE PROPER INSTALLATION OF THESE PARTS AT NO EXTRA COST TO THE WV DIVISION OF HIGHWAYS.

ANY LATE CHANGES FROM THE INDICATED DELIVERY SCHEDULE WITHOUT PRIOR APPROVAL BY THE WV DIVISION OF HIGHWAYS MAY BE CAUSE FOR CANCELLATION.

THE SUCCESSFUL VENDOR WILL FURNISH THE STATE OF WEST VIRGINIA WITH CURRENT PRICE LISTS AND SUPPLEMENT SHEETS AS PUBLISHED BY EACH MANUFACTURER AS LISTED ABOVE, MANUALS AND CATALOGS, AS MAY BE REQUIRED. THESE SHALL INCLUDE FORD PART NUMBERS AND PRICE LISTS. THE DIVISION OF HIGHWAYS CANNOT PROCESS INVOICE FOR PAYMENT UNTIL THE MOST CURRENT PRICE LIST IS RECEIVED, ALSO THE STATE AUDITOR'S OFFICE WILL NOT APPROVE INVOICES FOR PAYMENT WITHOUT THE MOST CURRENT PRICE LIST. ALL DETAILS PERTAINING TO THE PRICE LIST AND SUPPLEMENTS WILL BE HANDLED BY THE PROCUREMENT OFFICE OF THE WV DIVISION OF HIGHWAYS, CHARLESTON, WV. THE AFORE MENTIONED PRICE LISTS SHOULD BE FORWARDED DIRECTLY TO THE FOLLOWING ADDRESSES:

(TWO COPIES TO THE EQUIPMENT DIVISION)

WVDOT/ DIVISION OF HIGHWAYS
EQUIPMENT DIVISION
ATTN: GARY BARR
PO BOX 610
BUCKHANNON, WV 26201

(TWO COPIES TO PROCUREMENT OFFICE)

WVDOT/DIVISION OF HIGHWAYS
PROCUREMENT OFFICE
ATTN: ANGIE MOORMAN
1900 WASHINGTON ST. EAST
CHARLESTON, WV 25305

(TWO COPIES TO FINANCE DIVISION)

WVDOT/DIVISION OF HIGHWAYS
FINANCE DIVISION
1900 WASHINGTON ST. EAST
CHARLESTON, WV 25305

A RESTOCKING CHARGE CAN ONLY BE ATTACHED BY THE VENDOR WITH PRIOR MUTUAL CONSENT.

ALL ORDERS WILL BE 10,000 LBS. MINIMUM

ALL SHIPMENTS ARE TO BE FOB DESTINATION.

DELIVERY IS AN INTEGRAL PART OF THIS CONTRACT AND FAILURE TO COMPLY WILL BE CAUSE TO INITIATE A D O T. ADMINISTRATIVE FORM WV-82, VENDOR PERFORMANCE FORM. THE WV-82 FORM WILL PROVIDE A MEANS OF OFFICIALLY NOTIFYING THE PURCHASING DIVISION AND THE VENDOR OF UNSATISFACTORY PERFORMANCE; SUCH AS LATE DELIVERIES, POOR SERVICE, INADEQUATE PARTS, SUPPLIES, ETC.

DELIVERY - 30 DAYS ARO

BLADES MAY BE SHIPPED TO LOCATIONS LISTED ON PAGE 14 IF SPECIFIED ON PURCHASE ORDER. IF NOT SPECIFIED THEY ARE TO BE SHIPPED TO THE EQUIPMENT DIVISION.

Equipment Division

WV Division of Highways
PO Box 610
Buckhannon, WV 26201
ATTENTION: Kevin Riley (FOUR COPYS)

WVDOI/Division of Highways
D-1
1340 Smith St.
Charleston, WV 25301
Attn: Melissa Mullens

WVDOI/Division of Highways
D-2
Po. Box 880
Huntington, WV 25712
Attn: Keith Chapman

WVDOI/Division of Highways
D-3
626 Depot St
Parkersburg, WV 26101
Attn: Mark Kimes

WVDOI/Division of Highways
D-4
Po Box 2570
Clarksburg, WV 26301
Attn: John Bartlett

WVDOI/Division of Highways
D-5
PO BOX 99
BURLINGTON, WV 26710
Attn: Pat Broadhurst

WVDOI/Division of Highways
D-6
Third & Jefferson St.
Moundsville, WV 26041
Attn: Beverly Agnew

WVDOI/Division Highways
D-7
Drawer 1228
Weston, WV 26452
Attn: Melissa Jordan

WVDOI/Division of Highways
D-8
PO Box 1516
Elkins, WV 26241
Attn: Debbie Barnett

WVDOI/Division of Highways
D-9
103 ½ Church Street
Lewisburg, WV 24901
Attn: Keith Brown

WVDOI/Division of Highways
D-10
270 Hardwood Lane
Princeton, WV 24740
Attn: Tommy Camden

STATE OF WEST VIRGINIA
PURCHASING CONTINUATION SHEET

| | | |
|--------|------------|------------------------------|
| Buyer: | Page 15 | Req. or P.O. No: 707C0013 |
|--------|------------|------------------------------|

Vendor:

| |
|--------------------------------------|
| Spending Unit: EQUIPMENT DIVISION |
|--------------------------------------|

| Item No: | Quantity | Description | Unit Price | Amount |
|----------|---------------|--|------------|--------|
| | EST. USAGE | | | |
| | 500 ea. | <u>ITEM 1</u> 5/8 X 6 X 5' GRADER BLADES | ea. | |
| | | 5/8 X 6 X 6' GRADER BLADES | ea. | |
| | | 5/8 X 6 X 7' GRADER BLADES | ea. | |
| | | ABOVE ARE STANDARD STEEL REPLACEMENT CUTTING EDGES FOR MOTOR GRADERS. | | |
| | 200 ea. | <u>ITEM 2</u> GOODROADS PARTS #712V4604 | ea. | |
| | | WAUSAU PARTS #TB3050 | ea. | |
| | | GLEDHILL PARTS #WMFF11 1934A | ea. | |
| | | ABOVE FOR STANDARD STEEL REPLACEMENT CUTTING EDGES FOR SNOW FLOWS. | | |
| | 500 | <u>ITEM 3</u> STANDARD STEEL REPLACEMENT WELD ON CUTTING EDGES FOR END LOADER. % DISCOUNT FROM LIST | | |
| | 25,000 | <u>ITEM 4</u> STANDARD STEEL NOSE PIECES, END BITS, SCARIFIER TEEH, SHANKS, BOLTS, NUTS, SNOWFLOW SHOES, AND ALL APPROPRIATE HARDWARE AND FASTENERS NECESSARY AS REPLACEMENT PARTS TO FIT ALL EQUIPMENT. % DISCOUNT FROM LIST | | |
| | 500 ea. | <u>ITEM 5</u> 3/4 X 8 X 5' THROUGH HARDENED GRADER BLADES | ea. | |
| | | 3/4 X 8 X 6' THROUGH HARDENED GRADER BLADES | ea. | |
| | | 3/4 X 8 X 7' THROUGH HARDENED GRADER BLADES | ea. | |
| | | ABOVE ARE SPECIAL HARDENED REPLACEMENT CUTTING EDGES FOR MOTOR GRADERS. HARDENED TO ROCKWELL C SCALE OF 45 TO 68 MIN. CARBON CONTENT 70%. | | |

STATE OF WEST VIRGINIA
PURCHASING CONTINUATION SHEET

| | | |
|--------------------|------------|------------------------------|
| Buyer: | Page 16 | Req. or P.O. No: 707C0013 |
| Spending Unit: | | 16 |
| EQUIPMENT DIVISION | | |

Vendor:

| Item No: | Quantity | Description | Unit Price | Amount |
|----------|---------------|---|------------|--------|
| | EST. USAGE | | | |
| | 200 | <u>ITEM 6 - PRICE PER FOOT</u> 3/4 X 8" THROUGH HARDENED PLOW BLADE 1 X 8" THROUGH HARDENED PLOW BLADE 1 X 8" FLAME HARDENED 3/4 X 8" FLAME HARDENED ABOVE ARE SPECIAL HARDENED REPLACEMENT CUTTING EDGE FOR SNOWPLOWS. TO BE THROUGH HARDENED. | | |
| | 50 ea. | <u>ITEM 7</u> 1 X 8" SINGLE BEVEL FLAT LOADER BLADES 1 1/4 X 12" DOUBLE BEVEL FLAT LOADER BLADES ABOVE ARE WELD ON BASE AND BOLT ON BLADES FOR LOADERS. | ea. | |
| | 10 | <u>ITEM 8 - PRICE PER FOOT</u> 1 X 6" RUBBER PLOW BLADES 1 1/2 X 8" RUBBER PLOW BLADES 1 1/2 X 10" RUBBER PLOW BLADES 1 1/2 X 12" RUBBER PLOW BLADES | | |
| | 10 | <u>ITEM 9 - PRICE PER FOOT</u> 1/4 X 3 STEEL RETAINING STRIP FOR RUBBER BLADES | | |

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:

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, West Virginia Insurance Commission, or any other state agencies or political subdivision. Furthermore, 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.

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: _____