

**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

PURCHASING CONTINUATION SHEET

| | | |
|-----------------|------|------------------------------|
| Buyer: RW-22 | Page | Req or P.O. No.: WSH70313 |
| Spending Unit: | | |

Vendor

002

Requisition No.: WSH70313

ADDENDUM ACKNOWLEDGEMENT

I hereby acknowledge receipt of the following checked addendum(s) and have made the necessary revisions to my proposal, plans and/or specifications, etc.

Addendum No.'s:

No. 1 _____

No. 2 _____

No. 3 _____

No. 4 _____

No. 5 _____

I understand that failure to confirm the receipt of the addendum(s) may be cause for rejection of bids.

Signature

Company

Date

TO RESPOND TO VENDOR QUESTIONS, AS FOLLOWS:

- 1. QUESTION: What is the name of the present vendor performing this work?**

RESPONSE: Carrier Corp.

- 2. QUESTION: List of all the bidders and their bid prices for the current contract in place.**

**RESPONSE: Carrier Corp. \$28,000.00 per year
Johnson Controls \$29,484.00 per year**

- 3. QUESTION: Vendor has requested an addendum be released with the following language: "Contractor shall provide software updates to the Metasys Control System to current revisions and any patches released to meet operating system service packs and upgrades."**

RESPONSE: Agency agrees to add the following language: "Successful bidder must be able to provide all software, software updates and anything incidental to maintain and keep the Metasys Control System in operation, at no additional costs."

FAX# 2807, 759AM
JOBoss

Pre-Bid Conference SIGN IN SHEET

[Please Print]

1:00pm - 004

Request for Proposal No.: WSH 70313
Maintenance HVAC Control System

Date: 2/7/07

Firm & Representative Name

Mailing Address

**Telephone &
FAX Numbers**

- | | | | |
|-----|---|---|--|
| 1. | <u>SIMPSON TECH. SERV.</u> <u>MARK SIMPSON</u> | <u>519 HIGHLAND AVE.</u> <u>SO. CHAS., WV 25303</u> | T: <u>304-437-1913</u> F: <u>304-744-5829</u> |
| 2. | <u>O.Z. ENTERPRISES, INC.</u> <u>NORM HOSKINS</u> | <u>2415 KINGS LANE</u> <u>PITTSBURGH PA 15241</u> | T: <u>724-941-4087</u> F: <u>724-941-4871</u> |
| 3. | <u>THOMSON CONTROLS</u> <u>SCOTT CROSS</u> | <u>2100 FIRST AVE</u> <u>NETO, WV 25143</u> | T: <u>304-759-2703</u> F: <u>304-755-0765</u> |
| 4. | <u>Carrier Commercial Service</u> <u>KEN GORBY</u> | <u>135 Southpointe Drive</u> <u>Bridgetown, PA 15017</u> | T: <u>412-220-1252</u> F: <u>412-221-7753</u> |
| 5. | _____ | _____ | T: _____ F: _____ |
| 6. | _____ | _____ | T: _____ F: _____ |
| 7. | _____ | _____ | T: _____ F: _____ |
| 8. | _____ | _____ | T: _____ F: _____ |
| 9. | _____ | _____ | T: _____ F: _____ |
| 10. | _____ | _____ | T: _____ F: _____ |

RECEIVED
2007 FEB 12 AM 11:52
OFFICE OF DIRECT PURCHASING

Please print or write legibly. The fax number is essential to contact the attendees in a timely manner.