

**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 may be deemed null and void, and 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

ADD

EXHIBIT 6

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 RAW 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, 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

Remove and destroy pages 14 and 15 and replace with the revised pages 14 and 15. This changes DOH-5, Product Trade Name from Arsenal to Arsenal Powerline.

Remove and destroy pages 24 and 25 and replace with the revised pages 24 and 25. This adds to DOH-34H the following:

Supplied in 12 lb. jugs

C) @ \$ _____ per lb. (i.e. \$ _____ per jug)

Remove and destroy pages 26 and 27 and replace with the revised pages 26 and 27. This changes DOH-3A, Product Trade Name from Hygrade EC or Arborchem Basal Oil or Bark Oil EC to Hygrade EC or Arborchem Basal Oil or or Bark Oil EC or Alenza Basal Oil or Penevator.

This also deletes DOH-9A - A Dispersible Liquid Spray Oil Adjuvant.

14. BIDDING SCHEDULE CONT

DOH-3H DISPERSIBLE GRANULES CONTAINING:
Sulfometuron Methyl 75%

Product Trade Name Oust XP

EPA Registration Number _____

Supplied in 3 pound containers in lots of 24 pounds.

A) @ \$ _____ per pound (i.e. \$ _____ per lot)

B) Supplied in 3 pound jug

@ \$ _____ per pound (i.e. \$ _____ per jug)

DOH-4H WATER SOLUBLE AQUEOUS SUSPENSION CONTAINING:
Oryzalin 4 lbs/gallon

Product Trade Name Oryzalin 4 Pro

EPA Registration Number _____

Supplied in 2.5 gallon containers in lots of 5 gallons.

A) @ \$ _____ per gallon (i.e. \$ _____ per lot)

DOH-5H AQUEOUS SOLUTION CONTAINING:
Imazapyr 2 lbs/gallon

Product Trade Name Arsenal Powerline

EPA Registration Number _____

Supplied in 1 quart containers in lots of 4 quarts

A) @ \$ _____ per quart (i.e. \$ _____ per lot)

Supplied in 2.5 gallon containers in lots of 5 gallons

B) @ \$ _____ per gallon (i.e. \$ _____ per lot)

Supplied in 15 gallon drums

C) @ \$ _____ per gallon (i.e. \$ _____ per drum)

14. BIDDING SCHEDULE CONT

ADJUVANTS

DOH-1A A WATER SOLUBLE BLUE LIQUID SPRAY PATTERN INDICATOR

Product Trade Name Bullseye

Supplied in 2.5 gallon containers in lots of 5 gallons

A) @ \$ _____ per gallon (i.e. \$ _____ per lot)

DOH-2A A MISCIBLE-DISPERSIBLE LIQUID DEFOAMER (30% Active Ingredient)

Product Trade Name _____

Supplied in _____ containers in lots of _____

A) @ \$ _____ per (i.e. \$ _____ per lot)

DOH-3A A DILUENT WITH EMULSIFIERS

Product Trade Name Hygrade EC or Arborchem Basal Oil or Bark Oil EC
Or Alenza Basal Oil or Penevator

Supplied in _____ containers in lots of _____ gallons

A) @ \$ _____ per gallon (i.e. \$ _____ per lot)

DOH-4A NON-IONIC SURFACTANT (90% Active Ingredient)

Product Trade Name _____

Supplied in _____ containers in lots of _____ gallons

A) @ \$ _____ per gallon (i.e. \$ _____ per lot)

DOH-5A A GRANULAR/FLAKE DRIFT CONTROL AGENT

Product Trade Name _____

Supplied in _____ containers in lots of _____ containers

A) @ \$ _____ per _____ (i.e. \$ _____ per lot)

DOH-6A A LIQUID DRIFT CONTROL AGENT

Product Trade Name _____

Supplied in _____ containers in lots of _____

A) @ \$ _____ per _____ (i.e. \$ _____ per lot)

14. BIDDING SCHEDULE CONTDOH-7A AQUATIC SURFACTANT

Product Trade Name _____

Supplied in _____ containers in lots of _____ gallons

A) @ \$ _____ per gallon (i.e. \$ _____ per lot)

DOH-8A A WATER SOLUBLE LIQUID SPRAY PATTERN INDICATORProduct Trade Name Blueprint PlusSupplied in 2.5 gallon containers in lots of 5 gallons

A) @ \$ _____ per gallon (i.e. \$ _____ per lot)

DOH-10A A NON-IONIC STICKER SPREADERProduct Trade Name Nu-Film-IR

Supplied in 2 ½ gallon containers in lots of _____ gallons

A) @ \$ _____ per gallon (i.e. \$ _____ per lot)

DOH-11A A READY TO USE FORMULA CONTAINING PARFFINIC OIL EMULSIFIERSProduct Trade Name Thinvert RTU

Supplied in 2 ½ gallon jugs. 5 gallon per case

A) @ \$ _____ per gallon (i.e. \$ _____ per case)

Supplied in 15 gallon drum

B) @ \$ _____ per gallon

PRE-BID CONFERENCE
SIGN IN SHEET

Request for Quotation Number: 6680022

Date: 03/11/2008

PLEASE PRINT LEGIBLY. THIS INFORMATION IS ESSENTIAL TO CONTACT THE ATTENDEES IN A TIMELY MANNER. FAILURE TO DO SO MAY RESULT IN DELAYS IN YOUR COMPANY GETTING IMPORTANT BID INFORMATION.

Firm Name:	WVDOH
Firm Address:	270 HARDWOOD LANE PRINCETON WV 24740
Representative Attending:	EUGENE TUCKWILLER
Phone Number:	304-487-5233
Fax Number:	
Email Address:	EUGENE.R.TUCKWILLER@WV.GOV

Firm Name:	WV DOH
Firm Address:	Box 4320 CLARKSBURG WV 26302 ATT: LOST CREEK
Representative Attending:	GARY DYER
Phone Number:	304-745-3075
Fax Number:	304-745-3758
Email Address:	GARY.E.DYER@WV.GOV

Firm Name:	Purchasing Division
Firm Address:	
Representative Attending:	Michael Austin
Phone Number:	304-558-2402
Fax Number:	304-558-4115
Email Address:	Michael.d.Austin@WV.gov

Firm Name:	WVDOH
Firm Address:	
Representative Attending:	Angie Moorman
Phone Number:	336-9427
Fax Number:	
Email Address:	

Firm Name:	Abbecher
Firm Address:	943 Nixon Drive Mechanicburg PA 17055
Representative Attending:	William R. Baker
Phone Number:	
Fax Number:	
Email Address:	

Firm Name:	
Firm Address:	
Representative Attending:	
Phone Number:	
Fax Number:	
Email Address:	

PRE-BID CONFERENCE
SIGN IN SHEET

Request for Quotation Number: 608C0022

Date: 03/11/08

PLEASE PRINT LEGIBLY. THIS INFORMATION IS ESSENTIAL TO CONTACT THE ATTENDEES IN A TIMELY MANNER. FAILURE TO DO SO MAY RESULT IN DELAYS IN YOUR COMPANY GETTING IMPORTANT BID INFORMATION.

Firm Name:	ALENZA
Firm Address:	100 N. CONAHAN DR. HAZLETON, PA 18201
Representative Attending:	TODD HAGENBUCH
Phone Number:	570 459 5048
Fax Number:	570 459 5500
Email Address:	thagenbuch@dbiservices.com

Firm Name:	ARBOR CEM
Firm Address:	115 Lpx Street Gosport, PA 16624
Representative Attending:	DANNY SKRAN
Phone Number:	(304) 533-1817
Fax Number:	
Email Address:	

Firm Name:	William R. Briley
Firm Address:	115 1st Street Crossman, WV 26024
Representative Attending:	William R. Briley
Phone Number:	(304) 533-6424
Fax Number:	304 725-2178
Email Address:	

Firm Name:	LARRY SHARPE / CWC CHEMICAL
Firm Address:	214 Summers Pr. Cloverdale, VA 24037
Representative Attending:	LARRY SHARPE
Phone Number:	800-360-9903
Fax Number:	540-992-5601
Email Address:	CWCHEMICAL@AOL.COM

Firm Name:	WV DOH
Firm Address:	624 Poplar St Newbern, WV 26151
Representative Attending:	
Phone Number:	304-420-4719
Fax Number:	420-4683
Email Address:	

Firm Name:	WV DOH
Firm Address:	
Representative Attending:	Wilson Briley
Phone Number:	558-7428
Fax Number:	558-2912
Email Address:	Wilson.Briley@WV.Gov