



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 |
| LOT444 |

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| PAGE |
| 1 |

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| ADDRESS CORRESPONDENCE TO ATTENTION OF |
| SHELLY MURRAY 304-558-8801 |

RFQ COPY
 TYPE NAME/ADDRESS HERE

VENDOR

LOTTERY COMMISSION

SHIP TO

312 MACCORKLE AVENUE, SE
 CHARLESTON, WV
 25314-1143 558-0500

| | | | | |
|--------------|---------------|----------|--------|---------------|
| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
| 02/05/2008 | | | | |

BID OPENING DATE: 03/13/2008 BID OPENING TIME 01:30PM

| LINE | QUANTITY | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|--------|-------------|------------|--------|
| REQUEST FOR QUOTATION | | | | | | |
| <p>THE PURCHASING DIVISION IS SOLICITING BIDS FOR THE WV LOTTERY TO PROVIDE ANY AND ALL MATERIALS, HARDWARE, AND LABOR NECESSARY FOR THE INSTALLATION AND SUBSEQUENT USE OF A NEW UPS (UNINTERRUPTIBLE POWER SUPPLY) AND A NEW DIESEL GENERATOR TO BE INSTALLED AT LOTTERY OFFICES LOCATED AT MIDDLETOWN MALL, 2500 FAIRMONT AVENUE, WHITEHALL, WV.</p> <p>ATTACHMENTS: SPECIFICATIONS PURCHASING AFFIDAVIT</p> <p>A MANDATORY PRE-BID CONFERENCE WILL BE HELD 02/26/2008 AT 11:00 AM AT THE LOTTERY OFFICE LOCATED AT MIDDLETOWN MALL, 2500 FAIRMONT AVENUE, SUITE 518, WHITEHALL, WV.</p> <p>FAILURE TO ATTEND THIS MANDATORY PRE-BID CONFERENCE WILL RESULT IN BID DISQUALIFICATION.</p> <p>INQUIRES: WRITTEN QUESTIONS SHALL BE ACCEPTED THROUGH CLOSE OF BUSINESS ON 02/28/2008. QUESTIONS MAY BE SENT VIA USPS, FAX, COURIER, OR EMAIL. IN ORDER TO ASSURE NO VENDOR RECEIVES AN UNFAIR ADVANTAGE, NO SUBSTANTIVE QUESTIONS WILL BE ANSWERED ORALLY. IF POSSIBLE, EMAIL QUESTIONS ARE PREFERRED. ADDRESS INQUIRES TO:</p> <p style="text-align: center;">SHELLY MURRAY DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION</p> | | | | | | |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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| 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 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



State of West Virginia
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RFQ NUMBER
LOT444

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ADDRESS CORRESPONDENCE TO ATTENTION OF
**SHELLY MURRAY
 304-558-8801**

**RFQ COPY
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VENDOR

SHIP TO

**LOTTERY COMMISSION
 312 MACCORKLE AVENUE, SE
 CHARLESTON, WV
 25314-1143 558-0500**

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| 0001 | 1 | LS | | 285-39 | | |
| <p>2019 WASHINGTON STREET, EAST CHARLESTON, WV 25311 FAX: 304-558-4115 EMAIL: SHELLY.L.MURRAY@WV.GOV</p> | | | | | | |
| <p>GENERATOR</p> | | | | | | |
| <p>EXHIBIT 5</p> | | | | | | |
| <p>NOTICE TO PROCEED: THIS CONTRACT IS TO BE PERFORMED WITHIN 30 CALENDAR DAYS AFTER THE NOTICE TO PROCEED IS RECEIVED. UNLESS OTHERWISE SPECIFIED, THE FULLY EXECUTED PURCHASE ORDER WILL BE CONSIDERED NOTICE TO PROCEED.</p> | | | | | | |
| <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE MATERIALS OR WORKMANSHIP SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM WITH THE SPECIFICATIONS OF THE BID AND CONTRACT HERE IN.</p> | | | | | | |
| <p>WAGE RATES: THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY THE HIGHER OF THE U.S. DEPARTMENT OF LABOR MINIMUM WAGE RATES AS ESTABLISHED FOR MARION COUNTY, PURSUANT TO WEST VIRGINIA CODE 21-5A, ET, SEQ. (PREVAILING WAGE RATES APPLY TO THIS PROJECT)</p> | | | | | | |
| <p>ARBITRATION: ANY REFERENCES MADE TO ARBITRATION OR INTEREST FOR PAYMENTS DUE (EXCEPT FOR ANY INTEREST REQUIRED BY STATE LAW) CONTAINED IN THIS CONTRACT</p> | | | | | | |

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| | | | | | | |
| <p>OR IN ANY AMERICAN INSTITUTE OF ARCHITECTS DOCUMENTS PERTAINING TO THIS CONTRACT ARE HEREBY DELETED.</p> <p>WORKERS' COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL.</p> <p>ALL OF THE ITEMS CHECKED BELOW WILL BE A REQUIREMENT OF THIS CONTRACT:</p> <p>(XX) INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF COMMERCIAL GENERAL LIABILITY INSURANCE PRIOR TO ISSUANCE OF CONTRACT. UNLESS OTHERWISE SPECIFIED IN THE BID DOCUMENTS, THE MINIMUM AMOUNT OF INSURANCE COVERAGE REQUIRED IS \$250,000.</p> <p>() BUILDERS RISK INSURANCE: SUCCESSFUL VENDOR SHALL FURNISH PROOF OF BUILDERS RISK - ALL RISK INSURANCE IN AN AMOUNT EQUAL TO 100% OF THE AMOUNT OF THE CONTRACT.</p> <p>(XX) BONDS: FIVE PERCENT (5%) OF THE TOTAL AMOUNT OF THE BID PAYABLE TO THE STATE OF WEST VIRGINIA, SHALL BE SUBMITTED WITH EACH BID AS A BID BOND. THE SUCCESSFUL BIDDER SHALL ALSO FURNISH A PERFORMANCE BOND AND LABOR/MATERIAL BOND FOR 100% OF THE AMOUNT OF THE CONTRACT. BONDS MAY BE PROVIDED IN THE FORM OF A CERTIFIED CHECK, IRREVOCABLE LETTER OF CREDIT, OR BOND FURNISHED BY A SOLVENT SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE OF WEST VIRGINIA. A LETTER OF CREDIT SUBMITTED IN LIEU OF A PERFORMANCE AND LABOR & MATERIAL BOND WILL ONLY BE ALLOWED FOR PROJECTS UNDER \$100,000. PERSONAL OR BUSINESS CHECKS ARE NOT ACCEPTABLE IN LIEU OF THE 5% BID BOND, PERFORMANCE BOND, OR LABOR AND MATERIAL BOND.</p> <p>() MAINTENANCE BOND: A TWO (2) YEAR MAINTENANCE BOND COVERING THE ROOFING SYSTEM WILL BE A REQUIREMENT OF</p> | | | | | | |

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| <p>PROVISIONS, THE SPENDING OFFICER OF THE SPENDING UNIT DETERMINES THAT THERE EXISTS A BID FOR LIKE FOREIGN ALUMINUM, GLASS OR STEEL THAT IS REASONABLE AND LOWER THAN THE LOWEST BID DOMESTIC PRODUCTS, THE SPENDING OFFICE MAY REQUEST, IN WRITING, A REEVALUATION AND REDUCTION IN THE LOWEST BID FOR SUCH DOMESTIC PRODUCTS ALL VENDORS MUST INDICATE IN THEIR BID IF THEY ARE SUPPLYING FOREIGN ALUMINUM, GLASS OR STEEL.</p> <p>REV. 3/88</p> <p>EXHIBIT 9</p> <p>NOTICE FOR ISSUANCE & ACKNOWLEDGEMENT OF CONSTRUCTION PROJECT ADDENDA</p> <p>THE ARCHITECT/ENGINEER AND/OR AGENCY SHALL BE REQUIRED TO ABIDE BY THE FOLLOWING SCHEDULE IN ISSUING CONSTRUCTION PROJECT ADDENDA FOR STATE AGENCIES:</p> <p>(1) THE ARCHITECT/ENGINEER SHALL PREPARE THE ADDENDUM AND A LIST OF ALL PARTIES THAT HAVE PROCURED DRAWINGS AND SPECIFICATIONS FOR THE PROJECT. THE ADDENDUM AND LIST SHALL BE FORWARDED TO THE BUYER IN THE STATE PURCHASING DIVISION. THE ARCHITECT/ENGINEER SHALL ALSO SEND A COPY OF THE ADDENDUM TO THE STATE AGENCY FOR WHICH THE CONTRACT IS ISSUED.</p> <p>(2) THE BUYER SHALL SEND THE ADDENDUM TO ALL INTERESTED PARTIES AND, IF NECESSARY, EXTEND THE BID OPENING DATE. ANY ADDENDUM SHOULD BE RECEIVED BY THE BUYER WITHIN FOURTEEN (14) DAYS PRIOR TO THE BID OPENING DATE.</p> <p>(3) ALL ADDENDA SHOULD BE FORMALLY ACKNOWLEDGED BY AL</p> | | | | | | |

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| <p>BIDDERS AND SUBMITTED TO THE STATE PURCHASING DIVISION. THE SAME RULES AND REGULATIONS THAT APPLY TO THE ORIGINAL BIDDING DOCUMENT SHALL ALSO APPLY TO AN ADDENDUM DOCUMENT. THE ONLY EXCEPTION MAY BE FOR AN ADDENDUM THAT IS ISSUED FOR THE SOLE PURPOSE OF CHANGING A BID OPENING TIME AND/OR DATE.</p> <p>REV. 11/96</p> <p>EXHIBIT 10</p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.</p> <p>ADDENDUM NOS.:</p> <p>NO. 1</p> <p>NO. 2</p> <p>NO. 3</p> <p>NO. 4</p> <p>NO. 5</p> <p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF THE BIDS.</p> <p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY</p> | | | | | | |

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| <p>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.</p> <p>.....SIGNATURE</p> <p>.....COMPANY</p> <p>.....DATE</p> <p>REV. 11/96</p> <p>CONTRACTORS LICENSE</p> <p>WEST VIRGINIA STATE CODE 21-11-2 REQUIRES THAT ALL PERSONS DESIRING TO PERFORM CONTRACTING WORK IN THIS STATE MUST BE LICENSED. THE WEST VIRGINIA CONTRACTORS LICENSING BOARD IS EMPOWERED TO ISSUE THE CONTRACTORS LICENSE. APPLICATIONS FOR A CONTRACTORS LICENSE MAY BE MADE BY CONTACTING THE WEST VIRGINIA DIVISION OF LABOR CAPITOL COMPLEX, BUILDING 3, ROOM 319, CHARLESTON, WV 25305. TELEPHONE: (304) 558-7890.</p> <p>WEST VIRGINIA STATE CODE 21-11-11 REQUIRES ANY PROSPECTIVE BIDDER TO INCLUDE THE CONTRACTORS LICENSE NUMBER ON THEIR BID.</p> <p>BIDDER TO COMPLETE:</p> <p>CONTRACTORS NAME:</p> <p>CONTRACTORS LICENSE NO.:</p> | | | | | | |

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| <p>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FURNISH A COPY OF THEIR CONTRACTORS LICENSE PRIOR TO ISSUANCE OF A PURCHASE ORDER/CONTRACT</p> <p style="text-align: center;">APPLICABLE LAW</p> <p>THE WEST VIRGINIA STATE CODE, PURCHASING DIVISION RULES AND REGULATIONS, AND THE INFORMATION PROVIDED IN THE "REQUEST FOR QUOTATION" ISSUED BY THE PURCHASING DIVISION IS THE SOLE AUTHORITY GOVERNING THIS PROCUREMENT.</p> <p>ANY INFORMATION PROVIDED IN SPECIFICATION MANUALS, OR ANY OTHER SOURCE, VERBAL OR WRITTEN, WHICH CONTRADICTS OR ALTERS THE INFORMATION PROVIDED FROM THE SOURCES AS DESCRIBED IN THE ABOVE PARAGRAPH IS VOID AND OF NO EFFECT.</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 ORDER.</p> <p>REV. 1/2005</p> <p style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p style="text-align: center;">DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130</p> | | | | | | |

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| <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER: SHELLY MURRAY / FILE 31</p> <p>REQ. NO.: LOT444</p> <p>BID OPENING DATE: 03/13/2008</p> <p>BID OPENING TIME: 1:30 PM</p> <p>PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:</p> <p>-----</p> <p>PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE:</p> <p>-----</p> <p>***** THIS IS THE END OF RFQ LOT444 ***** TOTAL: _____</p> | | | | | | |

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WEST VIRGINIA LOTTERY
312 MacCORKLE AVENUE
CHARLESTON, WV 25314
REQUEST FOR QUOTATION LOT444

This Request for Quotation (RFQ) is to Supply any and all Materials, Hardware, and Labor necessary for the installation and subsequent use of the below specified equipment or equal. The existing 100 kW Caterpillar Generator that is now located at the Lottery office located at Middletown Mall, 2500 Fairmont Avenue, Fairmont, West Virginia, may be traded in on the new generator. All trade-in values are to be quoted separately.

One (1) 100kVA / 80kW Liebert Npower Three Phase Uninterruptible Power Supply, model 37SA100C0C6AC86, with the following features and characteristics:

AC Input voltage 208V (three-phase, four-wire plus ground)

AC Output voltage 208V (three-phase, four-wire plus ground)

- Single input, true on-line, double conversion,
- Reverse transfer configuration
- Phase controlled rectifier/charger
- IGBT pulse-width modulated (PWM) inverter
- Automatic continuous duty static transfer switch
- Internal maintenance bypass switch
- Microprocessor based monitoring and control panel with mimic bus
- LCD Graphic Display with Alarm History Database
- Programmable battery load testing for added reliability
- Local Emergency Power Off (E.P.O.) with provision for remote E.P.O. Casters and leveling feet
- UL 1778, CSA

Three (3) Liebert Battery Power Pack Model 37BP100XPBABNS, with the following features:

- 1 hour of Standby Battery Time at full Load
- Stand Alone Battery Cabinet, interconnecting cables supplied by successful bidder.
- Battery circuit breaker to isolate the battery during maintenance
- Valve regulated lead acid battery cells in flame retardant cases
- The battery is provided with a 3 year full and 7 year prorated warranty

Critical Monitoring and Alarm Notification System

- Sitelink-4, NetController, and software required
- 24 Hour Monitoring and Alarm Notification for either UPS System over network to a Lottery Workstation in Charleston and email notification to select individuals.
- Monitoring for Liebert Air and Power Units
- Setup Charleston Site UPS for Monitoring capability interlinked with the Fairmont UPS monitoring system over Lottery network. Capable of remote monitoring from either location.

One (1) Caterpillar D175-2 Diesel Generator, standby, 175kW, 218kVA, 208/120 Volt, 3-phase, 60 Hertz with the following options.

- Sound Attenuated Enclosure
- Canopied Silencer System (Critical Grade)
- 24 hour UL listed Base Diesel Fuel Tank with Fuel gauge and digital gauge that represents fuel capacity in gallons remaining.
- UL Battery Charger 10A, 120V, pre-wired
- Jacket Water Heater- 120V pre-wired
- 50% Antifreeze- 36 Degrees C Protection
- EMCP 3.2 Control Panel
- NFPA 110 Upgrade
- Voltage adjust Potentiometer
- Local alarm horn with mute on Genset

- 16 channel remote enunciator panel with alarm and silencer to be located as designated.
- Low fuel alarm
- Low coolant temp alarm
- Low coolant shutdown circuit
- UL2200 Listed and CSA Certified
- Factory tested with report to be supplied to Lottery
- Battery heater
- Anti-Condensation heater
- Start-up by a Certified Technician
- Inline isolation Transformers (to prevent feed back from the charging Rectifier in the UPS.)
- Barbed Security Fencing at top and top to bottom chain link fencing for new generator enclosure with gates to allow adequate access to all panels and allowing for service and fueling, includes locks and cannot block Lottery garage entrance.
- Supply concrete pad to level unit at installation location.
- Generator will be run under building load conditions for Lottery determined time period.
- Generator will be load bank tested onsite scaled up to 100% load as installation acceptance test.
- Cutover to new hardware time frame needs to be designated. Describe how long Lottery will be without Hot Site Facility.
- Emergency Stop button notification alarm.
- Concrete posts around Generator cage that meet OSHA requirements.

- **ASCO 3003400C1XC11BG 400 Amp Automatic Transfer Switch in a NEMA1 enclosure.**
- Transfer switch to have the ability to run a weekly exercise cycle and a monthly run with load test.
- Minimum failover time from UPS to Generator not to exceed 10 seconds.
- ATS unit should be make before break.

Start-up Services include the following:

Start-up Services, include the following:

- Startup scheduled at the Lottery's designated time
- Acceptance testing by Lottery representatives.
- Any and all Wiring/Conduits that need to be upgraded or installed will be the responsibility of the successful bidder.

ADDITIONAL SERVICES TO BE PROVIDED BY THE VENDOR

It shall be the responsibility of the successful bidder to obtain all necessary permits, licenses, and inspections as required.

The successful bidder shall supply the State of West Virginia with detailed manufacturer's documentation on all equipment and circuits installed as well as a schematic drawing.

It shall be the responsibility of the successful vendor to supply maintenance and warranty for all hardware and labor for a period of 24 hours per day, 7 days per week, for three years. A live technician shall be on site within 4 hours from a trouble call being placed. Successful vendor to provide four preventive maintenance visits per year for three years for generator and UPS.

The successful bidder shall provide initial start-up training to Lottery personnel (not to exceed 6 employees) on the operations of all hardware.

The successful bidder shall complete installation within 30 days upon receipt of the notice to proceed order and shall be scheduled with the Lottery.

It shall be the responsibility of the successful bidder to pack and to move the old UPS system now installed in the Fairmont location to West Virginia Surplus Property in Dunbar, West Virginia, or its assign. If the Lottery Commission decides not to trade-in the generator, the successful bidder will move generator to West Virginia Surplus

Property in Dunbar, West Virginia, or its assign. Surplus Property to determine if trade-in value proposed is acceptable.

COST PROPOSALS

Bidders shall provide cost quotes for all UPS and Generator hardware, hardware installation, additional circuits, and generator trade-in value must be priced separately on the Cost Bid Sheet provided in this RFQ.

The West Virginia Purchasing Division reserves the right to reject any and all trade-in pricing.

Bidders must use State of West Virginia Division of Labor prevailing wages for Marion County on all labor performed on this contract.

HOURS OF WORK

The West Virginia State Lottery Commission's normal working hours are 8:00 AM to 5:00 PM, Monday through Friday. However, designated State holidays, weekends, and after hours schedules will be accommodated if given advance notice and permission by the West Virginia State Lottery Commission.

PERSONNEL

The successful Bidder shall submit a proposed staffing plan upon award of purchase order. Persons who work on this job will be required to undergo a background check by Lottery Security.

EQUAL EMPLOYMENT OPPORTUNITY

The successful vendor must be an Equal Opportunity Employer, and shall take all employment actions without regard to an individual's race, color, national origin, ancestry, sex, religion, age, physical handicap, disability, or political affiliation.

CONDUCT AND MANAGEMENT

While employed on this contract, all personnel will remain employees of the successful bidder. The bidder shall make this condition clearly known to his or her employees and shall be responsible for their conduct and management. The State of West Virginia shall not be considered a re-employer. If a bidder's employee displays improper work conduct, unsatisfactory performance, or is deemed to be unqualified to perform the assignment, the West Virginia State Lottery Commission may request a replacement employee from the successful bidder. The successful bidder shall be solely responsible for conformity with all applicable health, safety and sanitation standards, laws and regulations at the States facilities.

SMOKE FREE / DRUG FREE / ALCOHOL FREE

In keeping with the policies of the State of West Virginia, the successful bidder must maintain a drug free / alcohol free work environment.

IMMIGRATION REFORM AND CONTROL ACT OF 1986

By submitting this response, the successful bidder certifies that it does not and will not, during the performance of the contract, employ illegal alien workers or otherwise violate the provisions of the Federal Immigration Reform and Control Act of 1986.

METHOD OF PAYMENT / COMPENSATION

After all work has been satisfactorily completed and accepted by the State of West Virginia and the Lottery Commission as outlined in this contract, the successful bidder shall transmit an invoice for payment in the amount of the original purchase order. The vendor shall be responsible for all salaries, wages, and related costs. The successful bidder will be responsible for paying any and all insurance, taxes, overtime, holiday pay, and other unnamed payroll costs, which may arise. If the successful bidder has not completed the work within the prescribed time frame, the contractor shall be assessed liquidated

damages until the work is completed. Liquidated damages shall comprise a daily penalty of \$1500.00 per day for each day beyond the thirty days allowed until the work is satisfactorily completed.

SAVE HARMLESS CLAUSE

The successful bidder agrees to protect, defend, indemnify, exonerate and hold the State of West Virginia harmless from and against any and all suits, claims, liability, losses, liens and demands, fines, costs, civil and criminal penalties, causes of action or any other obligations arising out of or in any manner connected with the work being performed under this contract, including without limitation incidents involving bodily injury, death, property damage, or any violation or alleged violation of any Federal, State, or Local law or regulation.

SUBCONTRACTING

It is the intent of this contract that all personnel would be employees of the successful bidder; however, the successful bidder may subcontract a portion of the work with the written approval of the State of West Virginia. This sub-contracting does not relieve the successful bidder of any of the obligations or responsibilities specified herein. The final invoice will not be processed by the State of West Virginia unless it includes proof satisfactory to the State of West Virginia that the successful bidder or its subcontractors have been paid.

SUPPORT

The Lottery Commission will have an employee available during all installation. Additionally, the Lottery Commission will provide a list of contact and support personnel that will be available to the successful bidder.

PRE-BID CONFERENCE

A mandatory pre-bid conference will be held at the West Virginia State Lottery Commission Office located at Middle Town Mall, 2500 Fairmont Ave. Suite 518, Whitehall, West Virginia, 26555 at 11:00 AM on 02/26/2008. At this time a tour of the facility will be conducted. Bids shall not be accepted from any vendor not represented at this mandatory pre-bid meeting. An individual may represent only one (1) vendor at the meeting.

COST BID SHEET

| | |
|---|-------------------------|
| Uninterruptible Power Supply (UPS) | \$ |
| 3 Battery Power Pack | \$ |
| Monitoring & Alarm Notification System | \$ |
| 175 kW Diesel Generator | \$ |
| Transfer Switch | \$ |
| Start Up Service | \$ |
| Additional Materials & Services | \$ |
| 3 Year Maintenance (24/7/365 w/4 PM visits per year) | \$ |
| SUB-TOTAL | \$ |
| Generator Trade-in Value** | (\$) |
| TOTAL TURNKEY PRICE | \$ |

**** Surplus Property to determine trade-in value proposed to be acceptable or not.**

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING 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 owed 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 exceeds 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: _____