



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
DNR210031

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
**KRISTA FERRELL
 304-558-2596**

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE

SHIP TO

DIVISION OF NATURAL RESOURCES
 CEDAR CREEK STATE PARK
 ATTN: PARK SUPERINTENDENT
 ROUTE 1, BOX 9
 GLENVILLE, WV
 26351 462-7158

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
09/03/2009				

BID OPENING DATE: **10/06/2009** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		650-38		
<p>PLAYGROUND EQUIPMENT FOR CEDAR CREEK STATE PARK</p> <p>REQUEST FOR QUOTATION (RFQ)</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DIVISION OF NATURAL RESOURCES IS SOLICITING BIDS FROM RESPONSIBLE VENDORS FOR NEW PLAYGROUND EQUIPMENT FOR CEDAR CREEK STATE PARK PER THE ATTACHED SPECIFICATIONS.</p> <p>TECHNICAL QUESTIONS MUST BE SUBMITTED IN WRITING TO KRISTA FERRELL IN THE WEST VIRGINIA STATE PURCHASING DIVISION VIA MAIL AT THE ADDRESS SHOWN IN THE BODY OF THIS RFQ, VIA FAX AT 304-558-4115, OR VIA EMAIL AT KRISTA.S.FERRELL@WV.GOV. DEADLINE FOR ALL TECHNICAL QUESTIONS IS 09/15/2009 AT THE CLOSE OF BUSINESS. ALL TECHNICAL QUESTIONS RECEIVED, IF ANY, WILL BE ANSWERED BY ADDENDUM AFTER THE DEADLINE HAS LAPSED.</p> <p>QUESTIONS CONCERNING THE PROCESS BY WHICH A VENDOR MAY SUBMIT A BID TO THE STATE OF WEST VIRGINIA ARE NOT CONSIDERED TO BE TECHNICAL QUESTIONS AND MAY BE SUBMITTED AT ANY TIME PRIOR TO THE BID OPENING AND IN ANY FORMAT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT MAY BE DEEMED NULL AND VOID, AND 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'

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 fee.
5. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, 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, the State may deem this contract null and void, and terminate such contract 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 Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
15. **WEST VIRGINIA ALCOHOL & DRUG-FREE WORKPLACE ACT:** If this Contract constitutes a public improvement construction contract as set forth in Article 1D, Chapter 21 of the West Virginia Code ("The West Virginia Alcohol and Drug-Free Workplace Act"), then the following language shall hereby become part of this Contract: "The contractor and its subcontractors shall implement and maintain a written drug-free workplace policy in compliance with the West Virginia Alcohol and Drug-Free Workplace Act, as set forth in Article 1D, Chapter 21 of the West Virginia Code. The contractor and its subcontractors shall provide a sworn statement in writing, under the penalties of perjury, that they maintain a valid drug-free work place policy in compliance with the West Virginia and Drug-Free Workplace Act. It is understood and agreed that this Contract shall be cancelled by the awarding authority if the Contractor: 1) Fails to implement its drug-free workplace policy; 2) Fails to provide information regarding implementation of the contractor's drug-free workplace policy at the request of the public authority; or 3) Provides to the public authority false information regarding the contractor's drug-free workplace policy."

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 case 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: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130



State of West Virginia
 Department of Administration
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<p>ORDER.</p> <p>THE MODEL/BRAND/SPECIFICATIONS NAMED HEREIN ESTABLISH THE ACCEPTABLE LEVEL OF QUALITY ONLY AND ARE NOT INTENDED TO REFLECT A PREFERENCE OR FAVOR ANY PARTICULAR BRAND OR VENDOR. VENDORS WHO ARE BIDDING ALTERNATES SHOULD SO STATE AND INCLUDE PERTINENT LITERATURE AND SPECIFICATIONS. FAILURE TO PROVIDE INFORMATION FOR ANY ALTERNATES MAY BE GROUNDS FOR REJECTION OF THE BID. THE STATE RESERVES THE RIGHT TO WAIVE MINOR IRREGULARITIES IN BIDS OR SPECIFICATIONS IN ACCORDANCE WITH SECTION 148-1-4(F) OF THE WEST VIRGINIA LEGISLATIVE RULES AND REGULATIONS.</p> <p style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p style="padding-left: 40px;">DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130</p> <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: KRISTA FERRELL-FILE 21</p> <p>RFQ. NO.: DNR210031</p>						

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BID OPENING DATE: 10/06/2009 BID OPENING TIME: 1:30 PM PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- CONTACT PERSON (PLEASE PRINT CLEARLY): ----- ***** THIS IS THE END OF RFQ DNR210031 ***** TOTAL: _____						

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WVDNR210031
Cedar Creek State Park
Playground Equipment

To supply playground equipment to offer play activities for children ages five (5) to twelve (12) at Cedar Creek State Park, Glenville, West Virginia. Playground equipment will be purchased for four separate areas in the park. Park personnel will install all playground equipment. The award may be split if it is in the best interest of the West Virginia Division of Natural Resources. All items are to be F.O.B. Destination. Freight or delivery charges must be included in the price of the goods. Delivery must be made within thirty (30) days of purchase order award.

BATHHOUSE #1 AREA PLAYGROUND

Henderson custom play structure, Model #PF09679RO, or equal. Structure components must include all hardware necessary for assembly. Structure must include the following components:

- Ten (10) Henderson PF post caps or equal.
- Two (2) Henderson 101" PF post with aluminum cap or equal.
- Two (2) Henderson 126" P4 post with aluminum cap or equal.
- Two (2) Henderson 129" P4 post with aluminum cap or equal.
- Three (3) Henderson 132" P4 post with aluminum cap or equal.
- One (1) Henderson 147" P4 post with aluminum cap or equal.
- One (1) Henderson spacewalk or equal. Spacewalk must be a minimum of 4' in length and constructed of galvanized steel tube and Allied Flo-Coat, or equal.
- One (1) Henderson accessible step deck or equal. Step deck must be a minimum of 32" in height and constructed of a minimum 10 gauge steel, or equal.
- One (1) Henderson grab bars (transfer point) or equal. Grab bars must be constructed of galvanized steel.
- One (1) Henderson 90° loop challenge or equal. Loop challenge must be constructed of galvanized steel tube and have an Allied Flo-Coat finish or equal.
- One (1) Henderson jump! Panel or equal.
- One (1) Henderson accessible step up or equal. Step up must be a minimum of 12" in height.
- One (1) Henderson rock wall climber or equal. Climber must be a minimum of 4' in height.
- One (1) Henderson double scoop slide complete with hood or equal. Slide must be a minimum of 4' in height. Slide must be constructed of a minimum of 10 gauge steel.

WVDNR210031
Cedar Creek State Park
Playground Equipment

LAUNDRY/BATHHOUSE AREA PLAYGROUND

Henderson custom play structure, Model #PF09680R0, or equal. Structure components must include all hardware necessary for assembly. Structure must include the following components:

- One (1) Henderson PF post cap or equal.
- One (1) Henderson 78" P4 post with aluminum cap or equal.
- One (1) Henderson maze wheel or equal.
- Eleven (11) PF post caps or equal.
- Two (2) 126" P4 post with aluminum cap or equal.
- Two (2) 135" P4 post with aluminum cap or equal.
- One (1) 141" P4 post with aluminum cap or equal.
- Three (3) 150" P4 post with aluminum cap or equal.
- Two (2) 156" P4 post with aluminum cap or equal.
- One (1) 104" P4 post with aluminum cap or equal.
- One (1) Henderson rappel wall or equal. Wall must be a minimum of 6' in height.
- One (1) Henderson racecar panel or equal.
- One (1) Henderson accessible trapeze beam or equal.
- One (1) Henderson right transfer station or equal. Transfer station must be a minimum of 4' in length.
- One (1) Henderson tower climber or equal. Climber must be a minimum of 4' in height.
- One (1) Henderson accessible step deck or equal. Step deck must be a minimum of 24" in height.
- One (1) Henderson pipe ladder or equal. Ladder must be a minimum of 6' in height.
- One (1) Henderson right stargate slide veer complete with hood or equal. Slide veer must be a minimum of 6' in height.

WVDNR210031
Cedar Creek State Park
Playground Equipment

BATHHOUSE #3 AREA PLAYGROUND

Henderson custom play structure, Model #PF09681R0, or equal. Structure components must include all hardware necessary for assembly. Structure must include the following components:

- Twenty-one (21) Henderson PF post cap or equal.
- Two (2) Henderson 48" P4 post with flat welded cap or equal.
- Three (3) Henderson 108" P4 post with aluminum cap or equal.
- One (1) Henderson 150" P4 post with aluminum cap or equal.
- Two (2) Henderson 141" P4 post with aluminum cap or equal.
- Two (2) Henderson 138" P4 post with aluminum cap or equal.
- Four (4) Henderson 132" P4 post with aluminum cap or equal.
- One (1) Henderson 126" P4 post with aluminum cap or equal.
- Three (3) Henderson 114" P4 post with aluminum cap or equal.
- One (1) Henderson 104" P4 post with aluminum cap or equal.
- Two (2) Henderson 90" P4 post with aluminum cap or equal.
- One (1) Henderson 78" P4 post with aluminum cap or equal.
- One (1) Henderson 120" P4 post with aluminum cap or equal.
- One (1) Henderson rappel wall or equal. Wall must be minimum of 5' in height and constructed of high density polyethylene and galvanized steel tubing, or equal.
- One (1) Henderson cobra climber 4' deck to deck or equal.
- One (1) Henderson maze wheel or equal.
- One (1) Henderson accessible trapeze beam or equal.
- One (1) Henderson jump! panel or equal.
- One (1) Henderson twin track ride or equal.
- One (1) Henderson 270° loop challenge or equal.
- One (1) Henderson tidal wave link or equal.
- One (1) Henderson deck ladder or equal. Ladder must be a minimum of 3' in height.
- One (1) Henderson spacewalk or equal. Spacewalk must be a minimum of 4' in length.
- One (1) Henderson bubble climber or equal. Climber must be constructed of galvanized steel, or equal.
- One (1) Henderson left transfer station or equal. Station must be a minimum of 3' in length.
- One (1) Henderson slide pole or equal. Pole must be a minimum of 4' in height.
- One (1) Henderson rock wall climber or equal. Climber must be a minimum of 5' in height.
- One (1) Henderson double dare slide complete with hood or equal. Slide must be a minimum of 5' in height.
- One (1) Henderson playseat or equal. Playseat must be constructed of galvanized steel, or equal.

WVDNR210031
Cedar Creek State Park
Playground Equipment

ONE ROOM SCHOOL AREA PLAYGROUND

Henderson custom play structure, Model #PF09682R0, or equal. Structure components must include all hardware necessary for assembly. Structure must include the following components:

- Thirty-five (35) Henderson PF post cap or equal.
- One (1) Henderson 104" P4 post with no cap or equal.
- Six (6) Henderson 48" P4 post with flat welded cap or equal.
- Four (4) Henderson 126" P4 post with aluminum cap or equal.
- Two (2) Henderson 168" P4 post with aluminum cap or equal.
- Two (2) Henderson 162" P4 post with aluminum cap or equal.
- Three (3) Henderson 153" P4 post with aluminum cap or equal.
- Four (4) Henderson 150" P4 post with aluminum cap or equal.
- Two (2) Henderson 135" P4 post with aluminum cap or equal.
- Two (2) Henderson 129" P4 post with aluminum cap or equal.
- Six (6) Henderson 120" P4 post with aluminum cap or equal.
- Two (2) Henderson 114" P4 post with aluminum cap or equal.
- Two (2) Henderson 104" P4 post with aluminum cap or equal.
- Three (3) Henderson 90" P4 post with aluminum cap or equal.
- Three (3) Henderson 132" P4 post with aluminum cap or equal.
- One (1) Henderson, single cliffhanger or equal. Cliffhanger must be a minimum of 5' in height and be constructed of rotationally molded plastic and be color impregnated.
- One (1) Henderson incline connector or equal. Connector must be a minimum of 1' in height and constructed of galvanized steel.
- One (1) Henderson vertical rail or equal. Vertical rail must be constructed of galvanized steel tubing.
- One (1) Henderson playseat or equal. Playseat must be constructed of galvanized steel, or equal.
- One (1) Henderson stargate left slide turn complete with hood or equal. Slide must be a minimum of 7' in height.
- One (1) Henderson vertical rail or equal.
- One (1) Henderson maze wheel or equal.
- One (1) Henderson playseat or equal. Playseat must be constructed of galvanized steel, or equal.
- One (1) Henderson fredrock climber or equal. Climber must be a minimum of 4' in height and the wall must be constructed of rotationally-moulded medium- density polyethylene.
- One (1) Henderson accessible trapeze ring beam or equal. Ring beam must be constructed of galvanized steel tube. Rings must be made of galvanized steel tubing and powder coat painted, or equal.

WVDNR210031
Cedar Creek State Park
Playground Equipment

- One (1) Henderson twin track ride or equal. Track must be constructed of galvanized steel and the handles must be powder-coat painted.
- One (1) Henderson loop-to-loop or equal. Loop beam must be constructed of galvanized steel tube and powder-coat painted, or equal.
- One (1) Henderson jump! panel or equal.
- One (1) Henderson cobra link or equal. The cobra link consists of link safety hoops and guardrails.
- One (1) Henderson bubble climber or equal. Climber must consist of climber and safety hoop and must be constructed of galvanized steel, or equal.
- One (1) Henderson pipe ladder or equal. Ladder must be a minimum of 3' in height and constructed of galvanized steel tubing and powder coat painted, or equal.
- One (1) Henderson mineshaft link, or equal. Link must be a minimum of 3' in length.
- One (1) Henderson spacewalk or equal. Spacewalk must be a minimum of 3' in length and consist of frame and pods, or equal.
- One (1) Henderson accessible step deck or equal. Step deck must be a minimum of 12" in height and must consist of handrails and infills, or equal.
- One (1) Henderson double scoop slide complete with hood or equal. Slide must be a minimum of 4' in height and constructed of one-piece, double-wall, rotationally-moulded medium density polyethylene, or equal.
- One (1) Henderson tot arch bridge with protective barriers or equal. Tot bridge must be a mechanical assembly of frame, handrails, and deck cladding, or equal.
- One (1) Henderson left transfer station or equal. Transfer station must be a minimum of 4' in length.
- One (1) Henderson accessible step deck or equal. Step deck must be a minimum of 24" in height.
- One (1) Henderson triple slide complete with hood or equal. Slide must be a minimum of 6' in height and constructed of rotationally-moulded medium-density polyethylene, or equal.
- One (1) Henderson rappel wall or equal. Wall must be a minimum of 6' in height and consist of a mechanical assembly of wall, ground legs, and safety hoop with a powder coat finish, or equal.

Henderson 1-bay arch swing 8' complete with two (2) belt seats, Model #SW340, or equal. Arch swing must be a mechanical assembly of top bar, swing bearings, and end frames, or equal.

Henderson arch swing 8' extend a half bay complete with one (1) baby seat, Model #SW342, or equal.

**WVDNR210031
Cedar Creek State Park
Playground Equipment**

ITEMS FOR ALL FOUR PLAYGROUNDS

Childforms funtimber with spike, Model #FTB-00002, or equal.

Childforms filler ends, Model #ADJ-00008, or equal.

Geo-textile fabric, 2,250 sq. ft. roll or equal. Fabric must provide a water permeable separation between the earth and the wood fiber and at least 150 gallons per square foot per minute.

Engineered wood fiber @ 8inch compacted depth. Material must be recently harvested and debarked; free of chemical treatments and additives; free of soil, twigs, leaves and other contaminates.

WVDNR210031
Cedar Creek State Park
Playground Equipment

All playground and engineered wood fiber equipment must meet the following requirements:

- Compliance with U.S. Consumer Product Safety Commission, Handbook for Public Playground Safety.
- Compliance with ASTM Standard F 1487.
- Compliance with Architectural and Transportation Barriers Compliance Board, Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Play Areas.
- Compliance with Consumer Product Safety Improvement Act (CPSIA) Section 101 lead limits.

Vendors must submit the following attachments:

- Complete manufacturer's parts specifications and warranties.
- Layout drawing to scale of the proposed play structure or equipment.
- ASTM and CPSC Statement of Compliance

Warranties:

- All equipment and engineered wood fiber must be guaranteed to be free of defects in workmanship and material for a minimum of one year from date of acceptance. However, if manufacturer warranty periods are longer than the required minimum one year warranty, those warranties shall apply.

All playground equipment must include tamper proof fasteners to prevent theft and destruction.

Color scheme of equipment must be coordinated with Cedar Creek State Park. Color of items will be selected from manufacturer's standard colors.

Cedar Creek State Park

PLAYGROUND EQUIPMENT SHEET

Please complete the below information concerning the brand(s) of equipment being bid in relation to this project.

If bidding "or equal" brands, please attach manufacturer's literature documenting that it meets the mandatory requirements stated in the specifications. Vendors should note the areas of the provided manufacturer's literature that adheres to the mandatory requirements outlined in the Request For Proposal.

Item No.	Equipment	Manufacturer	Model
1	Bathhouse # 1 Area Playground Henderson custom play structure, Model #PF09679R0, or equal.		
2	Laundry/Bathhouse Area Playgrounds Henderson custom play structure, Model #PF09680R0, or equal.		
3	Bathhouse #3 Area Playground Henderson custom play structure, Model #PF09681R0, or equal.		
4	One Room School Area Playground Henderson custom play structure, Model #PF09682R0, or equal.		
5	One Room School Area Playground Area Henderson 1- bay arch wing 8' complete with belt seats, Model #SW340, or equal.		
6	One Room School Area Playground Area Henderson arch swing 8' extend a half bay complete with baby seat, Model #SW342, or equal.		
7	Bathhouse #1 Area Playground, Laundry/Bathhouse Area Playground, Bathhouse #3 Area childforms funtimber with spike, Model #FTB-00002, or equal.		

PLAYGROUND EQUIPMENT SHEET

Item No.	Equipment	Manufacturer	Model
8	Bathhouse #1 Area Playground, Laundry/Bathhouse Area Playground, Bathhouse #3 Area childforms filter ends, Model #ADJ-00008, or equal.		
9	Playground, Laundry/Bathhouse Area Playground, Bathhouse #3 Area geo-textile fabric, or equal.		
10	Bathhouse #1 Area Playground, Laundry/Bathhouse Area Playground, Bathhouse #3 Area engineered wood fiber @ 8" compacted depth.		

Cedar Creek State Park Playground Equipment

PRICING SHEET

Item No.	Quantity	Description	Unit Price	Amount
1	1	Bathroom # 1 Area Playground Henderson custom play structure, Model #PF09679RO, or equal.		
2	1	Laundry/Bathroom Area Playgrounds Henderson custom play structure, Model #PF09680RO, or equal.		
3	1	Bathroom #3 Area Playground Henderson custom play structure, Model #PF09681RO, or equal.		
4	1	One Room School Area Playground Henderson custom play structure, Model #PF09682RO, or equal.		
5	1	One Room School Area Playground Area Henderson 1-bay arch wing 8' complete with belt seats, Model #SW340, or equal.		
6	1	One Room School Area Playground Area Henderson arch swing 8' extend a half bay complete with baby seat, Model #SW342, or equal.		
7	168	Bathroom #1 Area Playground, Laundry/Bathroom Area Playground, Bathroom #3 Area childforms funtimber with spike, Model #FTB- 00002, or equal.		
8	8	Bathroom #1 Area Playground, Laundry/Bathroom Area Playground, Bathroom #3 Area childforms filter ends, Model #ADJ-00008, or equal.		
9	6,985 square feet	Bathroom #1 Area Playground, Laundry/Bathroom Area Playground, Bathroom #3 Area geo-textile fabric or equal.		
10	6,985 square feet	Bathroom #1 Area Playground, Laundry/Bathroom Area Playground, Bathroom #3 Area engineered wood fiber @ 8" compacted depth.		
			TOTAL	

State of West Virginia
VENDOR PREFERENCE CERTIFICATE

Certification and application* is hereby made for Preference in accordance with *West Virginia Code*, §5A-3-37. (Does not apply to construction contracts). *West Virginia Code*, §5A-3-37, provides an opportunity for qualifying vendors to request (at the time of bid) preference for their residency status. Such preference is an evaluation method only and will be applied only to the cost bid in accordance with the *West Virginia Code*. This certificate for application is to be used to request such preference. The Purchasing Division will make the determination of the Resident Vendor Preference, if applicable.

- 1. **Application is made for 2.5% resident vendor preference for the reason checked:**
 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**,
 Bidder is a partnership, association or corporation resident vendor and 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** 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**,
 Bidder is a 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; **or**,
- 2. **Application is made for 2.5% resident vendor preference for the reason checked:**
 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; **or**,
- 3. **Application is made for 2.5% resident vendor preference for the reason checked:**
 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 Bidder's 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; **or**,
- 4. **Application is made for 5% resident vendor preference for the reason checked:**
 Bidder meets either the requirement of both subdivisions (1) and (2) or subdivision (1) and (3) as stated above; **or**,
- 5. **Application is made for 3.5% resident vendor preference who is a veteran for the reason checked:**
 Bidder is an individual resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted; **or**,
- 6. **Application is made for 3.5% resident vendor preference who is a veteran for the reason checked:**
 Bidder is a resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years.

Bidder understands if the Secretary of 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) reject the bid; 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.

By submission of this certificate, Bidder agrees to disclose any reasonably requested information to the Purchasing Division and authorizes the Department of Revenue to disclose to the Director of Purchasing appropriate information verifying that 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.

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.

Bidder: _____ **Signed:** _____

Date: _____ **Title:** _____

*Check any combination of preference consideration(s) indicated above, which you are entitled to receive.

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

VENDOR OWING A DEBT TO THE STATE:

West Virginia Code §5A-3-10a provides that: 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.

PUBLIC IMPROVEMENT CONTRACTS & DRUG-FREE WORKPLACE ACT:

If this is a solicitation for a public improvement construction contract, the vendor, by its signature below, affirms that it has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the *West Virginia Code*. The vendor **must** make said affirmation with its bid submission. Further, public improvement construction contract may not be awarded to a vendor who does not have a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the *West Virginia Code* and who has not submitted that plan to the appropriate contracting authority in timely fashion. For a vendor who is a subcontractor, compliance with Section 5, Article 1D, Chapter 21 of the *West Virginia Code* may take place before their work on the public improvement is begun.

ANTITRUST:

In submitting a bid to any agency for the state of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the state of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the state of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the state of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership or person or entity submitting a bid for the same materials, supplies, equipment or services and is in all respects fair and without collusion or fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.

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. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.

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

Vendor's Name: _____
Authorized Signature: _____ Date: _____