



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
COR61437

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
TARA LYLE
304-558-2544

RFQ COPY
 TYPE NAME/ADDRESS HERE

PROPERTY

SHIP TO

DIVISION OF CORRECTIONS
VARIOUS LOCALES AS INDICATED
BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
10/12/2010				

BID OPENING DATE: **10/21/2010** **BID OPENING TIME 01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 1 1. QUESTIONS AND ANSWERS ARE ATTACHED. 2. TO MOVE THE BID OPENING DATE FROM 10/14/2010 TO 10/21/2010. 3. ADDENDUM ACKNOWLEDGEMENT IS ATTACHED. THIS DOCUMENT SHOULD BE SIGNED AND RETURNED WITH YOUR BID. FAILURE TO SIGN AND RETURN MAY RESULT IN DISQUALIFICATION OF YOUR BID. 4. TO ADD THE FOLLOWING LANGUAGE TO THE ORIGINAL RFQ. EXHIBIT 4 LOCAL GOVERNMENT BODIES: UNLESS THE VENDOR INDICATES IN THE BID HIS REFUSAL TO EXTEND THE PRICES, TERMS, AND CONDITIONS OF THE BID TO COUNTY, SCHOOL, MUNICIPAL AND OTHER LOCAL GOVERNMENT BODIES, THE BID SHALL EXTEND TO POLITICAL SUBDIVISIONS OF THE STATE OF WEST VIRGINIA. IF THE VENDOR DOES NOT WISH TO EXTEND THE PRICES, TERMS, AND CONDITIONS OF THE BID TO ALL POLITICAL SUBDIVISIONS OF THE STATE, THE VENDOR MUST CLEARLY INDICATE SUCH REFUSAL IN HIS BID. SUCH REFUSAL SHALL NOT PREJUDICE THE AWARD OF THIS CONTRACT IN ANY MANNER. REV. 3/88						

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. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
4. 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.
5. Payment may only be made after the delivery and acceptance of goods or services.
6. Interest may be paid for late payment in accordance with the **West Virginia Code**.
7. Vendor preference will be granted upon written request in accordance with the **West Virginia Code**.
8. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
9. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
10. The laws of the State of West Virginia and the **Legislative Rules** of the Purchasing Division shall govern the purchasing process.
11. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
12. **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.
13. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, is available online at www.state.wv.us/admin/purchase/vrc/hipaa.htm and 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.
14. **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>.
15. **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, and the West Virginia Insurance Commission. 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.
16. **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 material, 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.

INSTRUCTIONS TO BIDDERS

1. Use the quotation forms provided by the Purchasing Division. Complete all sections of the quotation form.
2. 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. Unit prices shall prevail in case of discrepancy. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
4. 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
5. Communication during the solicitation, bid, evaluation or award periods, except through the Purchasing Division, is strictly prohibited (W.Va. C.S.R. §148-1-6.6).



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 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
10/12/2010				
BID OPENING DATE: 10/21/2010		BID OPENING TIME 01:30PM		

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
				REQUISITION NO.: COR61437		
				ADDENDUM ACKNOWLEDGEMENT		
				I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, 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.		
				VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY 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.		
			 SIGNATURE		

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE	TELEPHONE	DATE	
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE	

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DATE PRINTED 10/12/2010	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: **10/21/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA	990-42	FIRE AND SAFETY SERVICES		

NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.

REV. 09/21/2009

END OF ADDENDUM NO. 1

.....
 COMPANY

.....
 DATE

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BY ORDER

DATE PRINTED 10/12/2010	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
BID OPENING DATE: 10/21/2010				

BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
***** THIS IS THE END OF RFQ COR61437 ***** TOTAL:						

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TITLE	FEIN	

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The following amendments, addenda, additions and deletions shall be made to the contract documents titled as above. Insofar as the contract documents are at variance with Addendum Number One, this Addendum shall govern. Bidders shall acknowledge receipt of the Addendum on the Bid Form included in the solicitation.

QUESTIONS & CLARIFICATIONS

- Q1: On page #6, Item #9 the third bullet mentions "Online site reporting Systems per attached specifications." Our bid packet did not contain any such attachment. Also on page #6, Item #12 it mentions Inspection and Testing results are to be in the Builder's report format. We are familiar with the "Buildingreports.com" online site and their report format. Is this what the RFQ is referring too? And would the specifications mentioned in Item #9 give details of the report format?
- A1: *The successful vendor shall use the BuildingReports.com format as the acceptable online site reporting system. See attached Fire Alarm and Life Safety System Inspection Certificate.*
- Q2: Is this a prevailing wage solicitation? Will all vendors be required to pay prevailing wage according to the areas that the facilities are located? Will a certified payroll be required of each vendor?
- A2: *Prevailing wage only applies to actual repair work, and not testing, inspections etc. Certified payroll is not required as condition for this bid or award. For additional information please contact the state Division of Labor, Wage and Hour Unit at 304-558-7850 or 749 B, Building 6, Capitol Complex, Charleston, WV 25305.*

- Q3: Page (5), Scope, Paragraph #2, Can you explain what is meant by “The vendor will provide replacement parts, programming.....” It allows for a cost +10% markups. Therefore, is the cost being provided to cover only the inspections and any additional service work will be invoiced at an additional rate, or is this contract an all inclusive offering? Are we to underwrite all of the systems including the sprinklers? On, each bid tabulation it calls out a labor rate and anticipated quantity of hours, therefore is all labor and material invoiced at the bid labor rate + 10% mark up for parts?
- A3: *Repair work involving part replacement is to be billed at actual cost plus markup. In case of proprietary programming issues, if a successful vendor does not have proprietary programming access, a subcontractor with such proprietary programming access shall be brought in as a subcontractor with allowable 10% markup for the prime.*
- Q4: Page (5), Contractor minimum Qualifications, # 4, “Technicians must be factory Trained”. Only a SimplexGrinnell employed technician can hold this type of distinction as it pertains to any Simplex Fire Alarm Panel and the same is true for the GE Systems. Simplex systems are not sold via distributorships and only current employees will have this type of up to date certification data. How will this be enforced? Can the fire alarm portion be pulled out of RFQ and offered as a sole source to the respective bidders and then everything else bid separately?
- A4: *Refer to the answer on question 3. If a successful vendor does not have proprietary access; a subcontractor with such proprietary access shall be brought in as a subcontractor with allowable 10% markup for the prime. The fire alarm portion will not be pulled out and offered as a sole source.*
- Q5: Does the state of West Virginia recognize GSA contracts as a means to purchase goods and services. Would the state consider using GSA for this RFQ?
- A5: *The state of West Virginia recognizes GSA contracts, but will not use GSA for this procurement. For additional information on GSA contracts, please contact: Jo Ann Adkins, Buyer Supervisor, (304) 558-8802, Jo.A.Adkins@wv.gov*
- Q6: Does the state of West Virginia recognize any cooperative purchasing agreements, such as WSCA or neighboring state contracts, as acceptable purchasing agreements?
- A6: *Yes, however not with this particular procurement. The intent of the state in allowing GSA/WSCA contracts is to complement not supplant local vendors. Since vibrant local competition exists for this procurement, doing anything else other than opening it for bid would be unfair. Please contact Jo Ann Adkins for additional information.*
- Q7: Can you further define what is meant by the phrase on page (5) paragraph 2, under the title ‘scope’ which states “The inspections, tests, and maintenance must be done to meet all federal and state laws” Can you be more specific? There are

many different interpretations of what is required and what is not. This can be very confusing. It would be beneficial for all bidders to have the same interpretation from the user to determine what is required such as the frequency of inspections for Fire Alarm, Sprinkler Systems, Hood Systems, Extinguishers, etc

- a. Fire alarm systems: How often will these be tested and will sensitivity testing be included? ANNUALLY, YES
- b. Sprinkler systems: How often are they to be tested? (quarterly/semi-annually/monthly or annual) QUARTERLY
- c. Fire Hydrants/fire pumps/SCBA will be tested how often? ANNUALLY
- d. Fire Extinguishers: ANNUALLY. Is this contract only for the annual inspection and are all parts and labor included for the extinguishers? Recharges? PARTS, LABOR & RECHARGES ARE INCLUDED
- e. Fire Extinguishers: Who will be responsible for the monthly visual inspections? OWNER
- f. Kitchen Hood System: How often will these be inspected and who will be responsible for the necessary repairs? SEMI ANNUALLY, VENDOR
- g. Nurse Call systems: How often are these to be inspected and are all parts for repairs to be included in the base bid? ANNUALLY

A7: *In accordance with NFPA 191 (4.3.13) National Fire Protection Association (NFPA) is the generally accepted standards applicable to federal, state, and county codes. The State Fire Marshal's Office is the authority; see Legislative Rule Title 103 Series 3.*

14.7. Necessity of NICET Certification for Fire Protection and Fire Alarm Systems.
 14.7. a. *No fire protection and fire alarm system maintenance, repair or inspection work may be performed, offered or engaged in for compensation or hire within the State of West Virginia by any company unless the company maintains at least one (1) employee possessing a valid certificate of competency issued by the National Institute of Certification in Engineering Technologies (NICET). All companies shall be registered with the State Fire Commission and shall provide annual information on NICET certificate holders employed by their company for the purpose of maintenance, repair or inspection activities.* 14.7. b. *All fire protection extinguishment devices or systems not covered in 14.7.a. shall adhere to 87CSR1 17 the following: No fire protection equipment or system installation, maintenance, repair or inspection work may be performed, offered or engaged in for compensation or hire within the State of West Virginia by any company unless the company maintains at least one (1) employee possessing a valid certificate of competency issued by the equipment or system manufacturer. All companies shall be registered with the State Fire Commission and shall provide annual information on certificate holders employed by their company for the purpose of installation, maintenance or inspection activities.*

Q8: Under NICET 2 Certification, many of these services will be done by different technicians, such as sprinkler fitters, journeymen, electronic technicians, etc. Does this mean that a NICET 2 technician needs be present at all times when there is an inspection or service work that is occurring? How will this be enforced and/or verified?

- A8: *No. NICET 2 Technician does not need to be at all times. Please see attached Title 103 series West Virginia Fire Marshal Legislative Rule Supervision of Fire Protection Work for detailed guidelines and procedures required by the state of West Virginia.*
- Q9: Under the "Right to Know Act" can you tell me what you are currently paying for each of the services that you are requesting a quote for, and who is currently providing each service for each site?
- A9: The following are listing of contract numbers associated with the various Fire and Safety services at the Division of Corrections' facilities throughout the state:
LCC10-1013, moc28933-0, SMC00047B,, LCC10-0621, SMC00047A, LCC10-0166,LCC09-1129,LCC08-0001,LCO091103,HUT975A,SMC00017A,MOC17184A,MOC24306-A, LCC08-0001, MOC25415-A, SMC00419,SMC00026B,SMC00026A,LCF22107,HUT973A, LCC07-0498.
- Q10: To what extent is bar coding of devices required. Would a detailed NFPA approved inspection report prepared in a binder with the exact location of each device tested be sufficient?
- A10: *Bar coding sticker is mandatory and allows for easy scanning and guarantees and assures the Division of Corrections inspection was done.*
- Q11: Which, if any of the systems (fire alarm, sprinkler, kitchen hood, fire extinguishers) are to receive full coverage, to include all parts and labor as part of this agreement?
- A11: *All (Everything)*
- Q12: How will this contract be awarded? Best price or best value analysis.
- A12: *Lowest responsible and responsive bidder meeting all specifications.*
- Q13: What is the appeal process for this bid?
- A13: *Follow state purchasing procedures, rules and guidelines.*
- Q14: Does this contract cover wiring, acts of god, vandalism, water damage, below ground items, etc?
- A14: *Yes (Everything)*
- C1: Ohio County Correctional Center is hereby deleted and removed from this solicitation because the Division of Corrections is not currently responsible for

providing Fire Alarm and Life Safety System Inspections where this Facility is currently housed. Therefore, no bids would be accepted for Ohio County Correctional Center at the present location and at this time.

- C2: The Division of Corrections reserves the right to add Correctional Centers, Work Releases and other Facilities as the need arises without the need or necessity for change order. The Division of Corrections is currently expanding existing facilities and constructing additional ones and reserves the flexibility to bring these facilities onboard as needed.
- C3: The final call of how often or frequent each item, to include the detection and monitoring, and inspection services rests solely on the management of each Division of Corrections' facility. Most often facility personnel will request or schedule inspections outside of the period of times listed in question 7 in response and compliance to either the American Correctional Association or Fire Marshal's orders. Vendors are advised to

No more questions will be accepted.

**** To find information about the existing contracts mentioned in this Addendum, you may contact Beverly Toler with the archival area with the WV Purchasing Division at 304-558-2336.**

END OF ADDENDUM NUMBER 1

Fire Alarm and Life Safety System Inspection Certificate

For

Forest County Prison Bldg #3 FAS
1 Woodland Drive
Marienville, PA 16239

Tested to NFPA 72 Standards

This inspection was performed in accordance with applicable NFPA Standards. The subsequent pages of this report provide performance measurements, listed ranges of acceptable results, and complete documentation of the inspection. Whenever discrepancies exist between acceptable performance standards and actual test results, notes and/or recommended solutions have been proposed or provided for immediate review and approval.

*Inspection Date
Dec 10, 2009*

Building: Forest County Prison Bldg #3 FAS
Contact: Ted Morrison
Title: Facility

Company: Fire Fighter Sales & Service
Contact: Fire Fighters
Title: Service Technician

Executive Summary

Generated by: *BuildingReports.com*

Building Information								
Building: Sample Inspection Report			Contact: John Williams					
Address: 235 Main St			Phone: (304) 555-1212					
Address:			Fax: (304) 555-3434					
City/State/Zip: Dunbar, WV 25064			Mobile:					
Country: United States of America			Email: jwilliams@samplereport.com					
Inspection Performed By								
Company: Electronic Company			Inspector: Ian Spector					
Address: 123 Avenue			Phone:					
Address:			Fax:					
City/State/Zip: Somewhere, WV 25064			Mobile:					
Country: United States of America			Email:					
System Control Unit								
Manufacturer: Notifier			Inspection Date:			IDC Style: B		
Model Number: AFP-400			Install Date: 02/01/2002			SLC Style: 2		
Software Version: 3.6			Version Date: 09/25/2007			NAC Style: W		
Location: 1st Behind Reception Desk			Current Protection: Breaker					
Monitoring								
Type: digital communicator			Mfg: EST			Model #: AFP-400		
Test Time/Date: 2/22/10 11:17:07 PM			Restore Time: 4:25pm					
Inspection Summary								
Category	Total Items		Serviced		Passed		Failed/Other	
	Qty	%	Qty	%	Qty	%	Qty	%
Supervisory	17	7.59%	0	0%	0	0%	0	0%
Monitor	1	0.45%	0	0%	0	0%	0	0%
Auxiliary	15	6.70%	0	0%	0	0%	0	0%
Sound Test	27	12.05%	0	0%	0	0%	0	0%
Initiating	104	46.43%	0	0%	0	0%	0	0%
Control	60	26.79%	1	1.67%	1	100.00%	0	0%
Totals	224	100%	1	0.45%	1	100.00%	0	0%
Certification								
Building: Sample Inspection Report			Company: Electronic Company					
Contact: John Williams			Inspector: Ian Spector					
Signed:			Signed:					

Zone Address Report

Generated by: *BuildingReports.com*

Building: Sample Inspection Report Control Panel: 1 - Notifier ATP-400

The Zone Address Report lists all of the devices and items that have an individual address, or are grouped together under a common zone. The device type, location, and description are included for your reference.

Address	Device Type	Location	Description	ScanID
Zone/Circuit: L1D32	Smoke Detector	10th Elevator Lobby Fire Doors	Photoelectric	2366604
Zone/Circuit: L1D33	Smoke Detector	10th Elevator Lobby Fire Doors	Photoelectric	2366605
Zone/Circuit: L1D59	Smoke Detector	Basement Main Switchgear Room	Photoelectric	2366622
Zone/Circuit: L1D60	Smoke Detector	Basement Fire Pump Room	Photoelectric	2366621
Zone/Circuit: L1D61	Smoke Detector	Basement Fire Pump Room	Photoelectric	2366620
Zone/Circuit: L1D62	Smoke Detector	1st Electrical Room	Photoelectric	2366619
Zone/Circuit: L1D63	Smoke Detector	1st Mechanical Room	Photoelectric	2366618
Zone/Circuit: L1D64	Smoke Detector	1st Elevator Lobby	Photoelectric	2366617
Zone/Circuit: L1D65	Smoke Detector	2nd Elevator Lobby	Photoelectric	2366616
Zone/Circuit: L1D66	Smoke Detector	2nd Electrical Room	Photoelectric	2366615
Zone/Circuit: L1D67	Smoke Detector	2nd Mechanical Room	Photoelectric	2366614
Zone/Circuit: L1D68	Smoke Detector	3rd Mechanical Room	Photoelectric	2366613
Zone/Circuit: L1D69	Smoke Detector	3rd Electrical Room	Photoelectric	2366612
Zone/Circuit: L1D70	Smoke Detector	3rd Elevator Lobby	Photoelectric	2366611
Zone/Circuit: L1D71	Smoke Detector	4th Elevator Lobby	Photoelectric	2366610
Zone/Circuit: L1D72	Smoke Detector	4th Electrical Room	Photoelectric	2366609

Discrepancy Report

Generated by: BuildingReports.com

Building: Sample Inspection Report		Control Panel: N/A		
<p>The Discrepancy Report consolidates each discrepancy listed within the various Testing sections of your Inspection. Discrepancies are listed by Category, and grouped by device type. The description of the problem is provided and where appropriate, code references are listed for your convenience. Any item that was inspected that is listed on the Consumer Product Safety Commission's website and is subject to a recall by the manufacturer is included.</p>				
Device Type	Manufacturer	ModelNumber	Date	Qty
Items listed for Recall by Manufacturer				
Power Supply	Notifier	FCPS-24S8	03/11/2003	2
<p>More Information: http://www.cpsc.gov/cpscpub/prerel/prhtml03/03527.html</p>				

Notes & Recommendations

Generated by: BuildingReports.com

Building: Sample Inspection Report		Control Panel: 1 - Notifier AFP-400		
<i>The Notes & Recommendations Report details additional inspection notes made by the Inspectors during the course of the building inspection. Notes are grouped by Category.</i>				
ScanID	Note	Device Type	Location	Comment
Control				
00013460	1	Communicator	1st Behind Reception Desk	Passed
put in test w/em24 -operator #52698 @ 8:30am notify building manager @ 8:30am notify building occupants @ 8:30am				

Inspection & Testing

Generated by: BuildingReports.com

Building: Forest County Prison Bldg #3 FAS Control Panel: 1

The Inspection & Testing section lists all of the items inspected in your building. Items are grouped by Passed or Failed/Other. Items are listed by Category. Each item includes the services performed, and the time & date at which testing occurred.

Device Type	Location	Service	Time	Date
Passed				
Initiating				
Duct Detector	2nd Mezz AHU 3-1	Tested/Cleaned	1:10:56 PM	10/14/2009
Duct Detector	2nd Mezz AHU 3-1	Tested/Cleaned	1:11:06 PM	10/14/2009
Duct Detector	2nd Mezz AHU 3-2	Tested/Cleaned	1:15:54 PM	10/14/2009
Duct Detector	2nd Mezz AHU 3-2	Tested/Cleaned	1:18:20 PM	10/14/2009
Pull Station	1st Exit Corridor 3.177 Z3B	Tested	11:30:55 AM	10/14/2009
Pull Station	1st Exit Stairs 3.175 Z3B	Tested	11:31:24 AM	10/14/2009
Pull Station	1st Corridor 3.183 Z3B	Tested	11:31:42 AM	10/14/2009
Pull Station	1st Exit Waiting 3.102 Z3B	Tested	1:04:04 PM	10/14/2009
Pull Station	1st Exit Quing 3.101 Z3B	Tested	1:04:16 PM	10/14/2009
Pull Station	1st Exit Quing 3.101 Z3B	Tested	1:39:11 PM	10/14/2009
Pull Station	1st Corridor 3.177 Z3A	Tested	1:42:17 PM	10/14/2009
Pull Station	1st Corridor 3.177 Z3A	Tested	2:04:08 PM	10/14/2009
Smoke Detector	1st Corr 3.177 Z3B	Tested/Cleaned	11:17:50 AM	10/14/2009
Smoke Detector	1st Storage 3.176 Z3B	Tested/Cleaned	11:17:57 AM	10/14/2009
Smoke Detector	1st Corr 3.177 Z3B	Tested/Cleaned	11:18:48 AM	10/14/2009
Smoke Detector	1st Clerical 3.155 Z3B	Tested/Cleaned	11:19:40 AM	10/14/2009
Smoke Detector	1st Corr 3 Z3B	Tested/Cleaned	11:20:31 AM	10/14/2009
Smoke Detector	1st Storage 3.165 Z3B	Tested/Cleaned	11:25:29 AM	10/14/2009
Smoke Detector	1st Corr 3 Z3B	Tested/Cleaned	11:28:46 AM	10/14/2009
Smoke Detector	1st Corr 3.183 Z3B	Tested/Cleaned	11:30:43 AM	10/14/2009
Smoke Detector	1st Corr 3.183 Z3B	Tested/Cleaned	11:34:45 AM	10/14/2009
Smoke Detector	1st O.S. 3.104 Z3B	Tested/Cleaned	12:42:24 PM	10/14/2009
Smoke Detector	1st Sallyport 3.181 Z3B	Tested/Cleaned	12:57:11 PM	10/14/2009
Smoke Detector	1st Pharmacy Storage 3.107 Z3B	Tested/Cleaned	12:58:51 PM	10/14/2009
Smoke Detector	1st Corr 3.177 Z3B	Tested/Cleaned	12:59:00 PM	10/14/2009
Smoke Detector	1st Corr 3 Z3B	Tested/Cleaned	12:59:17 PM	10/14/2009
Smoke Detector	1st Records 3.164 Z3B	Tested/Cleaned	12:59:48 PM	10/14/2009
Smoke Detector	1st Records 3.164 Z3B	Tested/Cleaned	1:02:54 PM	10/14/2009
Smoke Detector	1st Corr 3.183 Z3B	Tested/Cleaned	1:05:12 PM	10/14/2009
Smoke Detector	1st Corr 3.146 Z3A	Tested/Cleaned	1:20:08 PM	10/14/2009
Smoke Detector	1st Corr 3.146 Z3A	Tested/Cleaned	1:20:32 PM	10/14/2009
Smoke Detector	1st Corr 3.146 Z3A	Tested/Cleaned	1:22:09 PM	10/14/2009
Smoke Detector	1st Corr 3.183 Z3B	Tested/Cleaned	1:28:38 PM	10/14/2009
Smoke Detector	1st Corr 3.177 Z3A	Tested/Cleaned	1:37:31 PM	10/14/2009
Smoke Detector	1st Storage 3.132 Z3A	Tested/Cleaned	1:37:54 PM	10/14/2009
Smoke Detector	1st Storage 3.129 Z3A	Tested/Cleaned	1:40:15 PM	10/14/2009
Smoke Detector	1st Storage 3.144 Z3A	Tested	1:42:38 PM	10/14/2009
Smoke Detector	1st Soil Linen 3.134 Z3A	Tested/Cleaned	1:43:10 PM	10/14/2009
Smoke Detector	1st Dayroom 3.139 Z3A	Tested	1:43:59 PM	10/14/2009

Sound and Visual Testing

Generated by: BuildingReports.com

Building Sample Inspection Report

The Sound and Visual Testing section lists various points throughout your building where audible and visual alarm notification devices were tested. Any bar-coded audible and visual devices will appear in the Inspection and Testing section of this report. Items in this section are grouped by Passed or Failed/Other. Where specific decibel readings were recorded, they will appear under the ambient and alarm columns. The Voice column indicates whether the Sound Test Point passed the Voice Intelligibility requirements. The STI or Sound Transmission Index is shown if recorded.

Location	Date	Comment	Ambient dB	Alarm dB	Intelligibility Voice	STI	Sound Test
Untested							
Sound Test Points							
Penthouse Elevator Room	12/31/69				<input type="checkbox"/>		0001
10th Suite 1023	12/31/69				<input type="checkbox"/>		0002
10th Near Elevator Lobby	12/31/69				<input type="checkbox"/>		0003
9th Suite 915	12/31/69				<input type="checkbox"/>		0004
9th Stair A	12/31/69				<input type="checkbox"/>		0005
8th Outside Bathrooms	12/31/69				<input type="checkbox"/>		0006
8th Suite 822	12/31/69				<input type="checkbox"/>		0007
7th Suite 740	12/31/69				<input type="checkbox"/>		0008
7th Stair B	12/31/69				<input type="checkbox"/>		0009
6th Outside Bathrooms	12/31/69				<input type="checkbox"/>		0010
6th Suite 600	12/31/69				<input type="checkbox"/>		0011
5th Near Elevator Lobby	12/31/69				<input type="checkbox"/>		0012
5th Suite 510	12/31/69				<input type="checkbox"/>		0013
4th Suite 450	12/31/69				<input type="checkbox"/>		0014
4th Stair A	12/31/69				<input type="checkbox"/>		0015
3rd Suite 320	12/31/69				<input type="checkbox"/>		0016
3rd Elevator Lobby	12/31/69				<input type="checkbox"/>		0017
2nd Stair B	12/31/69				<input type="checkbox"/>		0018
2nd Suite 250	12/31/69				<input type="checkbox"/>		0019
1st Main Entrance	12/31/69				<input type="checkbox"/>		0020
1st Suite 100	12/31/69				<input type="checkbox"/>		0021
Basement Chiller Room	12/31/69				<input type="checkbox"/>		0022
Basement Corridor to Dock	12/31/69				<input type="checkbox"/>		0023
8th Mens Bathroom	12/31/69				<input type="checkbox"/>		0024
6th Suite 630	12/31/69				<input type="checkbox"/>		0025
4th Stair B	12/31/69				<input type="checkbox"/>		0026
1st Conference Room	12/31/69				<input type="checkbox"/>		0027

Inventory & Warranty Report

Generated by: BuildingReports.com

Building: Sample Inspection Report		Control Panel: 1 - Notifier AFP-400		
<p><i>The Inventory & Warranty Report lists each of the devices and items that are included in your Inspection Report. A complete inventory count by device type and category is provided. Items installed within the last 90 days, within the last year, and devices installed for two years or more are grouped together for easy reference.</i></p>				
Device or Item	Category	% of Inventory	Quantity	
Control Panel	Control	0.45%	1	
Smoke Detector	Initiating	17.86%	40	
Beam Detector	Initiating	0.89%	2	
Battery	Control	5.36%	12	
Power Supply	Control	2.23%	5	
Pull Station	Initiating	11.61%	26	
Duct Detector	Initiating	9.38%	21	
Elevator	Auxiliary	0.89%	2	
Fan Shutdown	Auxiliary	0.45%	1	
Fan Start	Auxiliary	0.89%	2	
Roll Down Door	Auxiliary	0.45%	1	
Locking Device	Auxiliary	0.89%	2	
Releasing Device	Auxiliary	0.45%	1	
Stairwell Exit	Auxiliary	2.68%	6	
Monitoring	Monitor	0.45%	1	
Communicator	Control	0.89%	2	
Tamper Switch	Supervisory	6.70%	15	
Waterflow Switch	Initiating	5.36%	12	
Fire Pump Running	Supervisory	0.45%	1	
Fire Pump Trouble	Supervisory	0.45%	1	
Handset	Control	2.23%	5	
Annunciator	Control	0.45%	1	
Phone Jack	Control	14.29%	32	
Phone Station	Control	0.89%	2	
Heat Detector	Initiating	1.34%	3	
Type	Qty	Model #	Description	Install Date
<i>In Service - 2 Years to 3 Years</i>				
Notifier				
Smoke Detector	1	FSP-751	Photoelectric	09/27/2007
<i>In Service - 3 Years to 5 Years</i>				
Notifier				
Pull Station	2	BNG-12LX	Dual Action	02/01/2007
Handset	5	FP-1		02/01/2006
Phone Jack	32	FJ-101		02/01/2006
Phone Station	2	FS-101		02/01/2006
Power Supply	2	FCPS-24S8		01/01/2006
Werker				
Battery	10	WKA12-7.5F	Sealed Lead Acid	01/01/2006

Auxiliary Functions Testing

Generated by: BuildingReports.com

Building: Forest County Prison Bldg #3 FAS Control Panel 1

The Auxiliary Functions Testing section lists each of the ancillary items, systems, and emergency equipment that are controlled by the system control unit. Items are grouped by Passed or Failed/Other. The items are listed by device type, and a check box is provided to indicate if the test conducted was simulated.

Type	Location	Comment	ScanID	Simulated
Passed				
Smoke Detector				
Smoke Compartment	1st Corr 3.177 Z3B	Passed	02465956	<input type="checkbox"/>
Smoke Compartment	1st Storage 3.176 Z3B	Passed	02465957	<input type="checkbox"/>
Smoke Compartment	1st Corr 3.177 Z3B	Passed	02465958	<input type="checkbox"/>
Smoke Compartment	1st Clerical 3.155 Z3B	Passed	02465959	<input type="checkbox"/>
Smoke Compartment	1st Corr 3 Z3B	Passed	02465960	<input type="checkbox"/>
Smoke Compartment	1st Storage 3.165 Z3B	Passed	02465961	<input type="checkbox"/>
Smoke Compartment	1st Corr 3 Z3B	Passed	02465962	<input type="checkbox"/>
Smoke Compartment	1st Corr 3.183 Z3B	Passed	02465963	<input type="checkbox"/>
Smoke Compartment	1st Corr 3.183 Z3B	Passed	02465964	<input type="checkbox"/>
Smoke Compartment	1st O.S. 3.104 Z3B	Passed	02465965	<input type="checkbox"/>
Smoke Compartment	1st Sallyport 3.181 Z3B	Passed	02465966	<input type="checkbox"/>
Smoke Compartment	1st Pharmacy Storage 3.107 Z3B	Passed	02465967	<input type="checkbox"/>
Smoke Compartment	1st Corr 3.177 Z3B	Passed	02465968	<input type="checkbox"/>
Smoke Compartment	1st Corr 3 Z3B	Passed	02465969	<input type="checkbox"/>
Smoke Compartment	1st Records 3.164 Z3B	Passed	02465970	<input type="checkbox"/>
Smoke Compartment	1st Records 3.164 Z3B	Passed	02465971	<input type="checkbox"/>
Smoke Compartment	1st Corr 3.183 Z3B	Passed	02465972	<input type="checkbox"/>
Smoke Compartment	1st Corr 3.146 Z3A	Passed	02465973	<input type="checkbox"/>
Smoke Compartment	1st Corr 3.146 Z3A	Passed	02465974	<input type="checkbox"/>
Smoke Compartment	1st Corr 3.146 Z3A	Passed	02465975	<input type="checkbox"/>
Smoke Compartment	1st Corr 3.183 Z3B	Passed	02465976	<input type="checkbox"/>
Smoke Compartment	1st Corr 3.177 Z3A	Passed	02465977	<input type="checkbox"/>
Smoke Compartment	1st Storage 3.132 Z3A	Passed	02465978	<input type="checkbox"/>
Smoke Compartment	1st Storage 3.129 Z3A	Passed	02465979	<input type="checkbox"/>
Smoke Compartment	1st Storage 3.144 Z3A	Passed	02465980	<input type="checkbox"/>
Smoke Compartment	1st Soil Linen 3.134 Z3A	Passed	02465981	<input type="checkbox"/>
Smoke Compartment	1st Dayroom 3.139 Z3A	Passed	02465982	<input type="checkbox"/>
Smoke Compartment	1st Dayroom 3.139 Z3A	Passed	02465983	<input type="checkbox"/>
Smoke Compartment	1st Corr 3 Z3A	Passed	02465984	<input type="checkbox"/>
Smoke Compartment	1st Multi purpose 3.115 Z3A	Passed	02465985	<input type="checkbox"/>
Smoke Compartment	1st Multi purpose 3.115 Z3A	Passed	02465986	<input type="checkbox"/>
Smoke Compartment	1st Waste 3.136 Z3A	Passed	02465987	<input type="checkbox"/>
Smoke Compartment	1st Clean Linen Z3A	Passed	02465988	<input type="checkbox"/>
Smoke Compartment	1st Clean Utility 3.130 Z3A	Passed	02465989	<input type="checkbox"/>
Smoke Compartment	1st Soil Utility 3.133 Z3A	Passed	02465990	<input type="checkbox"/>
Smoke Compartment	1st Corr 3.177 Z3A	Passed	02465991	<input type="checkbox"/>
Smoke Compartment	1st Corr 3 Z3A	Passed	02465992	<input type="checkbox"/>
Smoke Compartment	1st Corr 3 Z3A	Passed	02465993	<input type="checkbox"/>
Smoke Compartment	1st Nurse St 3.138 Z3A	Passed	02465994	<input type="checkbox"/>

<i>In Service - 5 Years to 10 Years</i>				
Notifier				
Smoke Detector	3	FSP-751	Photoelectric	10/01/2004
Bosch				
Beam Detector	2	330-BD		02/01/2003
Elevator	1		Recall Alternate	02/01/2002
Elevator	1		Recall Primary	02/01/2002
Locking Device	1		Electric Strike	02/01/2002
Locking Device	1		Magnetic Lock	02/01/2002
Releasing Device	1		Door Holder	02/01/2002
Roll Down Door	1			02/01/2002
Stairwell Exit	6			02/01/2002
EST				
Communicator	1	AFP-400	digital communicator	02/01/2002
Notifier				
Annunciator	1	LCD-80	LCD	02/01/2002
Control Panel	1	AFP-400		02/01/2002
Heat Detector	1	FSP-751	Fixed Temperature	02/01/2002
Heat Detector	2	FST-751	Fixed Temperature	02/01/2002
Pull Station	24	BNG-12LX	Dual Action	02/01/2002
Smoke Detector	36	FSP-751	Photoelectric	02/01/2002
Werker				
Battery	2	WKA12-7.5F	Sealed Lead Acid	02/01/2002
Wheelock				
Power Supply	2	WH12/24-8		02/01/2002
<i>In Service - 10 Years to 15 Years</i>				
Monitoring	1		Alarm	09/02/1997
XYZ Mfr				
Communicator	1	5104	Digital Communicator	09/02/1997
<i>In Service - 15 Years to 25 Years</i>				
FCI				
Power Supply	1	SNAC		03/02/1994
<i>In Service - 25 Years or Older</i>				
Fan Shutdown	1		Supply	03/01/1985
Fan Start	1		Exhaust	03/01/1985
Fan Start	1		Pressurization	03/01/1985
Fire Pump Running	1			03/01/1985
Fire Pump Trouble	1			03/01/1985
Fenwal				
Duct Detector	20	FW-501	Photoelectric	03/01/1985
Potter Electric				
Tamper Switch	15	OSYSU-2		03/01/1985
Waterflow Switch	12	VSR-1		03/01/1985

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: State Fire Marshal's Office TITLE NUMBER: 103

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: "Supervision of Fire Protection Work"

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 2222

SECTION 64-6-3, PASSED ON April 8, 2009

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: July 1, 2009


Authorized Signature

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FILED

TITLE 103

2009 MAY -7 PM 2:58

LEGISLATIVE RULE
WEST VIRGINIA FIRE MARSHAL

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 3

SUPERVISION OF FIRE PROTECTION WORK

§103-3-1. General.

1.1. Scope. -- This legislative rule governs certification, fees, examinations, training, powers and duties of the West Virginia State Fire Marshal and penalties for violations in accordance with W. Va. Code §§29-3D et seq.

1.2. Authority. -- W. Va. Code §29-3D-4.

1.3. Filing Date. -- May 7, 2009

1.4. Effective Date. -- July 1, 2009

§103-3-2. Application and Enforcement.

2.1. Application. This legislative rule applies to the West Virginia State Fire Marshal and all persons, materials and transactions governed or otherwise defined under coverage of the Supervision of Fire Protection Work, W. Va. Code §29-3D et seq.

2.2. Enforcement. The enforcement of this legislative rule is vested with the West Virginia State Fire Marshal.

§103-3-3. Definitions.

3.1. "Agent Suppression System" shall mean systems discharging chemicals or gases, and as further defined in this rule by type of system.

3.2. "Certified Person" shall mean a person that has been certified by an organization recognized by the state fire marshal through a formal certification program or by an equipment manufacturer that has a certification program accepted by the state fire marshal.

3.3. "Engineered Systems" shall mean those agent suppression systems requiring individual calculation and design to determine the flow rates, nozzle pressures, pipe size, area or volume protected by each nozzle, quantities of agent, number and type of nozzles, and their placement in a specific system.

3.4. "Engineered Suppression Systems Installer" means a person certified by the respective manufacturer to install, alter, extend, maintain, layout or repair an engineered suppression system. This shall not include the

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fabrication or installation of any associated exhaust recovery appliances such as "hoods" and exhaust pipes or plenums.

3.5. "Engineered Suppression Systems Technician" means a person certified by a manufacturer to maintain or repair an engineered suppression system. This shall not include the fabrication or installation of any associated exhaust recovery appliances such as "hoods" and exhaust pipes or plenums.

3.6. "Fire Protection Technician" means the following technicians required to be licensed under the provisions of this rule: portable fire extinguisher technician, pre-engineered suppression systems technician, and sprinkler-based fire protection layout technician.

3.7. Fire Protection Worker means a person engaged in the installation, alteration, extension, maintenance, or testing of all piping, materials and equipment inside a building, including the use of shop drawings prepared by a fire protection layout technician, in connection with the discharge of water, other special fluids, chemicals or gases and backflow preventers for fire protection for the express purpose of extinguishing or controlling fire. Fire protection worker includes journeyman sprinkler fitter, sprinkler fitter in training, portable fire extinguisher technician, pre-engineered suppression systems installer, pre-engineered suppression systems technician, and sprinkler-based fire protection layout technician.

3.8. "Journeyman Sprinkler Fitter" means a person qualified by at least ten thousand (10,000) hours of work experience installing, adjusting, repairing sprinkler based fire protection systems and piping for engineered systems; and who is competent to instruct and supervise the fire protection work of a sprinkler fitter in training.

3.9. "Layout" shall mean the preparation of shop drawings used in the installation of fire protection systems in either commercial or residential occupancies implementing engineering contract documents using applicable codes and standards.

3.10. "NFPA" means "National Fire Protection Association", 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101. The standards and requirements as set out and as published by the NFPA as listed in this rule, have the same force and effect as if set out verbatim in this rule.

3.11. "NICET" means the National Institute for Certification in Engineering Technologies. The standards and requirements as set out and as published by the NICET as listed in the rule, have the same force and effect as if set out verbatim in this rule.

3.12. "Portable Fire Extinguisher Technician" means a person certified in accordance with NFPA 10 to install, maintain,

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repair and certify portable fire extinguishers as defined by NFPA 10.

3.13. "Pre-Engineered Suppression Systems Installer" means a person certified by the respective manufacturer to install, alter, extend, maintain, layout or repair an pre-engineered suppression system. This shall not include the fabrication or installation of any associated exhaust recovery appliances such as "hoods" and exhaust pipes or plenums.

3.14. "Pre-Engineered Suppression Systems Technician" means a person certified to maintain or repair an pre-engineered suppression system. This shall not include the fabrication or installation of any associated exhaust recovery appliances such as "hoods" and exhaust pipes or plenums.

3.15. "Pre-Engineered Systems" shall mean those agent suppression systems having predetermined flow rates, nozzle pressures, and quantities of extinguishing agent. These systems have the specific pipe size, maximum and minimum pipe lengths, flexible hose specifications, number of fittings, and number and types of nozzles prescribed by a testing laboratory. The maximum and minimum pipe lengths and the number of fittings shall be permitted to be expressed in equivalent feet of pipe. The hazards protected by these systems are specifically limited as to type and size by a testing laboratory, based on actual fire tests. Limitations on hazards that are permitted to be protected by these systems and piping and

nozzle configurations are contained in the manufacturer's listed installation and maintenance manual, which is part of the listing of the system.

3.16. "Sprinkler-Based Fire Protection Layout Technician" is an individual who has achieved National Institute for Certification in Engineering Technologies (NICET) Level III or higher certification, and who has the knowledge, experience and skills necessary to layout fire protection systems based on engineering design documents.

3.17. "Sprinkler fitter in training" means a person with interest in and an aptitude for performing fire protection work but who alone is not capable of performing such work, and who has fewer than ten thousand (10,000) hours of experience installing, adjusting, repairing sprinkler based fire protection systems and piping for engineered systems.

3.18. "Sprinkler Systems" shall mean for fire protection purposes, an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards, discharging water or a combination of water and chemicals, and for the purposes of this rule as further defined in NFPA 13.

3.19. "State Fire Marshal" shall mean the West Virginia State Fire Marshal.

3.20. "Supervision" shall mean for the

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purposes of this rule the availability of a higher classification to be located on the work-site. All work required to be supervised shall be inspected upon the completion of the fire protection work performed.

§103-3-4. Adoption of Standards.

4.1. National standards. For the enforcement of this rule the NICET and NFPA codes and standards as cited in this rule are hereby incorporated by reference and shall have the same force and effect as if set out in verbatim in this rule.

4.2. State standards. W.Va. Code R. §87-1-1 *et seq.* "State Fire Code".

§103-3-5. Certification Required; Exemptions.

5.1. Effective January 1, 2009, a person may not perform fire protection work in this state without a license issued under this rule.

5.2. This licensure requirement does not apply to:

(a) A person who personally performs fire protection work on a single family dwelling owned or leased, and occupied by that person;

(b) A person who performs fire protection work at any manufacturing plant or other industrial establishment as an employee of

the person, firm or corporation operating the plant or establishment;

(c) A person who, while employed by a public utility or its affiliate, performs fire protection work in connection with the furnishing of public utility service;

(d) A person who performs fire protection work while engaging in the business of installing, altering or repairing water distribution or drainage lines outside the foundation walls of a building, public or private sewage treatment or water treatment systems including all associated structures or buildings, sewers or underground utility services;

(e) A person who performs fire protection work while engaged in the installation, extension, dismantling, adjustment, repair, servicing or alteration of a heating, ventilation and air condition (HVAC) system, air-veyor system air exhaust system or air handling system; or

(f) A person who performs fire protection work at a coal mine that is being actively Mined or where coal is being processed.

5.3. A person shall not present, call or represent him or herself as able to perform fire protection work unless licensed in accordance with the provisions of this rule.

5.4. Sprinkler based fire protection

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systems installation shop drawings shall be prepared by, or under the supervision of, a licensed sprinkler based fire protection layout technician and shall bear the name, signature, assigned license number and NICET certification number of the responsible fire protection layout technician.

§103-3-6. Minimum Qualifications for Licensure.

6.1. The State Fire Marshal shall certify any applicant for a license who:

(a) Is at least eighteen years of age;

(b) Submits an application on forms provided by the State Fire Marshal;

(c) Submits copy of the required written examination scores reflecting a score of seventy percent (70%) or more; or submits copies of current certificates pertaining to their respective license; and

(d) Pays the application fee.

6.2. On or before July 1, 2009, the State Fire Marshal may certify an applicant for a license without written examination if the applicant:

(a) Is at least eighteen years of age;

(b) Submits an application on forms

provided by the State Fire Marshal;

(c) Provides acceptable documentation or a sworn affidavit which demonstrates he or she meets the minimum experience requirements for the fire protection license classification requested; and

(d) Pays the application fee.

6.3. A license issued under this rule is valid throughout the state, is not assignable or transferable, and is valid for a period not to exceed three (3) years from the date on which it was issued.

§103-3-7. Certifications, Examinations Required.

7.1. Any person desiring a sprinkler based fire protection layout technician license under the provisions of this article shall submit to the State Fire Marshal an application on forms provided by the State Fire Marshal and include documentation that the individual has achieved NICET Level III or higher certification in the appropriate classification.

7.2. All persons desiring an engineered suppression systems installer license under the provisions of this article shall submit to the State Fire Marshal an application on forms provided by the State Fire Marshal along with all copies of all pertinent certifications from specific manufacturers authorizing the applicant to

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install, alter, extend, maintain or repair their systems. Applicants must also demonstrate a minimum of two-thousand (2,000) hours of consecutive work experience.

7.3. All persons desiring an engineered suppression systems technician license under the provisions of this article shall submit to the State Fire Marshal an application on forms provided by the State Fire Marshal authorizing the applicant to maintain or repair engineered suppression systems. Applicants must demonstrate a minimum of five hundred (500) hours of consecutive work experience or certification approved by the state fire marshal.

7.4. All persons desiring a pre-engineered suppression systems installer license under the provisions of this article shall submit to the State Fire Marshal an application on forms provided by the State Fire Marshal along with all copies of all pertinent certifications from specific manufacturers authorizing the applicant to install, alter, extend, maintain or repair their systems.

7.5. All persons desiring a pre-engineered suppression systems technician license under the provisions of this article shall submit to the State Fire Marshal an application on forms provided by the State Fire Marshal authorizing the applicant to maintain or repair pre-engineered suppression systems.

7.6. All persons desiring a portable fire

extinguisher technician license under the provisions of this article shall submit to the State Fire Marshal an application on forms provided by the State Fire Marshal along with all copies of all pertinent certifications demonstrating certification in accordance with NFPA 10 which authorizes the applicant to install, maintain or certify portable fire extinguishers complying with NFPA 10.

7.7. All persons desiring a sprinkler fitter license under the provisions of this article shall submit to the Fire Marshall an application form(s) provided by the State Fire Marshal and include documentation they have at least ten thousand (10,000) hours of work experience installing, adjusting and repairing sprinkler based fire protection systems and show he or she has passed a written examination. The contents of the examination shall be based on the standards adopted under section four of this rule.

7.8. The State Fire Marshal shall provide for the written examination of all sprinkler fitter license applicants.

(a) The State Fire Marshal may:

1. Contract with a private testing agent to conduct the written examination. The private testing agent shall charge an examination fee, in an amount approved by the State Fire Marshal, not to exceed two hundred fifty dollars. The applicant shall pay all examination fees directly to the testing agent; or

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2. Develop a written examination process to include a fees schedule not to exceed the actual cost of administering the examinations. The license applicant shall pay all fees directly to the State Fire Marshal in advance of the examination.

(b) The minimum passing score is a score of seventy (70%) percent for each examination.

(c) An applicant who fails the examination may request, and the private testing agent or the State Fire Marshal shall provide the applicant with an analysis of his or her performance on the failed examination. An applicant who fails the examination shall be afforded the opportunity to be re-examined after thirty (30) days and upon the submission of a new application and the payment of the fees required.

7.9. The state fire marshal shall not require a sprinkler fitter in training to produce documentation of hours previously worked, but shall require the sprinkler fitter in training to produce documentation that he or she is enrolled in a training program. All businesses employing sprinkler fitters in training shall produce, upon request from the State Fire Marshal, an official listing of all sprinkler fitters in training currently employed. Sprinkler fitters in training shall be supervised by a licensed journeyman sprinkler fitter. A journeyman sprinkler fitter shall not supervise more than two sprinkler fitters in

training at any one time.

§103-3-8. Expiration and Renewal

8.1. Expiration – All fire protection licenses issued by the State Fire Marshal expire on the last day of the anniversary month from the month of issuance of the license. The expiration date will coincide with the duration of the license period; *provided* that no license granted after January 1, 2009 may exceed three years in duration; *provided further*, for the purpose of efficient management of licensure, for a license granted prior to January 1, 2009 the State Fire Marshal may extend the duration of licensure at no cost to the licensee for up to twelve (12) months beyond the term of the license.

8.2. Upon receipt of a renewal application on a form provided by the State Fire Marshal and payment of a renewal fee, the State Fire Marshal shall renew the license for a period not to exceed three (3) years. It is the individual fire protection technician's responsibility to submit his or her license renewal to the State Fire Marshal prior to the expiration date.

8.3. Renewal after expiration – A licensed fire protection technician who has not renewed his or her license in accordance with the provisions of this rule shall submit a new application to the State Fire Marshal.

8.4. The state fire marshal may mail license renewal notifications in a timely manner, to each

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fire protection technician.

§103-3-9. Denial, Suspension, Revocation, or Reinstatement of License.

9.1. The State Fire Marshal may deny, suspend, revoke or reinstate a license.

9.2. A violation of W. Va. Code §29-3D-1 *et seq.* or this rule is grounds for the denial, suspension, revocation or refusal to reinstate a license and permits the State Fire Marshal to impose disciplinary action: *Provided*, That no disciplinary action against a licensee may be imposed without a proper prior notice as served under W. Va. Code §56-2-1, and an opportunity for a hearing held before the State Fire Marshal or his or her designee under the provisions of W. Va. Code §29A-5-1, *et seq.*, the Administrative Procedures Act.. At the hearing, the licensee shall be provided the opportunity to present evidence in person, by counsel or both. After the hearing, if the State Fire Marshal finds a violation of this rule has occurred, the State Fire Marshal may impose any disciplinary action permitted in this rule.

9.3. The State Fire Marshal may suspend or revoke the license of a licensee who performs fire protection work in violation of W.Va. Code §29-3D-1 *et seq.* or this rule. The suspension of a license shall be for not less than twenty-four hours nor more than one year. The State Fire Marshal may reinstate the license upon satisfactory proof that the licensee is in full

compliance with W.Va. Code §29-3D-1 *et seq.* and this rule.

9.4. Each licensed fire protection worker shall carry proof of valid licensure on his or her person during the performance of fire protection work.

9.5. A person whose license has been revoked may apply for a new license one year after the date of the revocation.

§103-3-10. Effect of Noncompliance; Failure to Obtain Certification; Penalty.

10.1. Each day during which a person performs fire protection work without the required certification or while in noncompliance with any of the provisions of W.Va. Code §29-3D-1 *et seq.* or this rule, after official notice that the work is unlawful, is a separate violation of this rule.

§103-3-11. Disposition of Complaints

11.1. Enforcement of Certification Requirements - In the course of investigating complaints as authorized under W.Va. Code§29-3D-1 *et seq.*, the State Fire Marshal shall determine whether or not the person against whom the complaint has been filed is certified under W.Va. Code §29-3D-1 *et seq.*

11.2. Any citizen, law enforcement official or other official of any state, county, or

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municipal government agency, upon observing an infraction of the certification requirements of W. Va. Code §29-3D-1 *et seq.* or this rule, may file a written complaint with the office of the State Fire Marshal. The State Fire Marshal may provide a form for this purpose, but a complaint may be filed in any written form. When a complaint is filed with the office of the State Fire Marshal, that office shall investigate the complaint. In addition to describing the alleged violation which prompted the complaint, the complaint shall contain as a minimum the following information:

- a) The name and address of the certified person or applicant against whom the complaint is lodged;
- b) The date of the alleged unlawful act;
- c) The nature of the alleged unlawful act; and
- d) The location of the alleged unlawful act or occurrence.

11.3. A copy of the complaint sent to the certificate holders or applicants shall be considered properly served when sent to their last known address. It is the responsibility of the certificate holder or applicant to keep the State Fire Marshal informed of his or her current address. The certificate holder or applicant has 30 days to file a response or appeal petition to

the complaint with the State Fire Marshal's office.

11.4. After receipt and review of a complaint, the State Fire Marshal shall cause to be conducted any reasonable inquiry or investigation he or she considers necessary to determine the truth and validity of the allegations set forth in the complaint.

§103-3-12. Orders and Decisions of the State Fire Marshal; Appeals and Procedures for Appeals from such Orders or Decisions.

12.1. All persons governed by this rule are subject to the provisions of Section 13 of the Fire Commission's rule, Fire Code, 87CSR1, as it relates to the State Fire Marshal's orders and decisions and the procedures for appealing those orders and decisions.

§103-3-13. Fire Protection License Fund; Fees; Disposition of Funds.

13.1. The State Fire Marshal shall deposit all fees paid in a special revenue account with the State Treasurer pursuant to W.Va. Code §29-3D-9 for the use of the State Fire Marshal as provided under W.Va. Code §29-3-12(b)(c).

13.2. The license fee for a sprinkler based fire protection layout technician and journeyman sprinkler fitter is seventy-five dollars (\$75) for one year or one-hundred and fifty dollars (\$150) for three years, and for a sprinkler fitter in

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training fifty dollars (\$50) for one year or one hundred and twenty five dollars (\$125) for three years.

13.3 The license fee for a pre-engineered suppression systems installer shall be thirty dollars (\$30) for one year or seventy-five dollars (\$75) for three years.

13.4. The license fee for a pre-engineered suppression systems technician shall be twenty dollars (\$20) for one year or fifty dollars (\$50) for three years.

13.5. The license fee for an engineered suppression systems installer shall be thirty dollars (\$30) for one year or seventy-five dollars (\$75) for three years.

13.6. The license fee for an engineered suppression systems technician shall be twenty dollars (\$20) for one year or fifty dollars (\$50) for three years.

13.7. The license fee for a portable fire extinguisher technician shall be twenty dollars (\$20) for one year or fifty dollars (\$50) for three years.

13.8. All applicants for a fire protection worker certification shall pay an application fee of twenty-five dollars (\$25).

§103-3-14. Reciprocity.

14.1. The State Fire Marshal, in his or her

discretion, may grant a license of the same classification without examination to a fire protection technician licensed by another state upon payment of the license fee, application fee and submission of a completed application as provided by the State Fire Marshal to the State Fire Marshal. The State Fire Marshal may issue a fire protection technician certificate to any person who holds a valid certification, license or registration to conduct fire protection work, issued by another state or possession of the United States or the District of Columbia that has standards substantially equivalent to, or exceeding, those of this state, as determined by the State Fire Marshal.

§103-3-15. Severability

15.1. The sections of this rule are severable. Should any section be declared by judicial opinion unconstitutional or in any manner contrary to the laws of the State of West Virginia, that particular section shall be invalid and all other sections shall remain in full force and effect.