



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
HST1101

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
FRANK WHITTAKER
304-558-2316

RFQ COPY
 TYPE NAME/ADDRESS HERE

VENDOR

SHIP TO

HEALTH, SAFETY AND TRAINING
 OFFICE OF MINERS'
 1615 WASHINGTON STREET EAST
 CHARLESTON, WV
 25311

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
08/19/2010				

BID OPENING DATE: **09/14/2010** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA		070-57		
MOBILE MINE LABORATORY THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA MINERS' HEALTH SAFETY & TRAINING, IS SOLICITING BIDS FOR ONE (1) MOBILE MINE EMERGENCY LABORATORY PER THE ATTACHED SPECIFICATIONS. ALL TECHNICAL QUESTIONS MUST BE SUBMITTED IN WRITING TO FRANK WHITTAKER IN THE WV PURCHASING DIVISION VIA EMAIL AT FRANK.M.WHITTAKER@WV.GOV OR VIA FAX AT 304-558-4115. DEADLINE FOR TECHNICAL QUESTIONS: 09/01/10 AT 4:00 PM. ALL TECHNICAL QUESTIONS WILL BE ADDRESSED BY ADDENDUM AFTER THE DEADLINE. 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 NOS.: NO. 1 NO. 2 NO. 3 NO. 4 NO. 5						

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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<p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF THE BIDS.</p> <p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p>.....SIGNATURE</p> <p>.....COMPANY</p> <p>.....DATE</p> <p>REV. 11/96</p> <p style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p style="text-align: center;">DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130</p> <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>						

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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
BUYER:				44		
REQ. NO.:				HST1101		
BID OPENING DATE:				09/14/2010		
BID OPENING TIME:				1:30 PM		
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:						

PLEASE PRINT OR TYPE NAME OF PERSON TO CONTACT CONCERNING THIS QUOTE:						

***** THIS IS THE END OF RFQ HST1101 ***** TOTAL: _____						

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MOBILE MINE EMERGENCY LABORATORY REQUIREMENT

SUMMARY

The objective of this procurement is to take possession of a vehicle and necessary laboratory equipment as soon as possible that is capable of the analysis of mine atmospheres and other materials required to make time critical decisions during an ongoing underground mine emergency and to perform on-site baseline mine atmospheric testing of all West Virginia underground mines.

The testing equipment selection is an evolution over that utilized by U.S. Mine Safety and Health Administration, the National Institute for Occupational Safety and Health, and Australian Mine Rescue Service. Based upon our experience and the recommendations from those groups the best hardware and software specifically designed for mine emergency support have been selected. The equipment will be able to process in excess of 300 gas sample bags per 24 hours and detect parts per million carbon monoxide, hydrogen, oxygen, nitrogen, methane, carbon dioxide, ethylene, acetylene and ethane along with trace levels of propylene, propane, i-butane, n-butane, i-pentane, and n-pentane. This combination will provide valuable information to the mine emergency managers on the condition in the mine and the existence and extent of ongoing fires.

Summary Specifications:

Gas Chromatographs: (4) Micro GC with 4-Columns able to interact with Galaxie sampling/SmartGas analysis software

Computers: (4) IBM compatible desktop with Windows XP Pro installed and data acquisition and network cards and a networked laser printer.

Vehicle: The vehicle must be of fire equipment quality, provide at least 230 square feet of workspace, capable of transversing newly cut mine roads with up to 25% grades at speeds of 40 miles per hour and self-sustainably operate chemical analysis of gases and other materials from an advanced location in support of mine emergency decisions with the multi-media communications capabilities remain in contact with the command center regardless of its location.

Summary Specifications:

Overall Length: Not more than 22'

Overall Width: Not more than 102"

Ground Clearance: At least 12"

Maximum Height: Not more than 13' 3"

Maximum Turning Radius: Not more than 31'

Usable Floor Space: At least 230 sq ft

MINE EMERGENCY LABORATORY REQUIREMENTS

The respondent must demonstrate that the proposed product meets or is functionally equivalent to the following technical requirements:

(4) Micro GC's able to interact with Galaxie sampling/SmartGas analysis software
Each Micro-GC main frame must include:

External Sample Filter Kit with 5 Filters
 Ethernet card and cross over cable
 Able to operate on power line or battery power
 Have one sample inlet
 Have one sample inlet front unheated
 Have one each; molecular sieve with argon, molecular sieve with helium, porous polymer (PPU) column with helium, & alumina with helium

This equipment must be installed in vehicle when received vendor to provide commissioning of installation, and training of operators

LABORATORY SPACE REQUIREMENTS

The respondent must demonstrate that the proposed product meets or is functionally equivalent to the following technical requirements:

Exterior Construction: 0.080 pre painted aluminum panels, edge butted, riveted and adhered with industrial bonding tape and/or adhesive. exterior edges trimmed with aluminum extrusion insulated with 1.5" sprayed foam.

Side Posts: 0.125 wall aluminum extrusion

Roof: One piece, 0.040 aluminum, edges captured with aluminum extrusion and sealed

Roof Bows: 0.125 wall aluminum extrusion

Rear Wall: 2" x 2" x 0.125 wall 1018 mild steel structural tubing framing with appropriate spacing to attach ECU

Entry Door: Tubing frame, sheeted inside with aluminum. Exterior skin same as balance of unit. Rubber gasket weather stripping. Fold down steps with hand rails. Window in entry door.

Hydraulics: 5 hp 120 VAC electric pump motor, hydraulic pump, reservoir, high pressure hydraulic hoses and fittings. 12 VDC secondary hydraulic pump. Hydraulic control system with wireless remote. Synthetic hydraulic fluid.

Exterior Misc.: Belly storage boxes, 12 VDC lighting. Gas struts. lateral arm awning 22' x 9' 9".

Slide Out: (1) 20' long, 3' extension of aluminum structural construction.

Power: 20 kW generator, single phase, 120/240 VAC, 60 Hz. Diesel fuel injected, water cooled engine. Fuel tank and/or transfer system from prime mover. Installed under body, on air bags in a sound attenuated enclosure.

Electric Panel: 100 amp breaker box and wiring. Shore power connection, Shore power, auto transfer, cable 50'.

Exterior Lighting: (4) 50W halogen docking lighting, (6) 150W halogen scene lighting, emergency warning light package with ultra bright, ultra wide-angle LED technology providing heavy-duty, long life operation with low, low current draw.

DOT Lights: Color coded 12-volt wiring system, internal ground, LED lamps

Internal Lighting: 120 VAC florescent, supplemental 12 VDC lighting, under cabinet task lighting, white/red.

Environmental Control Unit: (1) 3.5 ton ECU, ducting through ceiling, electronic thermostat with digital readout.

Separator Wall: (1) Separating laboratory area and communication with pocket door.

Cabinetry: Manufactured with aluminum extrusion. Door fronts magnetic/dry erase material. Lab tables and work stations of wood construction and laminated. 120 VAC, 12VDC, RJ45 at all tables and work stations.

Wall Treatments: Sheeted with pre-painted aluminum and/or magnetic/dry erase materials. LonCoin or equivalent on lower walls.

Flooring: The slip floor covering throughout with texturing on the embossed coin surfaces, scuff resistant, made with recycled content; LEED MR 4.1, 4.2 compliant.

Ceilings: Center ceiling aluminum panels in grid. Slide ceiling aluminum sheeted.

Interior Misc.: (12) Swiveling, adjustable office chairs with retention system for transport. Elevating Communication console, tables for 4 gas chromatographs and associated computers. Shelving for staging of samples, conference table.

Safety: Warning and instructional placards as appropriate and (3) ABC fire extinguishers. \$5,000.00 graphics budget.

The roof hatch mast bay must be electrically operated with mast access door. All appropriate wire/cable traces, color back-up camera with at least a 7" LCD . Ability for external communication desk. Scene lighting made using aircraft grade aluminum alloy to save weight and add strength, engineered to be easily mounted on the roofs of vehicles, or anywhere on a vehicle that has the space and strength, and require only electricity to perform all functions. Light need to have the ability to extend up to 10.5 feet above their mounted surface and be operated from the ground using an umbilical remote control. Ability to monitor, activate automation and control all hydraulic and electrical subsystems.

LABORATORY ELECTRONICS REQUIREMENTS

Communications: Data processing and communications access is crucial to the function of the forward based emergency laboratory. In all but the rarest of situations terrestrial communications infrastructure is unavailable, therefore, satellite-based communications must provide the lifeline for people on the front lines and those managing the response. The respondent must provide an integrated system of components capable of meeting these needs. The respondent must demonstrate that the proposed

integrated system meets or is functionally equivalent to the performance and interoperability of the following:

1.2M Satellite antenna, ICS tactical IP Satellite Service, ICS Tactical Voice Satellite Service, Cisco 2811 ISR router with Advanced IP Network, (7) Cisco 7941 IP Phones, MDBS-AA2000 Satcom satellite antenna for mobile TV reception, Dell SC1425 server, Pelco ES31C22-SN camera system, Tellular SX5e Cellular terminal, Mitsubishi 40" LCD flat screen monitor, Phillips 15" multi-function flat screen monitor with TV tuner, Wingard Sensor III, RV3090 Broadcast TV antenna with amp, Vtune pro rack-mount 181 channel TV tuners, Sony Progressive Scan DVD/VCR, Nuvico EV-16750N 16 channel MPEG-4 compression DVR with 750GB hard drive and rack mount kit, Cisco catalysts 2960 48 10/100 + 2 1000BT LAN base image, one Panasonic high speed laser fax/copier, and a 40" plasma display with Smart Board overlay model PX340.

Antenna Array: Mounted on roof, non powered mobile 42 foot mast system designed to allow for the rapid, safe, and successful deployment of tactical antenna arrays in the field, under all conditions, by one person. The mast must be completely self-contained, require no special training or tools for deployment, and can be erected by one person in less than five minutes.

Weather Alert System

Since there is relationship between surface atmospheric conditions and those in the underground mine and because lightening has been shown to trigger explosion of underground gassy environments and since the mobile laboratory will be situated away from the influence of human activity associated with the response thus less susceptible to their influence on readings it is desirable to have a vehicle mounted weather station with micro server and display capable of providing monitoring and alerts.

The respondent must demonstrate that the proposed product meets or is functionally equivalent to the following technical requirements:

Capable of operating from the power supply associated with the vehicle or be self powered.

Provide data such that;

Wind Speed is known within,

Range: 0-112mph (0-50 m/s)

Accuracy: +/-0.5 m/s or 5% of reading

Resolution: 1 mph (1 m/s)

Units Available: knots, mph, km/hr, m/s

Temperature is known within,

Range: -58 to +122°F (-50 to +50°C)

Accuracy: ±0.2°C

Resolution: 0.1°C

Units Available: °F, °C

Relative Humidity is known within,

Range: 0 - 100%

Accuracy: ±3%

Resolution: 1%

Units Available: %RH

Wind Direction is known within,

Azimuth: 0-360°

Accuracy: ±5° at wind speed >2.2 m/s

Resolution: 1°

Units Available: ° Azimuth

Barometric Pressure is known within,

Range: 17.50 to 32.50 InHg (600 to 1100 hPa)

Accuracy: ±0.35 hPa (at 25°C)

Resolution: 0.1 hPa

Units Available: Kpa, mbar, InHg

Compass direction is known within:

Accuracy: ±2°

Resolution: 1°

Lightning Detector hardware and software capable of displaying live lightning map on the laboratory's computer within milliseconds of a lightning strike. The system must also provide a direction-finding antenna capable of measuring the strike's direction and estimating its distance.

CAB/DRIVE TRAIN REQUIREMENTS

In order to locate the mobile laboratory as close as possible to the sampling point it has been determined that vehicle's cab and drive train must of a design and construction similar to those of emergency response vehicles utilized by fire departments and the military. In order to define the minimum requirement the following detailed specifications are provided from a representative vehicle.

The respondent must demonstrate that the proposed product meets or is functionally equivalent to the following technical requirements:

Engine: Diesel 330 HP, 950 lb-ft torque@ 1200 RPM or equivalent

Transmission: Automatic

Axles: Front wide track, I-Beam Type 14,000-lb capacity, Rear Single reduction, standard track, 26,000-lb capacity and "R" wheel ends gear ratio of 5.38 or greater

Cab: Conventional

Tires: Front (2) 12R22.5 G149 RSA, Rear (4) 12R22.5 G124 M+S or better

Suspension: Vari-Rate: 31,000-lb capacity with 4599-lb auxiliary rubber spring of better

Frame Reinforcement: Outer "C" channel, heat treated alloy steel (120,000 psi yield); 10.813" x 3.892" x 0.312"; 480.0" maximum OAL

Those knowledgeable in the supply of heavy trucks for emergency services will be able to determine and demonstrate that their product meets or is equivalent to the performance of the representative systems described by the following Navistar International product codes:

SA62500 - Base Chassis, model 7400 SBA 4x2 with 215.0 wheelbase, 147.9 CA and 59.0 axle to frame
 1570 - Tow hook, front (2) inside rail, frame mounted
 1CBU - Frame rails heat treated alloy steel (120,000 psi yield; 10.125" x 3.580" x 0.312"
 1LMY - Bumper, full width chrome steel 0.189"
 1WGS - Wheelbase range 189" through 256"
 2ARV - Axle front Wide track. I-Beam type, 14,000-lb capacity
 4091 - Air brake system
 4722 - Automatic drain valve with heater for air tanks
 4773 - Rear brake shoes
 4AZA - ABS air brakes full vehicle wheel control
 4EBT - Air dryer with heater
 4JBL - Front air brakes S-Cam; 16.5" x 5.0" with 20 sq in MGM long stroke brake chambers
 4NCE - Rear air brakes 16.5" x 7.0" with MGM TR3030 long stroke brake chambers and parking brake
 4SBS - Air compressor
 4VBS - Air dryer
 5708 - Tilting steering wheel
 5CAL - 2-spoke 18" steering wheel
 5PSA - Power Steering
 7ABX - Stainless steel muffler
 7SCJ - DLogic Exhaust Brake, electronically activated
 8000 - 12 VDC electrical system
 8630 - Keyless ignition switch
 8GDY - 12 VDC 270 amp alternator
 8HAB - Heavy duty wiring system
 8MKL - (3) 12VDC battery system
 8WCL - Air horn
 8WTB - Starting Motor with thermal over-crank protection
 8XAH - circuit breakers
 9HAD - Chrome grill
 9WAY - Tilting front end
 9WBB - Ember Screen Grill
 12NRB - Diesel Engine, 50 state, 330 HP, 950 lb-ft torque@1200 RPM, 2200 RPM governed speed
 12HTH - Two speed fan drive
 12UVW - 940 sq in aluminum radiator and 1025 sq in charge air cooler
 12UXV - Federal emission control package
 12VBC - Single element air cleaner
 12VXT - Hand control throttle
 12VXY - Remote mounted engine control
 12WYT - Heavy Duty Charge Air Cooler
 13AJV - Allison Automatic Transmission
 13WAW - Transmission oil cooler (water to oil)
 13WBN - Allison transmission shift control
 13WUE - Allison spare input for emergency vehicles
 14ARZ - Single rear axle, standard track, 26,000-lb, "R" wheel ends
 14VAJ - Single spring suspension, 31,000-lb capacity with 4500-lb aux rubber spring
 15SCD - 50 gallon fuel tank
 16030 - Conventional Cab
 16HBA - Gauge cluster

16HGH - Transmission temp gauge
16HHE - Air cleaner restriction gauge
16JJE - Driver's seat
16PHJ - Two passenger seat
16WKB - Cab air conditioner

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

West Virginia Code §5A-3-10a states: No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owed is an amount greater than one thousand dollars in the aggregate.

DEFINITIONS:

"Debt" means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions. "Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities. "Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceed five percent of the total contract amount.

EXCEPTION: The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

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.

WITNESS THE FOLLOWING SIGNATURE

Vendor's Name: _____

Authorized Signature: _____ Date: _____

State of _____

County of _____, to-wit:

Taken, subscribed, and sworn to before me this ____ day of _____, 20__.

My Commission expires _____, 20__.

AFFIX SEAL HERE

NOTARY PUBLIC _____