



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

6612C024

PAGE

1

ADDRESS CORRESPONDENCE TO ATTENTION OF

ALAN CUMMINGS  
304-558-2402

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DIVISION OF HIGHWAYS  
VARIOUS LOCALES AS INDICATED  
BY ORDER

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DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
04/16/2012				

BID OPENING DATE:

05/02/2012

BID OPENING TIME

01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA		675-85		
HERBICIDE, ADJUVANTS, SAFETY & MISCELLANEOUS ITEMS						
OPEN END CONTRACT						
THE WEST VIRGINIA STATE PURCHASING DIVISION FOR THE AGENCY, THE WEST VIRGINIA DIVISION OF HIGHWAYS, IS SOLICITING BIDS FOR AN OPEN END CONTRACT TO PROVIDE HERBICIDES, ADJUVANTS, SAFETY AND OTHER MISCELLANEOUS ITEMS FOR ALL TEN DISTRICTS PER THE ATTACHED SPECIFICATIONS.						
EXHIBIT 3						
LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON AWARD AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE.						
UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT BY THE STATE OF WEST VIRGINIA, ITS AGENCIES, OR POLITICAL SUBDIVISIONS, THE TERMS, CONDITIONS, AND PRICING SET FORTH HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.						
RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30)						

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.html](http://www.state.wv.us/admin/purchase/vrc/hipaa.html) 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>DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p> <p>QUANTITIES: QUANTITIES LISTED IN THE REQUISITION ARE APPROXIMATIONS ONLY, BASED ON ESTIMATES SUPPLIED BY THE STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF THE CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p> <p>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN STATE CONTRACT ORDER (FORM NUMBER WV-39) TO THE VENDOR FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL COPY OF THE WV-39 SHALL BE MAILED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT, A SECOND COPY MAILED TO THE PURCHASING DIVISION, AND A THIRD COPY RETAINED BY THE SPENDING UNIT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES</p>						

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BID OPENING DATE: 05/02/2012		BID OPENING TIME 01:30PM				
LINE	QUANTITY	UOP	CAT. NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>FOR BANKRUPTCY PROTECTION, THE STATE MAY DEEM THE CONTRACT NULL AND VOID, AND TERMINATE SUCH CONTRACT WITHOUT FURTHER ORDER.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM.</p> <p>REV. 01/17/2012 EXHIBIT 4</p> <p>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.</p> <p>REV. 3/88</p> <p>PURCHASING CARD ACCEPTANCE: THE STATE OF WEST VIRGINIA CURRENTLY UTILIZES A VISA PURCHASING CARD PROGRAM WHICH IS ISSUED THROUGH A BANK. THE SUCCESSFUL VENDOR MUST ACCEPT THE STATE OF WEST VIRGINIA VISA PURCHASING CARD FOR PAYMENT OF ALL ORDERS PLACED BY ANY STATE AGENCY AS A CONDITION OF AWARD.</p> <p>NOTICE</p> <p>SEE REVERSE SIDE FOR TERMS AND CONDITIONS</p>						
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A SIGNED BID MUST BE SUBMITTED TO:						
DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130						
THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:						
SEALED BID						
BUYER: ALAN CUMMINGS - FILE 33						
RFQ. NO.: 6612C024						
BID OPENING DATE: 05/02/2012						
BID OPENING TIME: 1:30 P.M.						
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:						
-----						
CONTACT PERSON (PLEASE PRINT CLEARLY):						
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ANY INDIVIDUAL SIGNING THIS BID IS CERTIFYING THAT: (1) HE OR SHE IS AUTHORIZED BY THE BIDDER TO EXECUTE THE BID OR ANY DOCUMENTS RELATED THERETO ON BEHALF OF THE BIDDER, (2) THAT HE OR SHE IS AUTHORIZED TO BIND THE BIDDER IN A CONTRACTUAL RELATIONSHIP, AND (3) THAT THE BIDDER HAS PROPERLY REGISTERED WITH ANY STATE AGENCIES THAT MAY REQUIRE REGISTRATION.						
***** THIS IS THE END OF RFQ 6612C024 ***** TOTAL: _____						

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## 1. SPECIFICATIONS

The following sections of the West Virginia Department of Transportation, Division of Highways Standard Specification Roads and Bridges, adopted 2010, as modified by the January 1, 2011 Supplemental Specifications and the January 1, 2012 Supplemental Specifications shall apply to the administration of this Contract: 101, 102.4, 102.5, 105.1, 105.3, 105.4, 105.10, 105.11, 105.12, 105.13, 106.3, 106.4, 106.5, 106.6, 106.7, 106.9, 107.1, 107.2, 107.3, 107.14, 107.19, 107.20, 108.8, 109.1, 109.2, and 109.20

The terms "Contractor" and "Vendor" used in the above specifications or this contract are interchangeable. Contractor shall mean Vendor and Vendor shall mean Contractor.

West Virginia Department of Transportation, Division of Highways Standard Specification Roads and Bridges, adopted 2010, as modified by the January 1, 2011 Supplemental Specifications and the January 1, 2012 Supplemental Specifications may be obtained from:

West Virginia Division of Highways  
Contract Administration  
Building 5, Room 722  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305  
Phone: 304-558-2885

<http://www.transportation.wv.gov/highways/contractadmin/specifications/2010StandSpec/Pages/default.aspx>

Herbicide furnished under this contract shall conform to the physical and chemical properties set out in the EPA Registration of the product provided by the Vendor.

## 2. BIDDING INSTRUCTIONS

Vendors may bid on any or all of the products listed on the Bid Schedule. Vendors may quote Product Name requested or provide "an equal to" product.

The vendor shall list the trade name and EPA Registration Number on the Bid Schedule for each product bid. Failure to list this information on the Bid Schedule will result in the disqualification of the vendor's bid on that product.

The vendor shall provide the label from the item being bid as "an equal to" the product requested to eliminate any confusion in determining equivalency to product item requested with their bid. The final determination of equivalency will be made by the Division of Highways.

Equivalency, chemical name or equivalent, shall mean equal and not necessarily identical. Prior to award of low bid the Division of Highways may require product samples for evaluation to determine equivalency. Product specifications and technical information should be submitted with bid and may also be used to determine equivalency.

The successful vendor shall furnish two product labels, for each product awarded, to the Division of Highways. The labels shall provide pertinent information regarding product storage and handling or this information shall otherwise be provided with each shipment.

### 3. TRAINING AND TECHNICAL ASSISTANCE

In order to bid on and be awarded items on this contract, the vendor must have a representative, holding a valid Category 7 certification in West Virginia, available to provide training and technical assistance as required or upon request by Division of Highways personnel. Each bidder shall provide the name and telephone number of their representative in the space provided below with their bid. The company shall have a valid Category 12 certification in West Virginia. A copy of the representative's current Category 7 certification and a copy of the company's current Category 12 certification in West Virginia shall be submitted with the bid.

The vendor's failure to submit the above certification information with their bid, shall result in the total disqualification of the vendor's bid.

NAME OF REPRESENTATIVE

PHONE NUMBER

ADDRESS

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\_\_\_\_\_

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### 4. CONTRACT AWARD

It is the intent to award a contract for each product listed on the Bid Schedule. Qualified vendors who submit a valid low bid will be awarded a contract for those products for which their bid is low, provided that the vendor has listed the trade name and EPA Registration Number on the Bid Schedule for each product bid, as indicated in Section 2. Failure to list this information will result in the disqualification of the vendor's bid on that product.

The award for each product will be based on the bid price per unit of measure as requested on the Bid Schedule. Vendors are cautioned that the quantities on the Bid Schedule are estimates and only used for evaluation purposes.

The State of West Virginia reserves the right to make multiple awards on this contract when it is in the best interest of the State to do so.



5. **ACCEPTANCE PLAN**

With each delivery of herbicide products to the Division of Highways, the vendor shall certify that the products delivered conform to the properties described in the EPA Registration.

Material failing to comply with the quality requirement will not be accepted.

6. **TESTING PROCEDURES**

Upon award of contract, the successful vendor(s) shall supply the Division of Highways, Materials Control, Soil and Testing Division, 190 Dry Branch Road, Charleston, WV 25306, the proper testing procedures to determine the presence and concentration of the Herbicide in flowing water.

7. **BID QUANTITIES**

Vendors are cautioned that the quantities listed on the Bid Schedule are estimates only. Actual requests will be placed to the awarded vendor from the Division of Highways by an Agency Release at the time of need.

8. **DELIVERY**

Materials under this contract are to be shipped prepaid F.O.B. delivery to Division of Highways District Storerooms as follows:

District One	Charleston
District Two	Huntington
District Three	Parkersburg
District Four	Clarksburg
District Five	Burlington
District Six	Moundsville
District Seven	Weston
District Eight	Elkins
District Nine	Lewisburg
District Ten	Princeton

Materials should be shipped to the location and in the quantity specified in the Agency Release within 20 days after the Agency Release is issued by the Division of Highways.

**9. VENDOR'S INVOICES**

Vendor's invoices must be submitted in original and four copies and contain the following:

- a. Division of Highways Agency Release Number and Contract Number.
- b. Total quantity and unit price with the total cost of each type of item furnished.

Note: Under no circumstance will the Division of Highways accept, or pay for, quantities of material in excess of the quantity stated on the Agency Release.

**10. RESTRICTED AND NON-RESTRICTED HERBICIDES**

Herbicide products which have been declared RESTRICTED in their use by the Environmental Protection Agency (EPA) must be applied under the supervision of a licensed herbicide applicator. The Department reserves the right to disallow the use of RESTRICTED herbicides when non-restricted herbicides are available to achieve the same objective.

**11. PURCHASING CARD ACCEPTANCE**

The State of West Virginia currently utilizes a VISA Purchasing Card Program which is issued through a bank. The successful vendor(s) must accept the State of West Virginia VISA Purchasing Card for payment of all orders placed by any State agency as a condition of award.

HERBICIDES		% Concentration/ Pounds per Gallon of Active Ingredients	Estimated Quantity	Unit of Measure	Cost Per Unit of Measure	Extended Cost
Item #	Description					
DOH-1H	Water Soluble Emulsifiable Concentrate Containing: Ammonium Salt of Fosamine with Surfactant	4 lbs/gallon				
	Product Trade Name: Krenite S or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 2.5 gallon containers in lots of 5 gallons		3000	gallon		
	B) Supplied in 15 gallon returnable/refillable containers		3000	gallon		
DOH-2H	Water Soluble Emulsifiable Concentrate Containing: Isopropylamine Salt of Glyphosate Phosphate Ester Surfactant	50.20%				
	Product Trade Name: Roundup Pro Concentrate or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 30 gallon plastic returnable drums.		6000	gallon		
	B) Supplied in 2.5 gallon containers in lots of 5 gallons		6000	gallon		
	C) Supplied in 15 gallon returnable/refillable containers		6000	gallon		
	D) Supplied in 250 gallon returnable/refillable shuttle.		6000	gallon		
DOH-3H	Dispersible Granules Containing: Sulfometuron Methyl	75%				
	Product Trade Name: Oust XP or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 3 pound containers in lots of 24 pounds		100	pound		
	B) Supplied in 3 pound jug		100	pound		
DOH-4H	Water Soluble Aqueous Suspension Containing: Oryzalin	4 lbs/gallon				
	Product Trade Name: Oryzalin 4 Pro or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 2.5 gallon containers in lots of 5 gallons		250	gallon		
DOH-5H	Aqueous Solution Containing: Imazapyr	2 lbs/gallon				
	Product Trade Name: Arsenal Powerline or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 2.5 gallon containers in lots of 5 gallons		150	gallon		
	B) Supplied in 15 gallon drums		150	gallon		

HERBICIDES		% Concentration/ Pounds per Gallon of Active Ingredients	Estimated Quantity	Unit of Measure	Cost Per Unit of Measure	Extended Cost
Item #	Description					
DOH-6H	Aqueous Carrier Containing: Pendimethalin	3.8 lbs/gallon				
	Product Trade Name: Pendulum AquaCap or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 2.5 gallon containers in lots of 5 gallons		600	gallon		
DOH-7H	Water Soluble Concentrate Containing: Tricopyr	3 lbs/gallon				
	Product Trade Name: Garlon 3A or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 2.5 gallon containers in lots of 5 gallons		500	gallon		
	B) Supplied in 30 gallon containers		500	gallon		
	C) Supplied in 15 gallon continuum returnable/refillable containers in pallets of 9 containers.		500	gallon		
DOH-8H	Water Soluble Concentrate Containing: Tricopyr	4 lbs/gallon				
	Product Trade Name: Garlon 4 Ultra or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 2.5 gallon containers in lots of 5 gallons		250	gallon		
	B) Supplied in 30 gallon containers		250	gallon		
	C) Supplied in 15 gallon continuum returnable/refillable containers in pallets of 9 containers.		250	gallon		
DOH-9H	A Water Soluble Dispersible Granule Containing: Diuron	80.00%				
	Product Trade Name: Karmex XP or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 5 pound bags in lots of 10 bags		2000	pound		
	B) Supplied in 25 pound bags		2000	pound		
DOH-10H	Water Soluble Liquid Containing: Dimethylamine Salt of 2, 4-D acid	3.8 lbs/gallon				
	Product Trade Name: DM A4 or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 2.5 gallon containers in lots of 5 gallons		100	gallon		
	B) Supplied in 30 gallon containers		100	gallon		
	C) Supplied in 15 gallon returnable/refillable containers in pallets of 9 containers.		100	gallon		

HERBICIDES		% Concentration/ Pounds per Gallon of Active Ingredients	Estimated Quantity	Unit of Measure	Cost Per Unit of Measure	Extended Cost
Item #	Description					
DOH-11H	Water Soluble Liquid Containing: Ammonium Salt of Imazapic	23.60%				
	Product Trade Name: Plateau or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 1 gallon containers in lots of 2 gallons		50	gallon		
	B) Supplied in 1.44 ounce packets in lots of 14 packets		4444	packet		
	C) Supplied in 1 quart containers in lots of 4 quarts		200	quart		
	D) Supplied in 15 gallon containers		4	containers		
DOH-12H	A Dispersible Liquid Containing: Hexazinone	2 lbs/gallon				
	Product Trade Name: Velpar L or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 2.5 gallon containers in lots of 5 gallons		50	gallon		
DOH-13H	Dry Flowable Containing: Metsulfuron Methyl	60%				
	Product Trade Name: Escort XP or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 16 ounce containers in lots of 8 pounds (8-16 oz ctrs)		2400	ounce		
	B) Supplied in 16 ounce jugs		2400	ounce		
	C) Supplied in 64 ounce jug returnable/refillable		2400	ounce		
DOH-14H	Water Soluble Granule Herbicide Containing: Ammonium Salt of Glyphosate	71.40%				
	Product Trade Name: Roundup Pro Dry or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 23.25 pound box		25	box		
DOH-15H	Dry Flowable Containing: Chlorsulfuron	75%				
	Product Trade Name: Telar XP or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 8 x 16 ounce container to a case		160	ounce		



HERBICIDES		% Concentration/ Pounds per Gallon of Active Ingredients	Estimated Quantity	Unit of Measure	Cost Per Unit of Measure	Extended Cost
Item #	Description					
DOH-16H	A Liquid Solution Containing: Isooctyl ester of 2,4 Dichlorophenoxyacetic Acid 2-ethylhexyl ester of +R-2-(2,4-Dichlorophenoxy Propionic Acid Dicamba (3, 6-Dichloro-o-anisic Acid)	32.48% 15.90% 5.38%				
	Product Trade Name: BK-800 or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 2.5 gallon containers in lots of 5 gallons		100	gallon		
	B) Supplied in 30 gallon drums		100	gallon		
	DOH-17H	Dry Flowable Containing: Tebuthiuron	80%			
Product Trade Name: Spike 80 DF or equal _____						
EPA Registration Number: _____						
A) Supplied in 4 pound bags in lots of 24 pounds			50	pound		
B) Supplied in 25 pound bags			50	pound		
DOH-18H	A Water Soluble Emulsifiable Concentrate Containing: Clopyralid	3 lbs/gallon				
	Product Trade Name: Transline or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 2.5 gallon containers in lots of 5 gallons		25	gallon		
	B) Supplied in .5 gallon containers in lots of 2 gallons		25	gallon		
DOH-19H	Aqueous Solution Containing: Isopropylamine Salt of Imazapyr	27.60%				
	Product Trade Name: Stalker or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 1 quart containers in lots of 4 quarts		200	quart		
DOH-20H	Aqueous Solution Containing: Diglycolamine Salt of 3, 6-Dichloro-0-Anisic Acid	4 lbs/gallon				
	Product Trade Name: Vanquish or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 2.5 gallon containers in lots of 5 gallons		300	gallon		
	B) Supplied in 15 gallon returnable/refillable containers in pallets of 9 containers.		300	gallon		

HERBICIDES		% Concentration/ Pounds per Gallon of Active Ingredients	Estimated Quantity	Unit of Measure	Cost Per Unit of Measure	Extended Cost
Item #	Description					
DOH-21H	Aqueous Solution Containing: Tricopyr	.75 lbs/gallon				
	Product Trade Name: Pathfinder II or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 2.5 gallon containers in lots of 5 gallons		300	gallon		
DOH-22H	A Water Soluble Emulsifiable Concentrate Containing: Isopropylamine Salt of Glyphosate	53.80%				
	Product Trade Name: Rodeo or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 2.5 gallon containers in lots of 5 gallons		100	gallon		
	B) Supplied in 30 gallon plastic returnable drums		100	gallon		
DOH-23H	A Liquid Containing: Aminopyralid	40.60%				
	Product Trade Name: Milestone VM or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 1 quart containers, 12 containers per lot		200	quarts		
	B) Supplied in 2.5 gallon containers in lots of 5 gallons		50	gallon		
DOH-24H	Water Dispersible Granular Material Containing: Prodiamine	65%				
	Product Trade Name: Endurance or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 10 pound containers, 50 pounds per lot		100	pound		
	A) Supplied in 5 pound containers, 50 pounds per lot		100	pound		
DOH-25H	Emulsifiable Concentrate Containing: Quizalofop P-Ethyl	.88 lbs/gallon				
	Product Trade Name: Assure II or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 1 gallon containers in lots of 4 gallons		16	gallon		
DOH-26H	Emulsifiable Concentrate Containing: Fluazifop-P-butyl	6.75%				
	Product Trade Name: Ornamec or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 1 gallon containers in lots of 4 gallons		16	gallon		

HERBICIDES		% Concentration/ Pounds per Gallon of Active Ingredients	Estimated Quantity	Unit of Measure	Cost Per Unit of Measure	Extended Cost
Item #	Description					
DOH-27H	A Dispersible Granule Containing: Imazapyr Diuron	7.78% 62.22%				
	Product Trade Name: Sahara DG or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 10 pound bags in lots of 40 pounds		50	pound		
DOH-28H	A Water Soluble Dry Granule Containing: Sulfosulfuron	75%				
	Product Trade Name: Outrider or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 20 ounce bottles in lots of 200 ounce		400	ounce		
DOH-29H	A Liquid Containing: Diuron	40%				
	Product Trade Name: Direx 4L or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 2.5 gallon containers in lots of 5 gallons		50	gallon		
DOH-30H	A Liquid Containing: Fluroxypyr	26.20%				
	Product Trade Name: Fluroxypyr or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 2.5 gallon containers in lots of 5 gallons		100	gallon		
DOH-31H	A Liquid Containing: Fluroxypyr	45.52%				
	Product Trade Name: Vista XRT or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 2.5 gallon containers in lots of 5 gallons		100	gallon		
DOH-32H	Wettable Granule Formulation Containing: Sodium Salt of Diflufenzopy: 2-[1-({3.5-Difluorophenylamino} Carbonyl) Hydrazono} Ethyl)-3-Pyridinecarboxylic Acid, Sodium Sodium Salt of 3.6-Dicholoro-o-anisic Acid	21.40% 55.00%				
	Product Trade Name: Overdrive or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 7.5 pound jugs, 30 pounds per case		100	pound		

HERBICIDES		% Concentration/ Pounds per Gallon of Active Ingredients	Estimated Quantity	Unit of Measure	Cost Per Unit of Measure	Extended Cost
Item #	Description					
DOH-33H	Dispersible Granules Containing: Sulfometuron Methyl Chlorsulfuron	56.25% 18.75%				
	Product Trade Name: Landmark XP or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 4 pound jugs in lots of 32 pounds		100	pound		
	B) Supplied in 64 ounce jug, returnable/refillable		1600	ounce		
DOH-34H	Dispersible Granules Containing: Sulfometuron Methyl Metsulfuron Methyl	56.25% 15.00%				
	Product Trade Name: Oust Extra or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 4 pound jugs in lots of 32 pounds		400	pound		
	B) Supplied in 64 ounce jug, returnable/refillable		6400	ounce		
	C) Supplied in 12 pound jugs		400	pound		
DOH-35H	A Dry Flowable Granule Containing: Bromacil Diuron	40% 40%				
	Product Trade Name: Krovar I DF or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 6 pound containers in lots of 8 containers		50	pound		
DOH-36H	A Liquid Containing: Imazapic Glyphosate	8.13% 21.94%				
	Product Trade Name: Journey or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 2.5 gallon containers in lots of 5 gallons		100	gallon		

HERBICIDES		% Concentration/ Pounds per Gallon of Active Ingredients	Estimated Quantity	Unit of Measure	Cost Per Unit of Measure	Extended Cost				
Item #	Description									
DOH-37H	A Liquid Containing: Dimethylamine Salt of 2,4-Dichlovophenoxyacetic Acid Dimethylamine Salt of Dicamba (3,6-Dichloro-o-Anisic Acid)	24.58% 12.82%								
	Product Trade Name: Veteran 720 or equal _____									
	EPA Registration Number: _____									
	A) Supplied in 2.5 gallon containers in lots of 5 gallons		100	gallon						
	B) Supplied in 30 gallon drums		100	gallon						
	DOH-38H	Dispersible Granules Containing: Chlorsulfuron Sulfometuron Methyl Sulfentrazone	9% 18% 48%							
Product Trade Name: Throttle XP or equal _____										
EPA Registration Number: _____										
A) Supplied in 3.9 pound containers, 8 containers per case			100	pound						
DOH-39H		Water Soluble Dispersible Extruded Paste Granule Containing: Aminocyclopyrachlor	39.50%							
	Chlorsulfuron	15.80%								
	Product Trade Name: Perspective™ or equal _____									
	EPA Registration Number: _____									
	A) Supplied in 20 ounce containers in lots of 240 ounces						240	ounces		
	B) Supplied in 20 ounce jug						40	ounces		
	C) Supplied in 5 pound containers in lots of 40 pounds						80	pounds		
	D) Supplied in 5 pound jug						20	pounds		
DOH-40H	Water Soluble Dispersible Extruded Paste Granule Containing: Aminocyclopyrachlor	39.50%								
	Metsulfuron methyl	12.60%								
	Product Trade Name: Streamline™ or equal _____									
	EPA Registration Number: _____									
	A) Supplied in 3 pound containers in lots of 24 pounds						96	pounds		
	B) Supplied in 3 pound jug						96	pounds		



HERBICIDES		% Concentration/ Pounds per Gallon of Active Ingredients	Estimated Quantity	Unit of Measure	Cost Per Unit of Measure	Extended Cost
Item #	Description					
DOH-41H	Water Soluble Dispersible Extruded Paste Granule Containing: Imazapry	31.60%				
	Aminocyclopyrachlor	22.80%				
	Metsulfuron methyl	7.30%				
	Product Trade Name: Viewpoint™ or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 5 pound containers in lots of 40 pounds		100	pounds		
	B) Supplied in 5 pound jug		100	pounds		
DOH-42H	A Liquid Containing: Indaziflam	19.05%				
		(1.67 pounds per gal)				
	Product Trade Name: ESPLANADE 200SC or equal _____					
	EPA Registration Number: _____					
	A) Supplied in 2.5 gallon containers in lots of 5 gallons		50	gallons		
	B) Supplied in 1 quart containers in lots of 1 gallon		50	gallons		

ADJUVANTS		Estimated Quantity	Unit of Measure	Cost Per Unit of Measure	Extended Cost
Item #	Description				
DOH-1A	A Water Soluble Blue Liquid Spray Pattern Indicator	100	gallon		
	Product Trade Name: Bullseye or equal _____				
	A) Supplied in 2.5 gallon containers in lots of 5 gallons.				
DOH-2A	A Miscible-Dispersible Liquid Defoamer (30% Active Ingredient)	100	gallon		
	Product Trade Name: _____				
	A) Supplied in _____ containers in lots of _____.				
DOH-3A	A Diluent with Emulsifiers	100	gallon		
	Product Trade Name: Hygrade EC or Arborchem Basal Oil or Bark Oil EC or				
	Alenza Basal Oil or Penevator or equal _____				
	A) Supplied in _____ containers in lots of _____.				
DOH-4A	Non-Ionic Surfactant (90% Active Ingredient)	100	gallon		
	Product Trade Name: _____				
	A) Supplied in _____ containers in lots of _____.				
DOH-5A	A Granular/Flake Drift Control Agent	100	pound		
	Product Trade Name: _____				
	A) Supplied in _____ containers in lots of _____.				
DOH-6A	A Liquid Drift Control Agent	100	gallon		
	Product Trade Name: _____				
	A) Supplied in _____ containers in lots of _____.				
DOH-7A	Aquatic Surfactant	100	gallon		
	Product Trade Name: _____				
	A) Supplied in _____ containers in lots of _____.				
DOH-8A	A Water Soluble Liquid Spray Pattern Indicator	100	gallon		
	Product Trade Name: Blueprint Plus or equal _____				
	A) Supplied in 2.5 gallon containers in lots of 5 gallons.				
DOH-9A	A Non-Ionic Sticker Spreader	100	gallon		
	Product Trade Name: Nu-Film-IR or equal _____				
	A) Supplied in 2.5 gallon containers in lots of _____.				
DOH-10A	A Ready-to-Use Formula Containing Paraffinic Oil Emulsifiers	100	gallon		
	Product Trade Name: Thinvert RTU or equal _____				
	A) Supplied in 2.5 gallon containers in lots of 5 gallons per case.				
	B) Supplied in 15 gallon drum.				

ADJUVANTS		Estimated Quantity	Unit of Measure	Cost Per Unit of Measure	Extended Cost
Item #	Description				
DOH-11A	A Concentrate Formula Containing Paraffinic Oil Emulsifiers and Surfactants				
	Product Trade Name: Thinvert RTU or equal _____				
	A) Supplied in 2.5 gallon containers in lots of 5 gallons per case.	100	gallon		
	B) Supplied in 15 gallon drum.	100	gallon		
SAFETY EQUIPMENT				Cost Per Unit of Measure	Extended Cost
Item #	Description	Estimated Quantity	Unit of Measure		
DOH-1S	Emergency Spill Kit Containing:				
	15 Universal Plus Sorbent Pads				
	3 Cobra Coils				
	1 Pair Safety Goggles				
	1 Pair Latex Gloves				
	1 Large Refuse Bag				
	1 List of Environmental Compliance Telephone Numbers				
	Size: 18"x18"x4" Vacuum				
	Packed in Puncture Resistant Foil				
	Product Trade Name: _____				
	A) Supplied by the kit.	1	each		
DOH-2S	A Granular/Flake Spill Absorbent				
	Product Trade Name: _____				
	A) Supplied in _____ containers in lots of _____.	1	pound		
DOH-3S	32 ounce Eye Wash Bottle				
	Product Trade Name: _____				
	A) Supplied per each.	1	each		

MISCELLANEOUS		Estimated Quantity	Unit of Measure	Cost Per Unit of Measure	Extended Cost
Item #	Description				
DOH-1M	Pressure Rinser				
	Product Trade Name: Easy Rinse or equal _____				
	A) Supplied per each.	1	each		
DOH-2M	Hand Soap with Citrus Oil				
	Product Trade Name: Zep or equal _____				
	A) Supplied in 32 ounce containers in lots of 20 containers per case	1	container		
DOH-3M	A Biostimulant Containing				
	Soluble Potash 1.00%				
	Iron 0.36%				
	Manure Extract 79.30%				
	Humic and Fulvic Acid Extract 9.00%				
	Kelp Extract 1.20%				
	Organo-Modified Silaxane Surfactant 0.36%				
	Product Trade Name: Launch or equal _____				
	A) Supplied in 2.5 gallon containers in lots of 5 gallons	2.5	gallon		
DOH-4M	Nitri-Solve 100% - 15 mil 13" Nitrile Gloves - Compliance EPA 40 CFR 170				
	A) Supplied size Small.	1	pair		
	B) Supplied size Medium.	1	pair		
	C) Supplied size Large.	1	pair		
	D) Supplied size X-Large.	1	pair		
	E) Supplied size XX-Large.	1	pair		
DOH-5M	A 5-gallon Backpack Sprayer				
	Product Trade Name: Birchmeier or equal _____				
	A) Supplied per sprayer	1	each		
	B) Gasket Set for Sprayer Pump	1	set		
	C) Hose Valve and Wand Repair Kit	1	kit		
DOH-6M	2-Quart Handheld Pressure Sprayer				
	Product Trade Name: Tolco or equal _____				
	A) Supplied per sprayer	1	each		

MISCELLANEOUS		Estimated Quantity	Unit of Measure	Cost Per Unit of Measure	Extended Cost
Item #	Description				
DOH-7M	Closed System Backpack Sprayer				
	Product Trade Name: Birchmeier BCS or equal _____				
	A) Supplied per sprayer	1	each		
	B) Gasket Set for Sprayer Pump	1	set		
	C) Hose Valve and Wand Repair Kit	1	kit		



## DOCUMENTS REQUIRED FROM AGENCY FOR A REQUEST FOR QUOTATION (RFQ)

**Request for Quotation (RFQ):** Used for one-time/single purchases, open-end contracts.

The information below is a checklist of Agency responsibilities in processing a Request for Quotation (RFQ). Please note, however, that while this information is accurate in most cases, there may be occasions where additional information may be needed or required.

Description	
✓	*WV-35 Requisition or RQH Screen Signed by Agency (with estimated value & maximum budget amts)
✓	Specifications & suggested vendor list (name & address)
	** WVFIMS Agency Cover Sheet (P-Document)
NA	Pre-Approvals when applicable (AG; CTO/ISC; Design Build; Gen Ser; Prison Industries; Surplus Property)
NA	Mandatory Pre-Bid Attendee List
	Addendums (information prepared by agency for processing by Purchasing Division)
	Signed Agency Recommendation for Award
	Purchasing Affidavit Signed and Dated by Successful Vendor (may be provided through bid process)
	Certification of Non-Conflict of Interest Signed by Agency Procurement Officer & Other Appropriate Staff
	WV-96 Agreement Addendum signed by Vendor & Agency (if applicable)

\* Maximum budget amounts must be reflected on the WV-35 to allow for price negotiations as authorized and described in 5A-3-11a of the Code and 148-1-7, 7.11 of the Code of Rules.

\*\* Projects that are funded by sources whereby invoices will not be processed by the State Auditor's Office do not require a P-Document. However, in those cases the funding source must be named on the WV-35 to be carried forward on the Purchase Order.

## 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.

RFQ No. \_\_\_\_\_

STATE OF WEST VIRGINIA  
Purchasing Division

## PURCHASING AFFIDAVIT

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

**DEFINITIONS:**

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

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

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

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.** \_\_\_\_\_