

Purchase Order



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

PURCHASE ORDER NO.
FASTEN02

PAGE
1

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CORRECT PURCHASE ORDER NUMBER MUST APPEAR ON ALL PACKAGES, INVOICES, AND SHIPPING PAPERS. QUESTIONS CONCERNING THIS PURCHASE ORDER SHOULD BE DIRECTED TO THE BUYER AS NOTED BELOW.

CHANGE ORDER

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SEE REVERSE SIDE FOR TERMS AND CONDITIONS

INVOICE TO

ALL STATE AGENCIES
 AND POLITICAL SUBDIVISIONS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

VENDOR

*70903022402 304-345-0145
 FASTENAL COMPANY
 721 WATTS STREET

 CHARLESTON WV 25302

SHIP TO

ALL STATE AGENCIES
 AND POLITICAL SUBDIVISIONS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

| DATE PRINTED | | TERMS OF SALE | | FEIN/SSN | | FUND | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|---------------|--------------------------------------------------------------|---------------|------------|----------------|--|
| 07/23/2002 | | NET 30 | | 410948415 | | | |
| SHIP VIA | | F.O.B. | | FREIGHT TERMS | | ACCOUNT NUMBER | |
| BEST WAY | | DESTINATION | | PREPAID | | MUL-MUL | |
| LINE | QUANTITY | UOP | VENDOR ITEM NO. | | UNIT PRICE | AMOUNT | |
| | DELIVERY DATE | CAT. NO. | ITEM NUMBER | | | | |
| 0001 | 07/31/2003 FASTENERS | YR | STATEWIDE CONTRACT 615-71 AN OPEN-END CONTRACT | | | | |
| <p>TO PROVIDE FASTENERS AND FASTENING DEVICES TO ALL WEST VIRGINIA STATE AGENCIES AND POLITICAL SUBDIVISIONS ON A PERCENTAGE DISCOUNT FROM PRICE LIST. ITEMS TO INCLUDE ALL TYPES AND SIZES OF BOLTS, SCREWS, NUTS, WASHERS, THREADED RODS, AND COTTER PINS.</p> | | | | | | | |
| NAME(S) OF CONTRACT COORDINATOR: | | | | JEFF JOHNS | | | |
| ADDRESS: FASTENAL COMPANY 721 WATTS ST. CHARLESTON, WV 25302 | | | | | | | |
| TELEPHONE NUMBER: 304-345-0145 | | | | | | | |
| FAX NUMBER: 304-345-0146 | | | | | | | |
| <p>APPROVED FOR ONE FISCAL YEAR</p> <p><i>Sam E. Wayfield</i></p> | | | | | | | |

RETURNED TO BUYER
 DATE: 8/8/02

SWC
 WV State Purchasing Division
 Administration Unit
 Certified Encumbered
 AUG 05 2002
J. Johns

MICROFILMED
 Purchasing Division's File Copy

IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE *pg 7/29/02*

OPEN END
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 304-558-0067

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 ASSISTANT ATTORNEY GENERAL

BY *Pam Jones*
 PURCHASING DIVISION AUTHORIZED SIGNATURE

**GENERAL TERMS & CONDITIONS
PURCHASE ORDER/CONTRACT**

1. **ACCEPTANCE:** Seller shall be bound by this order and its terms and conditions upon receipt of this order.
2. **APPLICABLE LAW:** The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
3. **NON-FUNDING:** All services performed or goods delivered under State Purchase Orders/Contracts are to be continued for the terms of the Purchase Order/Contract, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
4. **COMPLIANCE:** Seller shall comply with all Federal, State and local laws, regulations and ordinances including, but not limited to, the prevailing wage rates of the WV Division of Labor.
5. **MODIFICATIONS:** This writing is the parties final expression of intent. No modification of this order shall be binding unless agreed to in writing by the Buyer.
6. **ASSIGNMENT:** Neither this Order nor any monies due, or to become due hereunder may be assigned by the Seller without the Buyer's consent.
7. **WARRANTY:** The Seller expressly warrants that the goods and/or services covered by this Order will: [a] conform to the specifications, drawings, samples or other description furnished or specified by the Buyer; [b] be merchantable and fit for the purpose intended; and/or [c] be free from defect in material and workmanship.
8. **CANCELLATION:** The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the Seller.
9. **SHIPPING, BILLING & PRICES:** Prices are those stated in this order. No price increase will be accepted without written authority from the Buyer. All goods or services shall be shipped on or before the date specified in this Order.
10. **LATE PAYMENTS:** Payments may only be made after the delivery of goods or services. Interest may be paid on late payments in accordance with the *West Virginia Code*.
11. **TAXES:** The State of West Virginia is exempt from Federal and State taxes and will not pay or reimburse such taxes.
12. **RENEWAL:** Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
13. **BANKRUPTCY:** In the event the vendor / contractor files for bankruptcy protection, this contract is automatically null and void, and is terminated without further order.



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| LINE | QUANTITY | UOP | VENDOR ITEM NO. | UNIT PRICE | AMOUNT |
| | DELIVERY DATE | CAT. NO. | ITEM NUMBER | | |
| <p>THIS CATALOG/PRICE LIST WILL BE USED WITH ANY RESULTING CONTRACT. SUCCESSFUL VENDOR MUST PROVIDE APPROXIMATELY 150 CATALOGS/PRICE LISTS, AT NO CHARGE, UPON REQUEST. ADDITIONAL CATALOGS/PRICE LISTS MAY BE REQUIRED FROM THE VENDOR AT A LATER DATE. THESE WILL BE PROVIDED AT NO CHARGE TO THE STATE. VENDOR WILL BE CONTACTED DIRECTLY BY STATE AGENCIES FOR CATALOGS AND PRICE LISTS.</p> <p>PRICE LISTS MAY BE REQUIRED TO BE PROVIDED ON 3 1/2" COMPUTER DISK AFTER AWARD.</p> <p>MANUFACTURER NAME: VARIOUS</p> <p>PRICE LIST DATED: JUNE 26, 2002</p> <p>SINGLE PERCENT DISCOUNT QUOTED FROM THE ABOVE PRICE LIST: 00%</p> <p>THE NET DISCOUNT PRICE IS THE FINAL PRICE THE VENDOR</p> | | | | | |

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TOTAL

PAM JONES

304-558-0067

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BY _____ PURCHASING DIVISION AUTHORIZED SIGNATURE

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| WILL CHARGE THE STATE OF WEST VIRGINIA. NET DISCOUNT PRICE TO BE THE PRICE OF INDIVIDUAL PIECES, CARTONS, OR PACKAGES. | | | | | |
| NOTE: STATE AGENCIES MAY PURCHASE ANY ITEM LISTED IN SUCCESSFUL VENDOR'S CATALOG/PRICE LIST RELATED TO FASTENERS OR FASTENING DEVICES PROVIDING THAT ITEM IS LESS THAN \$400.00 AFTER THE PERCENT DISCOUNT IS APPLIED. MULTIPLE CASES OF ANY ITEM MAY BE PURCHASED AS LONG AS THE CASE PRICE IS LESS THAN \$400.00 AFTER DISCOUNT. | | | | | |
| THE PURCHASING DIVISION DESIRES TO ENTER INTO A FIXED PRICE CONTRACT WITH THE SUCCESSFUL VENDOR. THE PRICES QUOTED IN THE VENDOR (S) QUOTE WILL NOT BE SUBJECT TO ANY INCREASE. | | | | | |
| I. SPECIAL CONDITIONS | | | | | |

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------------|--------------------------------|------------|--------|
| <p>1) IT IS PREFERRED THAT DELIVERIES BE MADE WITHIN 10 WORKING DAYS AFTER RECEIPT OF THE ORDER. EMERGENCY ORDERS SHALL BE DELIVERED WITHIN FIVE (5) WORKING DAYS AFTER ORDERS ARE PLACED. DELIVERIES WHICH TAKE LONGER THAN 21 DAYS SHALL BE CONSIDERED UNSATISFACTORY. SPENDING UNITS MUST BE ADVISED IN WRITING IF ORDERS WILL BE DELAYED FOR ANY REASON.</p> <p>2) ALL ORDERS FROM THIS CONTRACT, WITH THE EXCEPTION OF THOSE TOTALLING \$200.00 OR LESS MUST BE F.O.B. DESTINATION.</p> <p>ALL ORDERS LESS THAN \$200.00 SHALL BE DELIVERED FOB: SHIPPING POINT. IF THE AGENCY CHOOSES TO ORDER LESS THAN THE \$200.00 MINIMUM, ANY TRANSPORTATION COSTS WILL BE INVOICED AS A SEPARATE CHARGE ON THE INVOICE.</p> <p>3) THE SUCCESSFUL BIDDER SHALL NOT SUBSTITUTE ANY OTHER BRAND OF FASTENERS FROM THOSE AWARDED, NOR SELL ANY ADDITIONAL ITEMS UNDER THEIR CONTRACT NOT SPECIFICALLY COVERED HEREIN, WITHOUT PRIOR WRITTEN</p> | | | | | |

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| | PERMISSION OF THE PURCHASING DIVISION. | | | | | | |
| | 4) VENDORS MUST BE MANUFACTURER'S OR REGULAR, STOCKING DEALERS FOR THE PRODUCTS THEY PROPOSE TO OFFER AND MUST CARRY A REASONABLE INVENTORY OF THESE PRODUCTS TO MEET THE NEEDS OF STATE AGENCIES. VENDORS MUST AGREE TO ALLOW THEIR STOCKROOMS AND WAREHOUSING FACILITIES TO BE INSPECTED BY STATE PURCHASING AT ANY TIME DURING THE CONTRACT PERIOD. | | | | | | |
| | 5) SUCCESSFUL VENDOR IS TO PROVIDE A NINE MONTH SUMMARY REPORT OF PROCUREMENT VOLUMES BY ITEM AND DOLLAR AMOUNTS. THIS REPORT MUST ALSO INCLUDE ANY PURCHASES MADE BY ANY POLITICAL SUBDIVISIONS AS WELL AS STATE AGENCIES IN THE STATE OF WV. THIS IS A SINGLE REPORT WHICH IS TO BE FURNISHED AT THE BEGINNING OF THE TENTH MONTH OF THE CONTRACT. THE REPORT IS TO BE DELIVERED TO PAM JONES, SENIOR BUYER, PURCHASING DIVISION, 2019 WASHINGTON ST., EAST, CHARLESTON, WV 25305-0130. | | | | | | |
| | 6) PACKAGING: PRODUCTS ARE TO BE DELIVERED IN MANUFACTURER'S PACKAGING SPECIFYING QUANTITY PER BOX. AGENCIES RESERVE THE RIGHT TO REQUEST SPECIAL PACKAGING. | | | | | | |

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| 7) | | | FASTENER STANDARDS: ALL FASTENERS FURNISHED PURSUANT TO THIS CONTRACT MUST CONFORM WITH THE DIMENSIONAL REQUIREMENTS OF THE LATEST EDITION OF FASTENER STANDARDS, COMPILED BY: THE INDUSTRIAL FASTENERS INSTITUTE 1505 EAST OHIO BLDG. CLEVELAND, OH 44114 NONCONFORMING MATERIALS MAY BE RETURNED TO THE VENDOR AT NO EXPENSE TO THE STATE OF WEST VIRGINIA. THE FASTENERS REQUESTED SHOULD INCLUDE BUT NOT BE LIMITED TO: GRADE 5, 8, AND METRIC, SAE AND USS, PLAIN AND PLATED. ALL FASTENERS SHOULD BE AMERICAN MADE WITH EASILY IDENTIFIABLE AND TRACEABLE HEAD MARKINGS. | | |

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| | EXHIBIT 3 | | | | |
| | LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON AUGUST 1, 2002 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, THE TERMS, CONDITIONS AND PRICING SET 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) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE | | | | |

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| | ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS. | | | | |
| | 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. | | | | |
| | 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.) | | | | |
| | 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. | | | | |

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| <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 FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED 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. 04/11/2001</p> | | | | | |

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