



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

# Purchase Order

PURCHASE ORDER NO.  
**SUPFD05**

PAGE  
**1**

BLANKET RELEASE  
**00**

CORRECT PURCHASE ORDER NUMBER  
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 QUESTIONS CONCERNING THIS PUR-  
 CHASE ORDER SHOULD BE DIRECTED  
 TO THE BUYER AS NOTED BELOW

CHANGE ORDER

SEE REVERSE SIDE FOR  
 TERMS AND CONDITIONS

INVOICE TO

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

## AGENCY COPY

VENDOR

\*C1613272801      800-624-8578  
 US FOODSERVICE WV  
 2575 VIRGINIA AVENUE  
  
 HURRICANE WV      25526

SHIP TO

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

DATE PRINTED		TERMS OF SALE		FEIN/SSN		FUND	
04/17/2005		NET 30		363642294			
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	10/15/2004	EA	393-47		0.00000		
BLANKET OPEN-END STATEWIDE CONTRACT  THIS BLANKET OPEN-END CONTRACT COVERS SUPPLEMENTAL FOOD ITEMS FOR ALL WEST VIRGINIA STATE AGENCIES AND POLITICAL SUBDIVISIONS.  THIS AWARD IS PER ALL THE TERMS AND CONDITIONS OF THE REQUEST FOR QUOTATION DATED 01/05/2005 AND VENDOR'S BID DATED 2/7/2005.  PRICING IS PER THE ATTACHED PRICING PAGES. THE MINIMUM ACCEPTABLE ORDER ON THIS CONTRACT IS TEN (10) CASES OR \$150.00 OF PRODUCTS.  CONTRACT COORDINATOR: RICK HARLESS TOLL FREE PHONE NUMBER: 800-624-8578 FAX NUMBER: 304-562-6468						WV STATE PURCHASING DIVISION ADMINISTRATION UNIT CERTIFIED ENCUMBERED  APR 22 2005  <i>Beverly Toler</i>	
CONTRACT TO PROVIDE SUPPLEMENTAL FOOD ITEMS						OPEN END	
						TOTAL 304-558-0468	

APPROVED FOR  
 ONE FISCAL YEAR

IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE  1394-20-05

*Dwayne Wayfield*

APPROVED AS TO FORM BY  
 ASSISTANT ATTORNEY GENERAL

BETTY FRANCISCO  
 304-558-0468  
 BY *Karen [Signature]* 4/20/05  
 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 acceptance 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.
14. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (<http://www.state.wv.us/admin/purchase/vrc/hipaa.htm>) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Covered Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.



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<p>ESTIMATED QUANTITIES: QUANTITIES GIVEN WERE ESTIMATES; NO QUANTITY OF PURCHASES IS IMPLIED OR GUARANTEED.</p> <p>PRODUCT SUBSTITUTION IS STRICTLY PROHIBITED UNLESS AUTHORIZED BY THE PURCHASING DIVISION.</p> <p>PRICING: ALL PRICES LISTED INCLUDED DELIVERY TO ANY WEST VIRGINIA LOCATION.</p> <p>WARRANTY: PRODUCT EXPIRATION DATES SHALL BE AS LONG AS POSSIBLE AND MUST BE AT LEAST ONE YEAR FROM DATE OF DELIVERY.</p> <p>VENDOR MUST GUARANTEE THE PRODUCTS TO BE FREE FROM ANY DEFECTS IN MATERIAL, PACKAGING AND WORKMANSHIP AND AGREES TO REPLACE DEFECTIVE ITEMS PROMPTLY AT NO CHARGE TO THE ORDERING AGENCY IF PROBLEMS ARE DETECTED AND REPORTED WITHIN A PERIOD OF SIX MONTHS FROM DELIVERY.</p> <p>VENDOR MUST SUBMIT QUARTERLY REPORTS TO THE PURCHASING DEPARTMENT. THESE REPORTS MUST DETAIL THE QUANTITY AND DOLLAR VALUE OF ORDERS</p>							
						TOTAL	

IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE

BETTY FRANCISCO

304-558-0468

APPROVED AS TO FORM BY  
 ASSISTANT ATTORNEY GENERAL

BY \_\_\_\_\_  
 PURCHASING DIVISION AUTHORIZED SIGNATURE



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<p>RECEIVED DURING THE QUARTER; THESE REPORTS MUST ALSO INDICATE THE AGENCIES USING THE CONTRACT. REPORTS MUST BE SENT TO:</p> <p>PURCHASING DIVISION          ATTENTION: BETTY FRANCISCO          2019 WASHINGTON STREET, EAST          CHARLESTON, WEST VIRGINIA 25305</p> <p>EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON APRIL 15, 2005 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.</p> <p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND</p>							
IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE <input type="checkbox"/>						TOTAL:	

BETTY FRANCISCO      304-558-0468

BY \_\_\_\_\_  
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<p>PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.</p> <p>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 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</p>							
IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE <input type="checkbox"/>						TOTAL	

BETTY FRANCISCO      304-558-0468

BY \_\_\_\_\_  
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	WORK.)						
<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 MODEL/BRAND/SPECIFICATIONS NAMED HEREIN ESTABLISH THE ACCEPTABLE LEVEL OF QUALITY ONLY AND ARE NOT INTENDED TO REFLECT A PREFERENCE OR FAVOR ANY PARTICULAR BRAND OR VENDOR. VENDORS WHO ARE BIDDING ALTERNATES SHOULD SO STATE AND INCLUDE PERTINENT LITERATURE AND SPECIFICATIONS. FAILURE TO PROVIDE INFORMATION FOR ANY ALTERNATES MAY BE GROUNDS FOR REJECTION OF THE BID. THE STATE RESERVES THE RIGHT</p>							
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<p>TO WAIVE MINOR IRREGULARITIES IN BIDS OR SPECIFICATIONS IN ACCORDANCE WITH SECTION 148-1-4(F) OF THE WEST VIRGINIA LEGISLATIVE RULES AND REGULATIONS.</p> <p>PURCHASING CARD ACCEPTANCE: THE STATE OF WEST VIRGINIA CURRENTLY UTILIZES A VISA PURCHASING CARD PROGRAM WHICH IS ISSUED THROUGH A LOCAL BANK. THE SUCCESSFUL VENDOR MUST ACCEPT THE STATE OF WEST VIRGINIA VISA PURCHASING CARD FOR PAYMENT OF ALL ORDERS PLACED BY ANY STATE AGENCY FOR ORDERS THAT ARE LESS THAN \$2,500 AS A CONDITION OF AWARD.</p> <p>ORDERS PLACED VIA THE PROCUREMENT CARD DO NOT REQUIRE A WV-39; ORDERS PLACED VIS THE PROCUREMENT CARD DO NOT NEED TO BE COPIED TO THE PURCHASING DIVISION.</p>							
						TOTAL	

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SUPFD05  
PRICE LIST

Item	Item	Stock #	No. Ounces / Container	Case Qty	Case Price	Description
1	Boost Chocolate	193021	8 oz	24	\$16.70	Oral suppl.for weight gain 240 calories 10g.protein Compare to "Ensure"
2	Boost Strawberry	193022	8 oz	24	\$16.70	Oral suppl.for weight gain 240 calories 10g.protein Compare to "Ensure"
3	Boost Vanilla	193020	8 oz	24	\$16.70	Oral suppl.for weight gain 240 calories 10g.protein Compare to "Ensure"
4	Boost Vanilla Plus	193023	8 oz	24	\$18.38	Oral suppl.for weight gain 360 cal. 14g.protein.Compare to Ensure Plus
5	Boost Strawberry Plus	193025	8 oz	24	\$18.38	Oral suppl.for weight gain 360 cal. 14g.protein.Compare to Ensure Plus
6	Boost Chocolate Plus	193024	8 oz	24	\$18.38	Oral suppl.for weight gain 360 cal. 14g.protein.Compare to Ensure Plus
7	Protein Powder	193064	8 oz	6	\$52.49	Concentrated source of high quality protein.6gm. Per scoop
8	Arginaid Extra Orange Burst	193495	8 oz	27	\$35.25	Wound Care oral supplement 250 calories
9	Arginaid Extra Wild Berry Burst	193494	8 oz	27	\$35.25	Wound Care oral supplement 250 calories
10	Arginaid	114062	.3 oz	56	\$43.49	available in orange, lemon, cherry
11	Ultracal	194792	8 oz	24	\$20.88	Tube feeding product with added dietary fiber.3.4gm.fiber per svq.
12	Nestle Supplement, Glytrol	193080	250 m	24	\$25.61	Glytrol, vanilla, 250ml

SUPFD05  
PRICE LIST

Item	Item	Stock #	No. Ounces / Container	Case Qty	Case Price	Description
13	Nestle Supplement, Glytrol Ultrapak	192843	1500 ml	4	\$27.84	
14	Carnation Inst. Breakfast-Lactose free-choc	193811	250 m	24	\$13.14	
15	Carnation Inst. Breakfast-Lactos free-strawb	193812	250 m	24	\$13.14	
16	Carnation Inst. Brkfst. - Lactose free Vanilla	194957	250 ml	24	\$13.14	
17	Carnation Inst. Brkfst-Lact.free VHC vanilla	192574	250 ml	24	\$22.04	
18	Carnation Inst. Brkfst- Chocolate	194958	250 ml	24	\$14.85	Lactose-Free PLUS
19	Carnation Inst. Brkfst- Strawberry	194959	250 ml	24	\$14.85	Lactose-Free PLUS
20	Carnation Inst. Brkfst- Vanilla	117601	250 ml	24	\$14.85	Lactose-Free PLUS
21	C.I.B. Orange Juice	194960	163 ml	24	\$22.04	
22	Nestle, Supplement, Drink ENHANCE	194318	Ct	4	\$44.08	
23	Nestle Peptamen, 1.5 Vanilla	194470	250 m	24	\$148.48	
24	Nestle Nubasic Supplement vanilla	194822	250 ml	24	\$23.80	

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<b>Item</b>	<b>Item</b>	<b>Stock #</b>	<b>No. Ounces / Container</b>	<b>Case Qty</b>	<b>Case Price</b>	<b>Description</b>
25	Nestle Supplement, Drnk PLUS choc.	607531	8 oz	24	\$19.79	
26	Nestle Supplement, Drnk PLUS strawberry	607532	8 oz	24	\$19.79	
27	Nestle Supplement, Drnk PLUS vanilla	607533	8 oz	24	\$19.79	
28	Nestle REPLETE Drink vanilla	117263	540 m	24	\$23.38	Protein drink
29	Nestle PROBALANCE vanilla	192560	250 M	24	\$25.06	Supplemental drink
30	Nestle NUTRIVENT vanilla	192567	250 m	24	\$39.53	
31	Nestle NUTREN 2.0 vanilla	192569	250 m	24	\$23.80	
32	Nestle NUTREN 1.5 vanilla	192844	250 m	24	\$15.08	
33	Nestle NUTREN 1.0 vanilla	192845	250 m	24	\$13.75	
34	Nestle NUTREN 1.0 w/fiber vanilla	193081	250 ml	24	\$18.10	
35	Nestle NUTREN 1.0 vanilla in Ultrapak	192857	1500	4	\$18.10	
36	Nestle NUTREN 1.0 w/fiber in Ultrapak	192846	1500 ml	4	\$23.76	Nutren 1.0 with fiber in ultrapak 1500ml
37	Nestle NUBASICS	194036	250 m	24	\$22.04	



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