



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.
WVARF04

PAGE
1

BLANKET RELEASE
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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
8

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

AGENCY COPY

INVOICE TO

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

VENDOR

*709052549 304-766-4894
 WV ASSOC OF REHAB FACILITIES
 PO BOX 745

 INSTITUTE WV 25112

SHIP TO

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

DATE PRINTED	TERMS OF SALE	FEIN/SSN	FUND		
06/06/2005	NET 30	550633886			
SHIP VIA	F.O.B	FREIGHT TERMS	ACCOUNT NUMBER		
BEST WAY	DESTINATION	PREPAID	VAR-VAR		
LINE	QUANTITY	UOP	VENDOR ITEM NO.	UNIT PRICE	AMOUNT
	DELIVERY DATE	CAT. NO.	ITEM NUMBER		
			CHANGE ORDER #08		
			ADD LINE ITEM 155:		
			FISH HABITAT STRUCTURES		
			1. TYPE I NURSERY STRUCTURE - WOOD	\$42.23	
			2. TYPE II NURSERY STRUCTURE - PVC	\$74.89	
			3. SPAWNING STRUCTURES -	\$17.93	
			SEE THE ATTACHED SERVICE AGREEMENT.		
0155	09/30/2004	EA	906-32	.00000	
			FISH HABITAT STRUCTURES		
			PREVIOUS PO TOTAL==>	OPEN END	
			PO NET CHANGE (+)==>		
IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE <input checked="" type="checkbox"/>					OPEN END
					TOTAL

WV STATE PURCHASING DIVISION
 ADMINISTRATION UNIT
 CERTIFIED ENCUMBERED

JUN - 9 2005

Beverly Toler

Dwayne Wayfield
 APPROVED AS TO FORM BY
 ASSISTANT ATTORNEY GENERAL

BETTY FRANCISCO 304-558-0468
 BY *[Signature]*
 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.



West Virginia Association of Rehabilitation Facilities

SERVICE AGREEMENT

Contractor: West Virginia Association of Rehabilitation Facilities, Inc.
PO Box 745, Institute, WV 25112

Work performed by: SW Resources, Inc.

Work to be performed: Fish Habitat Structures

Contract Site: DNR, Belleville, WV

Customer Contact: Bret A. Preston, Assistant Chief Warmwater Fisheries, Wildlife Resources Section,
Division of Natural Resources.

Period of Contract: June 1, 2005 thru July 31, 2005.

Billing Rate: Type I Nursery Structure – Wood Unit Price: \$42.23/Project Cost \$6,334.28
Type II Nursery Structure – PVC Unit Price: \$74.89/Project Cost \$5,616.85
Spawning Structures Unit Price: \$17.93/Project Cost \$5,378.67

Total Period Amount: Open Ended

Notes:

- *The Vendor agrees to furnish items required to perform the tasks agreed upon in the Statement of Work.*
- *WV ARF agrees to provide services for the above amount pending final determination of the "Fair Market Price" by the Governor's Committee for the Purchase of Commodities and Services from the Handicapped.*

Ken Kennedy for 5/31/05 _____
 Glenna McEndree Date For the State of West Virginia Date
 Executive Director, WV ARF
 Glenna McEndree

**Committee for the Purchase of
Commodities and Services from the Handicapped**

P.O. Box 745
Institute, WV 25112

NOTIFICATION OF FAIR MARKET PRICE DETERMINATION

Bret A. Preston
Assistant Chief Warmwater Fisheries
Wildlife Resources Section
Capitol Complex, Building 3
1900 Kanawha Boulevard, East
Charleston, WV 25305

May 16, 2005, 2005

RE: Committee Establishment of Fair Market Price for the manufacture of Fish Habitat Structures.

The Committee for the Purchase of Commodities and Services from the Handicapped (hereafter referred to as the Committee) in accordance with section 5A-3a-4(d) of the code of West Virginia has met on the above date and by majority vote established the following fair market price for the above project.

The Committee hereby approves an agreement between the State of West Virginia and the West Virginia Association of Rehabilitation Facilities, Inc. (the designated Central Non-Profit Agency) for the above named project at the fair market price of:

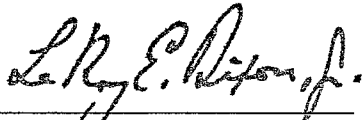
Type I Nursery Structure – Wood	Unit Price: \$42.23/Project Cost \$6,334.28
Type II Nursery Structure – PVC	Unit Price: \$74.89/Project Cost \$5,616.85
Spawning Structures	Unit Price: \$17.93/Project Cost \$5,378.67

The period amount is open ended.

The fair market price is herein established for the period of May 16, 2005 through July 31, 2005

The Central Non-Profit Agency will assign this project to a Community Rehabilitation Program approved by the Committee to provide the service required by this agreement.

If you have any questions feel free to call WVARF (the Central Non-Profit Agency) at 304-766-4894. Thank you for using the services of West Virginia's citizens with disabilities and supporting the State Use program.



LeRoy E. Dixon, Jr.
Committee Chair

Chairman: LeRoy E. Dixon, Jr.

Members: Brenda Morford, Donna Lipscomb, Linda Maniak, Everett Sullivan

Ex Officio Members: Scott Padon, Executive Secretary

Glenn McEndree, Executive Director, West Virginia Association of Rehabilitation Facilities, Inc.



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LINE	QUANTITY	UOP	VENDOR ITEM NO.	UNIT PRICE	AMOUNT
	DELIVERY DATE	CAT. NO.	ITEM NUMBER		
			RECEIPT TICKET FOR PURCHASE ORDER:		WVARF04
LINE	CATNO	ITEM	NUMBER	DESCRIPTION	QTY DATE
0155		906-32	FISH HABITAT	STRUCTURES	_____
			SIGNATURE _____	DATE _____	

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

TOTAL

APPROVED AS TO FORM BY
 ASSISTANT ATTORNEY GENERAL

BY _____
 PURCHASING DIVISION AUTHORIZED SIGNATURE