

Full Performance Evaluation

Division of Highways

**The Division of Highways Wrote
an RFQ With Identical Specifications
of One Vendor in Order to Restrict
Competition and to Pay for Side-Wing
Snowplows That Were Already in
Its Possession**



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John Sylvia
Director

November 14, 2006

The Honorable Edwin J. Bowman
State Senate
129 West Circle Drive
Weirton, West Virginia 26062

The Honorable J.D. Beane
House of Delegates
Building 1, Room E-213
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0470

Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting a Full Performance Evaluation on the Division of Highways, which will be presented to the Joint Committee on Government Operations on Tuesday, November 14, 2006. The issue covered herein is "The Division of Highways Intentionally Wrote an RFQ With Identical Specifications of One Vendor in Order to Restrict Competition and to Pay for Side-Wing Snowplows That Were Already in Its Possession."

We transmitted a draft copy of the report to the Division of Highways on August 18, 2006 and the Department of Administration on August 23, 2006. The Division of Highways and the Department of Administration opted not to have an exit conference. We received the agency response from the Division of Highways on October 3, 2006 and the response from the Department of Administration on October 13, 2006.

Let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "John Sylvia".

John Sylvia

JS/tlc

Joint Committee on Government and Finance

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Executive Summary

Issue 1: The Division of Highways Wrote an RFQ With Identical Specifications of One Vendor in Order to Restrict Competition and to Pay for Side-Wing Snowplows That Were Already in Its Possession.

In May 2006, the Division of Highways submitted a Request for Quotation (RFQ) for three side-wing snowplows. It was later revealed that the Division had already made an arrangement with Tenco U.S.A. Inc., to test side-wing snowplows in 2005. The side-wing snowplows were still in the possession of the Division of Highways when the RFQ was submitted to the Division of Purchasing.

In May 2006, the Division of Highways submitted a Request for Quotation (RFQ) for three side-wing snowplows. It was later revealed that the Division had already made an arrangement with Tenco U.S.A. Inc., to test side-wing snowplows in 2005. The side-wing snowplows were still in the possession of the Division of Highways when the RFQ was submitted to the Division of Purchasing. **The RFQ completed by the Division of Highways included a 14 page listing of specifications for the side-wing snowplows.** The specifications included language regarding a unit available for testing, delivery and installation of the units, and training for use of the units. This language appears to match the service and installation that had already been provided to the Division by Tenco U.S.A. Inc. Upon review by the Legislative Auditor, the specifications that were submitted by Tenco U.S.A. Inc, to the Division of Highways match the specifications that were in the Division's RFQ.

On May 24, 2006, the Division of Purchasing cancelled the Division of Highway's RFQ for side-wing snowplows in its entirety. The Secretary stated that this was due to an "unofficial" telephone call from an employee of the DOH that occurred several hours after the Pre-Bid conference. The caller informed the Purchasing Division that the plows had been acquired by the Equipment Division almost 10 months prior to the bid. This instance was the first time that the Purchasing Division or Department of Administration had been made aware that DOH was already in possession of the snow plows. Furthermore, the Secretary of Administration stated to the Legislative Auditor that **the Division of Highways never sought advice from Purchasing or the Department of Administration on the proper way to purchase the side-wing snow plows before or after the test with Tenco was arranged.** Thus, it is the opinion of the Legislative Auditor that the cancellation of the RFQ by the Purchasing Division was justified.

Upon review by the Legislative Auditor, the specifications that were submitted by Tenco U.S.A. Inc, to the Division of Highways match the specifications that were in the Division's RFQ.

The Legislative Auditor finds that the Division of Highways put equipment vendors at a competitive disadvantage against Tenco U.S.A. Inc. As a result of the cancellation of the RFQ, the Division of Highways returned the side-wing snow plows to Tenco U.S.A. Inc.

Recommendations

1. *The Legislative Auditor recommends that the Division of Highways seek assistance from the Division of Purchasing in future cases in which it receives equipment for testing purposes in which the purchase of the equipment is contemplated.*

-
2. *The Legislative Auditor recommends that the Purchasing Division should consider providing directives and training to state agencies on the proper procedure to follow when testing items that are being considered for purchase.*

Review Objective, Scope and Methodology

This Full Performance Evaluation of the Division of Highways is required and authorized by the West Virginia Sunset Law, Chapter 4, Article 10 of the West Virginia *Code*, as amended.

Objective

The objective of this audit is to determine whether the Division of Highways followed proper purchasing procedures for side-wing snow plows that the Division already had in its possession.

Scope

The scope of the audit covers the period of June 2005 through May 2006.

Methodology

Information compiled in this report has been acquired through correspondence and conversations with representatives from the Division of Highways; the Department of Administration; and representatives from vendors involved in the RFQ. The Legislative Auditor also obtained documents relating to the attempted purchase of the side-wing snow plows. Every aspect of this review complied with Generally Accepted Government Auditing Standards (GAGAS).

Issue 1

The Division of Highways Wrote an RFQ With Identical Specifications of One Vendor in Order to Restrict Competition and to Pay for Side-Wing Snowplows That Were Already in Its Possession.

Issue Summary

In May 2006, the Division of Highways submitted a Request for Quotation (RFQ) for three side-wing snowplows. It was later revealed that the Division had already made an arrangement with Tenco U.S.A. Inc., to test side-wing snowplows in 2005. The side-wing snowplows were still in the possession of the Division of Highways when the RFQ was submitted to the Division of Purchasing. The RFQ included strict specifications that matched the product and service already supplied by Tenco U.S.A. Inc. Thus, the Legislative Auditor concludes that the Division submitted a RFQ, which intentionally limited competition among other vendors. The Division's actions appear to be a payment process in order to compensate Tenco for the snowplows already provided.

In May 2006, the Division of Highways submitted a Request for Quotation (RFQ) for three side-wing snowplows. It was later revealed that the Division had already made an arrangement with Tenco U.S.A. Inc., to test side-wing snowplows in 2005. The side-wing snowplows were still in the possession of the Division of Highways when the RFQ was submitted to the Division of Purchasing.

The Division of Highways Arranged to Have Side-Wing Snowplows Installed on Three Vehicles

In June 2005, the Equipment Division within the Division of Highways (DOH) contacted Tenco U.S.A. Inc., regarding the company's side-wing snowplows. DOH reportedly contacted Tenco as a result of a recommendation from Highways officials from the state of Pennsylvania. In addition to a front-mounted snowplow, Tenco's snowplows include two side-wing attachments on the left and right. (See photograph in Appendix B). The purpose of the side-wings is to increase the efficiency of plowing the snow. Tenco U.S.A. Inc., manufactures these devices, and states that the side-wings are considered unique.

In a letter dated June 3, 2005, Tenco U.S.A. Inc., confirmed a conversation with the DOH Equipment Division Director regarding left wing, right wing, and plows for three existing Mack trucks (see Appendix C). In the letter, the Vice President of Tenco stated:

It is my intention to furnish and install equipment in the enclosed quote on three (3) of your existing Mack trucks for your evaluation. I will make myself available to train your operators in the art of snow removal on multiple lane highways. Tenco USA Inc., will send drivers to pick up your trucks, mount the equipment and return the trucks to you. If the equipment does not meet your expectations Tenco USA Inc., will pick up the trucks, remove the equipment and return the trucks back to you. It is further understood

*there will be some permanent alterations to your trucks and that the State of West Virginia will not hold Tenco USA Inc., liable for these alterations to your trucks. **I have included a quotation with your cost if you choose to purchase the equipment.** (emphasis added)*

There is no documentation indicating that the West Virginia Division of Purchasing was involved or aware of this arrangement that had been made between the Division of Highways and Tenco.

The quote attached to the letter was for \$29,608 per truck. There is no documentation indicating that the West Virginia Division of Purchasing was involved or aware of this arrangement that had been made between the Division of Highways and Tenco. There is also no documentation stating how long or to what extent the snowplows could be tested by the Division of Highways. Additionally, it was indicated to the Vice President of Tenco by the Director of DOH's Equipment Division that the plows would be purchased if found to be satisfactory.

A Request for Quotation (RFQ) was submitted by the Division of Highways for three front-mounted wing snowplows on May 2, 2006, with a bid opening date for May 31, 2006.

As agreed upon, Tenco obtained three vehicles from the Division of Highways on July 5, 2005, took the vehicles to its shop in New York, installed the snowplow devices, and returned the modified vehicles to the Division on October 3, 2005. A demonstration of the snowplows took place on October 12, 2005 at Clarksburg on the FBI Headquarters road. DOH's Highway Operations Engineer and the State Highway Engineer were present, as well as other district managers.

Division of Highways Officials Submitted an RFQ with Similar Specifications to the Side-Wing Snowplows Already Installed by Tenco U.S.A. Inc.

According to DOH employees, testing of the side-wing snowplows was satisfactory, and the Division of Highways completed a State of West Virginia Purchasing Division Purchase Requisition on March 29, 2006 (Req. No. 70-7-E0010 in Appendix D). According to the requisition, the total estimated value of the requisition was \$99,000.

The RFQ completed by the Division of Highways included a 14 page listing of specifications for the side-wing snowplows.

A Request for Quotation (RFQ) was submitted by the Division of Highways for three front-mounted wing snowplows on May 2, 2006, with a bid opening date for May 31, 2006. Additionally, the RFQ stated that a mandatory pre-bid conference would be held on May 18, 2006.

The Division of Highways Limited Competition from Vendors Other than Tenco U.S.A. Inc., With Tightly Written Specifications

The RFQ completed by the Division of Highways included a 14 page listing of specifications for the side-wing snowplows (see Appendix E). It is the opinion of the Legislative Auditor that the Division restricted the competition by vendors other than Tenco by including the following statement on page 2 of the specifications:

All specifications preceded by “shall and/or must” or are stated as “minimum or maximum” are mandatory. Any bid failing to meet any mandatory item shall be immediately disqualified.

The specifications include language regarding a unit available for testing, delivery and installation of the units, and training for use of the units. This language appears to match the service and installation that had already been provided to the Division by Tenco U.S.A. Inc. Nine pages of the specifications include the actual specifics for the side-wing snowplow unit(s). Within these unit specifications the words “shall” and “must” are used 116 times. The word “minimum” is used 32 times. It must be noted that the specifications were written by the Division of Highways Fleet Planning Supervisor, the Equipment Division Director, the Equipment Division Director’s Secretary, the Field Operations Engineer, and the State Highways Engineer. In addition, the Purchasing Section of the Division of Highways was aware of the wing plows already being in DOH’s possession.

The specifications that were submitted by Tenco U.S.A. Inc, to the Division of Highways match the specifications that were in the Division’s RFQ.

As a result of these submitted specifications with multiple mandatory requirements, the Legislative Auditor finds that the Division of Highways deliberately limited competition from other vendors. According to a representative from Tenco U.S.A. Inc., the Division of Highways requested and was provided with the specifications for the side-wing snowplows. The representative stated that he did not know the purpose of this request. Upon review by the Legislative Auditor, the specifications that were submitted by Tenco U.S.A. Inc, to the Division of Highways match the specifications that were in the Division’s RFQ. The Director of the DOH’s Finance Division stated that:

The intent was to use the Tenco specifications or equal in procuring the wing plows.

When asked by the Legislative Auditor:

Were the specifications intentionally written to match the product and service already provided by Tenco U.S.A.?

The Director of the DOH’s Finance Division responded by stating:

Yes.

Pre-bid Conference Was Held With Two Vendors

As scheduled, the Pre-bid conference was held at the Division of Purchasing's office in Charleston on May 18, 2006. Two vendors were in attendance at the meeting: a representative from Tenco U.S.A. Inc., and a representative from West Virginia Tractor Company. The Legislative Auditor contacted the representative of West Virginia Tractor Company to obtain his assessment of the pre-bid meeting. The representative stated to the Legislative Auditor that he believed the specifications were tight, although he was not overly concerned. He specifically stated that he:

...had no evidence that the specifications were written to deter competition.

The Legislative Auditor informed the representative from West Virginia Tractor Company that DOH was already in possession of the units from Tenco U.S.A. Inc. that matched the specifications. Upon being informed of this, he maintained that he still did not feel that he was at a disadvantage. The representative from West Virginia Tractor Company stated that his manufacturer may have possibly been able to meet the specifications, but would have had to modify its standard equipment. He also indicated that West Virginia Tractor Company may not have had time to mount the plows within the time frame requested due to a busy shop. While, the representative from West Virginia Tractor Company may not have felt at a competitive disadvantage, the tight restrictions may have prevented other vendors from even attending the pre-bid conference. In addition, the time restrictions limited West Virginia Tractor Company. The time restrictions would not have limited Tenco U.S.A. Inc., since the snowplows were already installed.

The time restrictions would not have limited Tenco U.S.A. Inc., since the snowplows were already installed.

Four Other Vendors Opted Not to Attend the Pre-bid Conference

The Legislative Auditor contacted the four vendors besides Tenco U.S.A. Inc., and West Virginia Tractor Company that were sent the RFQ. These four vendors did not attend the Pre-Bid Conference. The four other vendors were: Monroe Truck Equipment based in Wisconsin; Valk Manufacturing Company based in Pennsylvania; Baker Truck Equipment Company based in Charleston, WV; and L.H. Jones Equipment based in Morgantown, WV.

Two of the vendors - Valk Manufacturing Company and Baker Truck Equipment Company - both stated to the Legislative Auditor that they did not respond to the RFQ because the companies do not manufacture "side-wing snowplows." Monroe Truck Company stated to the Legislative Auditor that:

The Monroe Truck Company did not respond to the request for quotation because the company could not match the specifications. The Monroe Truck Company manufactures

plows that are much different than that described by the request for quotation.

L.H. Jones Equipment submitted a letter to the Legislative Auditor regarding the RFQ. As a result of reviewing the RFQ, the representative from L.H. Jones Equipment stated in the letter that:

...the specification for the plows seemed targeted at one particular manufacturer, given the specificity of the requirements. (emphasis added)

The representative from L.H. Jones Equipment went on to say another factor in not attending the Pre-Bid Conference was that while the specifications for wing plow units were almost eight pages in length, the hydraulic component was vague. Because of the vagueness, the representative for L.H. Jones could not determine what the intent of the specification was. The representative further summarized as follows:

On May 24, 2006, the Division of Purchasing cancelled the Division of Highway's RFQ for side-wing snowplows in its entirety.

The existence of L.H. Jones Equipment Company has revolved around similar requests for quotations from many state and municipal governments for over thirty years. The learned expertise we have in this area, intimate knowledge of state procurement specifications and procedures, in conjunction with the specificity of the wing plow requirements, and vagueness of the hydraulic component specification led us to believe that a specific vendor was being sought for this Request for Quotation. Therefore L.H. Jones Equipment Company opted not to respond to the Request for Quotation.

Thus, the specifications in the RFQ discouraged other vendors to participate in the bidding for the side-wing snowplows.

Division of Purchasing Cancels RFQ in Its Entirety

On May 24, 2006, the Division of Purchasing cancelled the Division of Highway's RFQ for side-wing snowplows in its entirety. The Legislative Auditor contacted the Secretary of Administration in order to determine why the RFQ was cancelled. The Secretary stated that:

The Department of Administration requested that Purchasing cancel the RFQ because it was my belief the Division of Highways was requesting to procure an item it already possessed.

The Secretary of Administration stated that this belief was due to an "unofficial" telephone call from an employee of the DOH that occurred several hours after the Pre-Bid conference. The caller informed the Purchasing Division that the plows had been acquired by the Equipment Division almost 10 months prior to the bid. This instance was the

Furthermore, the Secretary of Administration stated to the Legislative Auditor that the Division of Highways never sought advice from Purchasing or the Department of Administration on the proper way to purchase the side-wing snow plows before or after the test with Tenco was arranged.

The Legislative Auditor concludes that the actions of the Division of Highways was simply a method to pay the vendor - Tenco U.S.A. Inc. - for the side-wing snowplows that had already been provided. The specifications, as written, clearly show preference to a specific vendor - Tenco U.S.A. Inc.

The Division of Purchasing appropriately cancelled the RFQ.

first time that the Purchasing Division or Department of Administration had been made aware that DOH was already in possession of the snow plows. Furthermore, the Secretary of Administration stated to the Legislative Auditor that **the Division of Highways never sought advice from Purchasing or the Department of Administration on the proper way to purchase the side-wing snow plows before or after the test with Tenco was arranged.** Thus, it is the opinion of the Legislative Auditor that the cancellation of the RFQ by the Purchasing Division was justified.

The Division of Highway's Actions Appear to Be a Payment Process

The representative from Tenco stated that these three units were installed at an approximate cost of \$33,000 per unit. It must be noted that this \$33,000 per unit cost matches the \$99,000 amount for three snowplows in the original DOH purchase requisition. Thus, the Legislative Auditor concludes that the actions of the Division of Highways was simply a method to pay the vendor - Tenco U.S.A. Inc. - for the side-wing snowplows that had already been provided. The specifications, as written, clearly show preference to a specific vendor - Tenco U.S.A. Inc. The Director of the Finance Division within the DOH stated that:

We were trying to do a sole source purchase or a direct purchase. (emphasis added)

The Legislative Auditor finds that the Division of Highway's actions do not match this statement. An attempt to make a sole source purchase or a direct purchase from one vendor that eventually involved two vendors is deceptive. West Virginia Code states in §5A-3-10 that:

A purchase of and contract for commodities, printing and services shall be based, whenever possible, on competitive bids.

The Code also states in §5A-3-3 that the Director of Purchasing has the duty to:

Assure that the specifications and commodity descriptions in all "requests for quotations" are prepared so as to permit all potential suppliers-vendors who can meet the requirements of the state an opportunity to bid and to assure that the specifications and descriptions do not favor a particular brand or vendor.

The Division of Purchasing appropriately cancelled the RFQ. **The specifications submitted by the Division of Highways clearly favor a particular vendor.** The Division appears to have restricted the competition by using specifications identical to the specifications of Tenco's side-wing snowplows.

The Three Side-Wing Snow Plows are Returned to Tenco U.S.A. Inc.

As a result of the RFQ being cancelled by the Division of Purchasing, the side-wing snowplows were returned to Tenco U.S.A. Inc. According to DOH officials, there was no cost to the State for returning the snowplows.

The Division of Highways Resubmitted a RFQ for Side-wing Snowplows.

On October 2, 2006, the Division of Highways resubmitted an RFQ for three side-wing snowplows. This resubmission was soon replaced on October 5, 2006 by RFQ (70-7-EC013), which was an open-ended contract for side-wing snowplows. The new RFQ appears to be less restrictive than the May 2006 RFQ, but may still contain specifications that are exclusive to Tenco U.S.A. Inc.'s side-wing snowplow. The Legislative Auditor contacted Howard P. Fairfield, LLC, a distributor of Henderson Snowplows. The representative identified three specifications within the RFQ that are "classic" to Tenco. Specification 7.5.3 relating to rubber compression resets rather than a spring made reset; specification 7.7.2 for the plow height; and specification 7.7.6 for trip section design were identified as being "classic" to Tenco U.S.A. Inc. While the specifications appear to be Tenco U.S.A. specific, the representative from Howard P. Fairfield, LLC, stated that:

...other companies could provide same as or similar to product.

He further stated that his company could respond to this RFQ with few exceptions. In a memorandum to the Division of Highways, the Director of the Division of Purchasing raised issue with the specifications that appear to be Tenco U.S.A. specific (see Appendix F). The memorandum cited West Virginia Code §5A-3-3 (10) which states that the Purchasing Director shall have the power and duty to:

Assure that the specifications and commodity descriptions in all "requests for quotations" are prepared so as to permit all potential suppliers-vendors who can meet the requirements of the state an opportunity to bid and to assure that the specifications and descriptions do not favor a particular brand or vendor. If the director determines that any such specifications or descriptions as written favor a particular brand or vendor or if it is decided, either before or after the bids are opened, that a commodity having different specifications or quality or in different quantity can be bought, the director may rewrite the "requests for quotations" and the matter shall be rebid.

As a result of this memorandum, the Division of Highways modified the three specifications that were cited by the Division of Purchasing (Appendix G). As a result, the specifications are less restrictive as previously written, and should allow vendors other than Tenco U.S.A. to bid on the RFQ. The RFQ bid opening is scheduled for November 22, 2006.

Pennsylvania Department of Transportation Uses General Specifications for Side-wing Snowplows.

Since the Division's interest in side-wing snowplows was initiated by a recommendation from highway officials in Pennsylvania, the Legislative Auditor contacted the Pennsylvania Department of Transportation (PENNDOT) regarding its purchasing practices for side-wing snowplows. The representative stated that PENNDOT has found utility in specifications being more general. According to the PENNDOT representative:

PENNDOT has found that using general specs has 1) lowered costs since vendors are providing their standard equipment 2) parts availability has increased for PENNDOT 3) resale of equipment is better.

Conclusion

The Legislative Auditor finds that the Division of Highways put equipment vendors at a competitive disadvantage against Tenco U.S.A. Inc. The Division submitted a Request for Quotation with specifications that matched specifications for side-wing snowplows that had already been installed on three Division of Highways vehicles. The Division's submission of a RFQ clearly favored a particular vendor over others and appears to be a deliberate attempt to pay the vendor - Tenco U.S.A. Inc. - for the product and service that had already been provided. As a result of the RFQ being cancelled, the Division resubmitted an RFQ in October 2006 which appears to be less restrictive, and should open up the bidding to vendors other than just Tenco U.S.A.

Recommendations

1. *The Legislative Auditor recommends that the Division of Highways seek assistance from the Division of Purchasing in future cases in which it receives equipment for testing purposes in which the purchase of the equipment is contemplated.*
2. *The Legislative Auditor recommends that the Purchasing Division should consider providing directives and training to state agencies on the proper procedure to follow when testing items that are being considered for purchase.*

Appendix A: Transmittal Letter to Agencies

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

August 18, 2006

Danny Ellis, Business Manager
Division of Highways
Building 5, Rm. 110
1900 Kanawha Boulevard, East
Charleston, WV 25305-0430

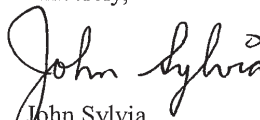
Dear Mr. Ellis:

This is to transmit a draft copy of the Full Performance Evaluation of the Division of Highways. This report is scheduled to be presented during the September 11-13, 2006, interim meeting of the Joint Committee on Government Operations. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committee may have.

We need to schedule an exit conference to discuss any concerns you may have with the report. We would like to have the meeting the week of August 21-25, 2006. Please notify us to schedule an exact time. In addition, we need your written response by noon on Wednesday, August 30, 2006, in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, September 7, 2006, to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,


John Sylvia

Enclosure

_____ *Joint Committee on Government and Finance* _____

WEST VIRGINIA LEGISLATURE
Performance Evaluation and Research Division

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Charleston, West Virginia 25305-0610
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John Sylvia
Director

August 23, 2006

Mr. Robert Ferguson, Cabinet Secretary
Department of Administration
1900 Kanawha Blvd., East
Building 1, Room E-119
Charleston, WV 25305-0120

Dear Secretary Ferguson:

This is to transmit a draft copy of the Full Performance Evaluation of the Division of Highways. This report is scheduled to be presented during the September 11 - 13, 2006 interim meeting of the Joint Committee on Government Operations. We will inform you of the exact time and location once the information becomes available.

If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify Denny Rhodes, Research Manager between August 23, 2006 and August 25, 2006. If you would like to provide a written response to be included in the final report, please submit by noon on August 30, 2006. If a representative from your agency would like to orally respond to the report or distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, September 7, 2006 to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

Handwritten signature of John Sylvia in black ink.
John Sylvia

Joint Committee on Government and Finance

Appendix B: Side-Wing Snowplows



Appendix C: Correspondence from Tenco U.S.A. Inc.



RECEIVED
EQUIPMENT DIV.
2005 JUN -9 AM 11: 04
WV DOT/DOH
BUCKHANNON, WV

June 3, 2005

State of West Virginia DOT
Attn: Bob Andrew, Division Director
PO Box 610
Buckhannon, West Virginia 26201

Dear Mr. Andrew:

This letter is to confirm our conversation regarding left wing, right wing, and plows for three (3) of your existing Mack trucks.

As per our conversation, I understand the State of West Virginia is in a growth pattern of your highway infrastructure. Your snow removal task on these improved highways, in my opinion will be eased through the following proposed snow and ice control equipment. It is my intention to furnish and install equipment in the enclosed quote on three (3) of your existing Mack trucks for your evaluation.

I will make myself available to train your operators in the art of snow removal on multiple lane highways.

Tenco USA Inc., will send drivers to pick up your trucks, mount the equipment and return the trucks to you. If the equipment does not meet your expectations Tenco USA Inc., will pick up the trucks, remove the equipment and return the trucks back to you.

It is further understood there will be some permanent alterations to your trucks and that the State of West Virginia will not hold Tenco USA Inc., liable for these alterations to your trucks.

I have included a quotation with your cost if you choose to purchase the equipment.

If you have any further questions please feel free to contact me at 800-808-3626.

Sincerely,

A handwritten signature in black ink that reads "Steven Eaton".

Steven Eaton
Vice President

5700 S. Lima Rd. • P.O. Box 635 • Lakeville, NY 14480-0635
Phone (585) 346-3040 • Fax (585) 346-2982 • 1-800-808-3626
e-mail: tencoUSA@worldnet.att.net
website: www.tencousa.com

Tenco U.S.A. Inc.
 5700 S. Lima Rd.
 P.O.Box 635
 LAKEVILLE, NY 14480

Quote

Customer No.: WESTV
 Quote No.: 2683

Quote To: **STATE OF WEST VIRGINIA DOT**
 ATTN: BOB ANDREW
 PO BOX 610
 BUCKHANNON, WV 26201

Ship To: **STATE OF WEST VIRGINIA DOT**
 ATTN: BOB ANDREW
 PO BOX 610
 BUCKHANNON, WV 26201

Date		Ship Via		F.O.B.		Terms	
06/03/05				Origin		Net 30	
Purchase Order Number			Sales Person			Required	
			House			06/03/05	
Quantity		Item Number	Description	Unit Price	Amount	Required	
Required	Shipped					B.O.	
1.000		214210028	345-FW-FW	0.00	0.00		
2		218220032	FFH48-R 48" FRONT POST	0.00	0.00		
2		218300077	FAF2-R F-2 COMPLETE REAR POST	0.00	0.00		
2.000		217300037	TELESCOPIC PUSH ARM KIT	0.00	0.00		
1		215220031	P48R HINGE 4-8-30	0.00	0.00		
1		215220005	TCW-10S-38-N-R TC-110HD WING	29608.00	29608.00		
1.000		21522039	P48L 4-8-30 LEFT HINGE	0.00	0.00		
1		215220076	TCW-10H-38-N-L TC-110-HD LEFT HAND	0.00	0.00		
1			6 section air valve	0.00	0.00		
1			6 air controls on pedistal	0.00	0.00		
1			hoses & fittings	0.00	0.00		
1		211230070	TCP-12-S-42-E2-HA2 TC-144-H	0.00	0.00		
1.000		21122011	TC-132-144 DEFLECTOR	0.00	0.00		
1		21030050	INTER 1/2 FIXATION KIT	0.00	0.00		
1		12428048	RECTANGULAR LIGHT 72-5521	0.00	0.00		
					Quote subtotal	29608.00	✓
					Quote total	29608.00	

Thank You

Appendix D: DOH Purchase Requisition

WV-35 (Rev. 12/96)

State of West Virginia
Purchasing Division

RMA 3-28-2006
Page 1 of ___ Pages

PURCHASE REQUISITION RECEIVED

Req. No. 70-7-E0010	Req. Date 3-29-06	Buyer 33	PURCHASING DIVISION'S USE ONLY 2006 APR 28 A 10:17
FIMS Account No. 9917 2007 0803 276 076	TEAM Code P157907	Instructions: PURCHASING DIVISION STATE OF WV	
Agency/Invoice To W. Va. Division of Highways Finance Division - Room 221 Capitol Complex - Bldg. 5 Charleston, WV 25305			Entered in Req Track/Team
Agency/Ship To Robert G. Andrew W. Va. Division of Highways Equipment Division - P O Box 610 Buckhannon, WV 26201/ksc			By _____ Date 4-28-06
This Section Only For: Releases, Direct Purchases, Emergency Purchases & Agreements Vendor Name & Address			
Commodity Code: _____			

WVFIMS Vendor #	TEAM Vendor #	Bid Opening Date 5-31-06	Bid Opening Time
SBPO#	Terms	Advertising Dates 5-9, 5-12, 5-19 + 5-26	

Item No.	Quantity	Description	Unit Price	Amount
1	3	FRONT MOUNTED WING SNOWPLOW (LEFT, CENTER, RIGHT) Type of Purchase as described in attached Procurement Specification 019-1-A		

RECEIVED
APR 27 2006
Transportation Finance & Highways Business Management Director

Authorized Signature _____ Deputy State Highway Engineer-Operations	Total Estimated Value of this Requisition 99,000.00
Title _____	Suggested Vendors:
Telephone 558-6264	1.
Approved: _____ BUSINESS MANAGER	2.
	3.

Additional Vendors on Reverse Side

Appendix E: Side-Wing Snowplow Specifications

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
EQUIPMENT DIVISION

PROCUREMENT SPECIFICATIONS
NO. 019-1-A

FRONT MOUNTED WING SNOWPLOW (LEFT, CENTER, RIGHT)

1.0 PURPOSE

It is the purpose of these specifications to describe a Front Mounted Wing Snowplow (Left, Center, Right) (hereinafter referred to as a "plow" or a "unit") to be purchased for use by the West Virginia Division of Highways (DOH). The plows are to be mounted on a West Virginia Division of Highways Mack Granite Tandem Axle Dump Truck (64,000 GVW) by the successful bidder as a complete working attachment. All parts not specifically mentioned, but necessary in order to provide a complete unit, shall be furnished and shall conform in strength, quality of material, and workmanship. The plow shall be new and heavy duty industrial production and shall include all of the latest improvements in design and all standard equipment and features to meet the listed bid specifications. Units not conforming to these specifications will be rejected.

2.0 BIDDING PROCEDURES

The current purchasing procedures regarding bidding as established by the Department of Administration, Purchasing Division, shall apply. Failure to submit the "Request for Quotation" forms, complete in its entirety and according to directions indicated, may subject the bidder to disqualification. Each bid submitted shall also be accompanied by a Bidder's Evaluation Report completed in detail. FAILURE TO SUBMIT THE BIDDER'S EVALUATION REPORT, COMPLETE IN ITS ENTIRETY, MAY RESULT IN AUTOMATIC DISQUALIFICATION.

3.0 SPECIFICATIONS

The specifications named herein, mandatory and non-mandatory, establish the acceptable level of quality only and are not intended to reflect a preference or favor any particular brand or vendor.

3.1 EXCEPTIONS TO NON-MANDATORY SPECIFICATIONS

Exception to a non-mandatory unit specification may be made by the bidder, providing the exception is not available from the manufacturer. Any such exception must be noted on the bidder's evaluation report and should be accompanied by supporting documentation/literature from the manufacturer. Any exception must be indicated on a separate attachment to the bidder's evaluation report and labeled as "Exception to

Specifications". The state reserves the right to determine whether the stated exception does or does not reduce the quality and performance of the unit. Failure to provide information for any exceptions may be grounds for rejection of the bid. The state reserves the right to waive minor irregularities in bids or specifications in accordance with §148-1-4(f) of the WV Legislative Rules and Regulations.

3.2 MANDATORY SPECIFICATIONS

All specifications preceded by "shall and/or must" or are stated as a "minimum and/or maximum" are mandatory. Any bid failing to meet any mandatory item shall be immediately disqualified. Failure to respond in the appropriate evaluation section may also be grounds for immediate disqualification at the discretion of the State.

A mandatory pre-bid conference is scheduled for this equipment purchase as stated in the RFQ. Vendors having products with variations or exceptions in specified mandatory items are expected to address any such variations or exceptions during the pre-bid conference. The State shall review and consider any such variation or exception, and may at its sole discretion, issue an addendum to change mandatory specifications deemed to be in the State's best interest. Bids from any vendor failing to attend the mandatory pre-bid shall be disqualified. Bids containing any variation or exception to a mandatory specification that was not addressed during the pre-bid conference and accepted by the issuance of an Addendum shall be disqualified.

4.0 REPRESENTATIVE UNIT FOR TEST

The successful vendor must (if specified) provide DOH one (1) completed representative unit to be observed and evaluated on the first order only to insure compliance with specification. If requested, the time period for testing and evaluation shall be seven (7) calendar days following receipt of the unit. DOH will incur no obligation for deterioration of surfaces, finishes, seals, and mechanical or electrical parts on the unit resulting from operation and testing within the limits of these specifications; nor will DOH incur obligation for damage to the unit resulting from failure to meet specifications when due care and attention is given by DOH and testing is done within the limits of these specifications. Failure of the pilot unit to satisfactorily meet specifications as bid shall be cause for cancellation of the purchase order, and return of the delivered unit along with all associated equipment to the vendor at the vendor' expense.

4.1 CONDITION OF UNIT(S) UPON DELIVERY

All units must arrive at the prescribed delivery point having been completely preserviced with oil, lubricants, and coolant. All prescribed precautions pertaining to first operations and break-in of the unit are to be posted conspicuously on the unit for ready observance by the operator.

4.2 DELIVERY

Trucks are to be picked up at Division of Highways facilities and plows mounted at successful bidders facilities. After installation of plows etc., trucks to be delivered to the respective West Virginia Division of Highways facilities by successful bidder.

The vendor is responsible for guaranteeing delivery of the completed units within the time specified and agreed to by the State. Delivery is preferred within 135 days. The vendor is responsible for establishing and coordinating delivery terms with allied manufacturers or suppliers. Delivery terms shall be stated in the bid and the State reserves the right to accept or negotiate such terms. Failure to reach an agreement may result in rejection of the bid. The successful bidder shall provide their manufacturer's confirmation of the order to the WVDOH contact person within seven (7) working days after receiving the approved purchase order.

A completed pilot model for inspection must be provided within 45 calendar days after the date of the purchase agreement by the successful vendor.

Delivery is an integral part of this specification and failure to comply will be cause to initiate a D.O.T. Administrative Form WV-82, Vendor Performance Form. The WV-82 Form will provide a means of officially notifying the Purchasing Division and the vendor of unsatisfactory performance; such as late deliveries, poor service, inadequate parts supplies, etc.

The decision to initiate subject Form will be at the sole discretion of the D.O.H. Commissioner's established Equipment Review Board.

Issuance of the WV-82 Vendor Complaint Form on unsatisfactory delivery against any vendor will be cause to refuse to consider similar items from those vendors on future Request For Quotations.

(NOTE: Delivery time could be altered due to labor strikes, severe inclement weather conditions, etc.)

5.0 AWARD CRITERIA

- 5.1 DOH will recommend the award in accordance with the RFQ evaluation criteria described in the requisition. The award shall be made to the lowest unit cost vendor that meets or exceeds the specifications.

Prices for the units shall be in quantities of 1-3, which will be used for evaluation purposes.

6.0 SPECIFICATIONS AND GUIDELINES – GENERAL

6.1 IDENTIFICATION OF THE UNIT BEING PROPOSED

The bidder must identify the unit by manufacturer, model, series, and year of manufacture, in the bid to enable identification by DOH in the manufacturer's specifications of the proposed unit. The bidder will submit complete descriptive literature of the proposed unit, to establish that the bid is the manufacturer's most current model, including latest engineering improvements, which have been, or will imminently be, regularly advertised and sold on the open market. The unit specified herein and offered to be manufactured after January 1, 2006 and be clearly identified and marked with date of manufacture.

6.2 OPERATING AND SERVICE MANUALS AND PARTS LISTS

An operator's manual must be included with each unit upon delivery. A "line sheet" (if applicable) and Equipment Preventative Maintenance Questionnaire (as shown in X6.2 of the Bidder's Evaluation Report) must be with pilot unit upon delivery. In addition, there must be 12 service, shop, or maintenance manuals; ten (10) to be distributed to the Districts and two (2) for the Equipment Division. Also, there must be 14 parts manuals; ten (10) to be distributed to the Districts and four (4) for Equipment Division use. CD ROM is preferred in lieu of parts manuals.

* NOTE: MANUALS SHALL BE DELIVERED UPON COMPLETION OF DELIVERY OF TOTAL UNITS. FAILURE TO DO SO WILL DELAY PAYMENT.

6.3 TRAINING:

Manufacturers and/or dealers will be required to stage a thorough seminar on the subjects of Preventative Maintenance, Operator and Mechanic Training. In order to keep the operators and mechanics updated, the successful vendor shall conduct training with this purchase order. Training is preferred within 2 working days after delivery of the pilot unit on the individual purchase order.

Manufacturers and/or dealers shall be required to furnish the Training Academy with one (1) Operator's Manual.

The seminar to be held at the W. Va. Division of Highways, Equipment Division, Buckhannon, West Virginia.

6.4 PREVENTIVE MAINTENANCE AND OPERATOR PROCEDURES:

Manufacturers and/or dealers will be required to submit to the Equipment Division, in addition to the operating and service manuals, booklets and pamphlets explaining the Preventive Maintenance and Operator Procedures to be used by the operators of this

equipment, and must include such things as daily prestart inspection procedure, service schedule, and routine maintenance required, safety precautions, etc.

The successful vendor shall furnish all training aids; i.e., videos, projectors, etc. required in conducting the training.

6.5 WARRANTY AND SERVICE POLICY

The Manufacturers warranty or service policy is to apply to the unit. Such warranty or service policy is to be recognized at any authorized unit dealer, representing manufacturer of proposed unit throughout the State of West Virginia. The applicable warranty or service policy will not be contingent upon obtaining routine service, lubrication, and servicing of the unit from factory authorized agencies. It will be the responsibility of the bidder to have available labor to repair or replace any defective replacement parts, components and materials, and to have available those replacement parts, components, and/or materials found to be defective during the terms of the warranty period. The bidder should state the labor rates, locations where parts will be stocked, availability of parts, and discounts offered for parts, when terms of the warranty offer a pro-rated cost for parts and labor. In addition, the successful bidder should offer field work to repair or replace defective parts, components, and materials found to be defective during the terms of the warranty and should provide mechanic's travel rates, mileage charges, field mechanic rates, and any surcharge for miscellaneous items, if applicable, for field work during the warranty period. Submit to Division of Highways any technical or engineering improvements during the term of the warranty. The unit must be accompanied upon delivery by the unit's manufacturer's executed warranty or service policy.

THE "WARRANTY AND SERVICE POLICY QUESTIONNAIRE" ATTACHED IN THE BIDDER'S EVALUATION REPORT MUST BE COMPLETED IN ITS ENTIRETY BY THE SUCCESSFUL BIDDER OR MANUFACTURER PRIOR TO DELIVERY OF THE PILOT MODEL. (SEE SECTION X6.5 OF BIDDER'S EVALUATION REPORT).

6.6 EVALUATION COMMITTEE REQUIREMENTS

Detailed component specifications, product literature, component models, required for specification compliance determination by the Evaluation Committee should be provided with each bid. Any information supplied that is contrary to/or conflicting with the specifications and/or attached Bidders Evaluation Report may be sufficient cause for rejection of bid.

6.7 UNSPECIFIED ACCESSORIES & FEATURES

All parts, equipment, accessories, material, design and performance characteristics not specified herein, but which are necessary to provide a complete unit, must be furnished with each unit and required to conform to strength, quality of material, and quality of

workmanship to those which are advertised and provided to the market in general by the unit industry.

All parts and accessories advertised and regularly supplied as standard shall be included, except those which would represent duplication of these specified, and except those which, by specification, are not to be furnished. All standard safety features, required by Federal and State Law, shall be included.

7.0 SPECIFICATIONS OF THE QUOTED UNIT ARE AS FOLLOWS:

The hydraulic wing snowplow is to be designed for mounting on a tandem dump truck.

The hydraulic power for lifting etc. will be supplied by the truck central hydraulic system. However, the vendor shall supply the hose and fittings to connect plow systems to valving, located under the front bumper.

7.1 Front Hitch:

- 7.1.1 Front hitch designed as a universal heavy duty type unit to carry plows of weight specified when mounted on 64,000 GVW truck minimum
- 7.1.2 Top of hitch to be mounted to the frame rail of the truck, using minimum of seven (7) 1 inch Grade 8 bolts on each side.
- 7.1.3 Middle of front hitch shall extend out both sides to attach the front wing posts.

7.2 Front Wing Mast – Left

- 7.2.1 Wing mast shall not block OEM headlights
- 7.2.2 Wing post I-beam minimum seven (7) inch (17.8 CH) x 15.3 lb/ft.
- 7.2.3 Minimum wing post side lift shall be .6250 in/(1.588 CH) with a minimum lift from ground to bottom of plow edge for travel of 10 inches /(25 cm)
- 7.2.4 Front wing post cylinder shall be double acting ram-direct (no cables) with float and 500 PSI relief on the down side
- 7.2.5 Front wing post and support strut-girder arrangement shall be attached in such a way that the load is properly distributed to both chassis frame rails, without the use of bracing tubes
- 7.2.6 Support struts shall be no less than 1.250 in/(3.175 cm) diameter schedule 80ASTMA106 Grade A or B seamless pipe brace (minimum of two (2)) or equal.

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- 7.2.7 Horizontal support grinder to be 7 in./(17.8 CH) cross channel or 7 in. (17.8 CH) ship and car channel at 22.7 lb/ft or tubing 7 in/(17.8 CH) x 4 in (10 CH) x .3750 in/.9525 cm.
 - 7.2.8 Hinge assembly shall be detachable from the slider assembly of the wing mast. (Bolts minimum Grade 8, .6250 in/1.588 CH-N.C.)
 - 7.2.9 Wing post cross tube shall be mounted to truck frame members
 - 7.2.10 Wing shall have single acting cylinder which provides full power up
 - 7.2.11 Wing plow shall have a mechanical alarm system to alert the operator of the position of the plow
 - 7.2.11.1 Alarm system must be visible from driver's seat (Ref: EQN-60A)
 - 7.2.12 Front wing mast shall have a double acting cylinder vertical lift type, hydraulically controlled by a double acting cylinder direct lift.
 - 7.2.13 The front cylinder shall have a quick connect coupler/s.
 - 7.2.14 A 3 in/(7.6 CH x 15 in/(38 cm) minimum double acting cylinder from rear "A" frame to mold board to raise the rear of the wing and fold the wing close to the truck for transport.
 - 7.3 Front Wing Mast – Right
 - 7.3.1 Wing mast shall not block OEM headlights
 - 7.3.2 Wing post I-beam minimum seven (7) inch (17.8 CH) x 15.3 lb/ft.
 - 7.3.3 Minimum wing post side lift shall be .6250 in/(1.588 CH) with a minimum lift from ground to bottom of plow edge for travel of 10 inches /(25 cm)
 - 7.3.4 Front wing post cylinder shall be double acting ram-direct (no cables) with float and 500 PSI relief on the down side
 - 7.3.5 Front wing post and support strut-girder arrangement shall be attached in such a way that the load is properly distributed to both chassis frame rails, without the use of bracing tubes
 - 7.3.6 Support struts shall be no less than 1.250 in/(3.175 cm) diameter schedule 80ASTMA106 Grade A or B seamless pipe brace (minimum of two (2)) or equal.
 - 7.3.7 Horizontal support grinder to be 7 in./(17.8 CH) cross channel or 7 in. (17.8 CH) ship and car channel at 22.7 lb/ft or tubing 7 in/(17.8 CH) x 4 in (10 CH) x .3750 in/.9525 cm.

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- 7.3.8 Hinge assembly shall be detachable from the slider assembly of the wing mast. (Bolts minimum Grade 8, .6250 in/1.588 CH-N.C.)
 - 7.3.9 Wing post cross tube shall be mounted to truck frame members
 - 7.3.10 Wing shall have single acting cylinder which provides full power up
 - 7.3.11 Wing plow shall have a mechanical alarm system to alert the operator of the position of the plow
 - 7.3.11.1 Alarm system must be visible from driver's seat (Ref: EQN-60A)
 - 7.3.12 Front wing mast shall have a double acting cylinder vertical lift type, hydraulically controlled by a double acting cylinder direct lift.
 - 7.3.13 The front cylinder shall have a quick connect coupler/s.
 - 7.3.14 A 3 in/(7.6 CH x 15 in/(38 cm) minimum double acting cylinder from rear "A" frame to mold board to raise the rear of the wing and fold the wing close to the truck for transport.
 - 7.4 Rear Wing Tower:
 - 7.4.1 Rear wing truck attachment shall be no less than 8 inch I-beam of 23 lb/ft.
 - 7.4.1.1 I-beam shall be supported by minimum 3/8 inch half moon steel
 - 7.4.2 Rear wing shall have two (2) point attachment for the bottom push arms and for the tilt cylinder to lift the wing into the carry position.
 - 7.4.3 Attachment to the truck shall be no less than 1 inch x 5 inch plate steel across the top of the truck frame as close to the cab as possible
 - 7.4.3.1 This plate shall have gussets at the high stress points
 - 7.4.3.2 Welded to this point shall be no less than 4 inch x 3 inch x 3/8 inch angle which shall run parallel to the truck frame and bolt tight to the same.
 - 7.4.3.3 This angle to the rear post shall be braced
 - 7.4.4 Attachment shall be designed to allow for adjustment of angle as well as height at time of installation to assure proper operation.
 - 7.4.5 There shall be a valve enclosure box with cover bolted to this rear attachment

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- 7.5 Wing Stand Off Arms:
- 7.5.1 Wing push arms shall be of the heavy duty type
- 7.5.2 Bottom push arms shall be constructed of outer tube no less than 4 inch x 4 inch x 3/8 inch square tube with an inner tube no less than 3 inch x 3 inch x 3/8 inch (THAT WILL SLIDE INSIDE OF THE OUTER TUBE)
- 7.5.2.1 There shall be no less than 2 1/2 inch x 27 inch cylinder to slide the inner tube through the outer tube to adjust push arm length
- 7.5.2.2 There shall be no less than a 2 1/2 inch x 27 inch cylinder that attaches to the two (2) point attachment on the truck and to the bottom push arm to lift and tuck the wing in as tight to the truck as possible.
- 7.5.2.3 Cylinders shall be nitrated for superior wear and corrosion resistant
- 7.6 Rear Wing Tower Left Hand:
- 7.6.1 Rear wing truck attachment shall be no less than 8 inch I-beam of 23 lb/ft
- 7.6.1.1 I-beam shall be supported by minimum 3/8 inch half moon steel
- 7.6.2 Rear wing shall have two (2) point attachment for the bottom push arms and for the tilt cylinder to lift the wing into the carry position.
- 7.6.3 Attachment to the truck shall be no less than 1 inch x 5 inch plate steel across the top of the truck frame as close to the cab as possible.
- 7.6.3.1 This plate shall have gussets at the high stress points
- 7.6.3.2 Welded to this point shall be no less than 4 inch x 3 inch x 3/8 inch angle which shall run parallel to the truck frame and bolt tight to the same
- 7.6.3.3 This angle to the rear post shall be braced
- 7.6.4 Attachment shall be designed to allow for adjustment of angle as well as height at time of installation to assure proper operation.
- 7.6.5 There shall be a valve enclosure box with cover bolted to this rear attachment
- 7.7 Wing Stand Off Arms Left Hand:
- 7.7.1 Wing push arms shall be of the heavy duty type

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- 7.7.2 Bottom push arms shall be constructed of outer tube no less than 4 inch x 4 inch x 3/8 inch square tube with an inner tube no less than 3 inch x 3 inch x 3/8 inch (THAT WILL SLIDE INSIDE OF THE OUTER TUBE)
 - 7.7.2.1 There shall be no less than a 2 1/2 inch x 27 inch cylinder that slide the inner tube through the outer tube to adjust push arm length
 - 7.7.2.2 There shall be no less than a 2 1/2 inch x 27 inch cylinder that attaches to the two (2) point attachment on the truck and to the bottom push arm to lift and tuck the wing in as tight to the truck as possible.
 - 7.7.2.3 Cylinders shall be nitrated for superior wear and corrosion resistant.
 - 7.8 Trip Wing Hinge:
 - 7.8.1 The wing shall be attached to the front wing post with a trip hinge
 - 7.8.2 The hinge shall be designed to allow the wing to trip and reset automatically when hitting an obstruction
 - 7.8.3 The reset shall be with a rubber compression and not with coil spring
 - 7.8.4 The hinge should have two (2) offset hinges to lift the wing as it trips.
 - 7.9 Trip Wing Hinge Left Hand:
 - 7.9.1 Wing shall be attached to the front wing post with a trip hinge
 - 7.9.2 Hinge shall be designed to allow the wing to trip and reset automatically when hitting an obstruction
 - 7.9.3 The reset shall be with a rubber compression and not with coil spring
 - 7.9.4 The hinge should have two (2) offset hinges to lift the wing as it trips
 - 7.10 Side Wing (Right Side):
 - 7.10.1 Side wing shall be designed for the right side of the truck and shall be heavy duty
 - 7.10.2 Side wing over all length approximately 132 inches with 120 inch x 8 1/2 inch cutting edge minimum
 - 7.10.3 Nose height approximately 32 inches and discharge height approximately 39 1/2 inches.

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- 7.10.4 Cutting edge backer shall be 4 inches x 6 inches x 5/8 inches with gussets and punched to accept 8 inch or 3 inch – 3 inch – 12 inch punch cutting edge
 - 7.10.5 Backer shall have a minimum of 5 3/8 inch ribs
 - 7.10.6 The leader shall be a minimum of 1 inch plate steel and shall have two (2) holes to accept a 1 1/4 inch wing bolt
 - 7.10.7 The top of the ribs shall be welded to a 3 inch x 3 inch x 3/8 inch angle (minimum) running the full length of the top of the wing
 - 7.10.8 Wing skin must be no less than 10 gauge steel
 - 7.10.9 Back of wing must have several places longitudinally to allow the push arms to be attached at proper angles
 - 7.10.10 Steel on wing shall be sand blasted before primer and back of wing shall be painted orange (Sico #517553 or equal).
 - 7.11 Side Wing (Left Side):
 - 7.11.1 Side wing shall be designed for the left side of the truck and shall be heavy duty.
 - 7.11.2 Side wing over all length approximately 132 inches with 120 inch x 8 1/2 inch cutting edge minimum
 - 7.11.3 Nose height approximately 32 inches and discharge height approximately 39 1/2 inches.
 - 7.11.4 Cutting edge backer shall be 4 inches x 6 inches x 5/8 inches with gussets and punched to accept 8 inch or 3 inch – 3 inch – 12 inch punched cutting edge
 - 7.11.5 Backer shall have a minimum of 5 3/8 inch ribs
 - 7.11.6 The leader shall be a minimum of 1 inch plate steel and shall have two (2) holes to accept a 1 1/4 inch wing bolt
 - 7.11.7 The top of the ribs shall be welded to a 3 inch x 3 inch x 3/8 inch angle (minimum) running the full length of the top of the wing
 - 7.11.8 Wing skin must be no less than 10 gauge steel
 - 7.11.9 Back of wing must have several places longitudinally to allow the push arms to be attached at proper angles.

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- 7.11.10 Steel on wing shall be sand blasted before primer and back of wing shall be painted Orange (Sico #517553 or equal).
- 7.12 Reversible:
- 7.12.1 Plow shall have a clearing path of 12 feet in the bulldozer position and shall clear 9 feet 8 inches at 30 degrees.
- 7.12.2 Overall height of plow shall be maximum 42 inches
- 7.12.3 Top of mold board shall have minimum 1 1/2 inch x 2 1/2 inch tubular steel running parallel to the ground
- 7.12.3.1 A minimum of seven (7) 3/8 inch ribs shall be welded to this tube
- 7.12.3.2 Bottom of ribs shall be welded to a 4 inch x 6 inch x 5/8 inch (minimum) boxed hinge and spring support
- 7.12.4 Hinges shall be the support for the trip edge section.
- 7.12.5 Cutting edge backer shall be a minimum of 4 inch x 4 inch x 3/4 inch angle supported by a minimum of six (6) plate hinges flame cut of a minimum of 5/8 inch steel
- 7.12.6 Trip section shall be one (1) piece trip and shall become three (3) section by removing two (2) 1 inch section bolts allowing the cutting edge to be three (3) section trip
- 7.12.7 Trip section shall be reset after hitting an obstruction by coil springs mounted vertical behind the trip mechanism
- 7.12.8 Coil spring shall be wound of 7/8 inch wire (minimum) and have a minimum of eight (8) coils
- 7.12.9 Should be a minimum of two (2) spring retainer holes to allow for spring tension adjustment
- 7.12.10 Replaceable cutting edge shall be 1/2 inch x 8 inches mounted by 5/8 inch bolts on 8 inch center
- 7.12.11 Backer iron for cutting edge shall be punched to receive both 8 inch AHD 3-3-12 replacement edges.
- 7.12.12 Two (2) mold board shoes and two (2) curb shoes; one (1) left side and one (1) right side to be provided
- 7.12.12.1 Curb shoes to be minimum of 1 1/2 foot shaft with 65K Rockwell hardness

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- 7.12.13 Mold board skin shall be no less than 10 gauge steel and shall be welded to the top, ribs, and bottom supports
 - 7.12.14 A-frame to be minimum of 4 inch x 4 inch x 3/8 inch tubular steel and pin to the main frame support tube
 - 7.12.15 Main frame support tube to be no less than 4 inch x 4 inch x 3/8 inch tubing
 - 7.12.16 A-frame reversing table shall be flame cut 1/2 inch plate steel and shall be a minimum of 9 inches wide.
 - 7.12.17 The evener plate shall have stops to restrict the plow from listing more than 25 degrees
 - 7.12.18 Plow to be attached to the truck with two (2) ears of 1 inch steel (minimum)
 - 7.12.18.1 Ears to be on 31 inch centers
 - 7.12.19 Reversing to be achieved with two (2) industrial type cylinders with a 1 1/2 inch shaft, 3 inch barrel and a 18 inch stroke
 - 7.12.19.1 Cylinders must be protected with built in cushion valve
 - 7.12.20 Push frame shall pin to the mold board providing the capability of adjusting the cutting edge angle to the road after the plow has been attached to the truck
 - 7.12.21 The lifting device shall be a pulley and cable design to allow the plow to be raised with a minimum of lift.
 - 7.12.22 All steel shall be sand blasted and painted
 - 7.13 Control Valves:
 - 7.13.1 Control valves must be commercial or equal
 - 7.13.2 There shall be six (6) section right front wing, right rear wing, right telescopic, left front wing, left rear wing and left telescopic.
 - 7.13.3 The cab controls push pull cables to be Wescon Model #08-5700-08 or equal
 - 7.13.4 Controls for dump body shall have built in lock out to prevent accidental actuation.
 - 7.13.5 Controls to be mounted as directed by West Virginia of Highways Equipment Division.

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- 7.13.6 Valves shall have a built in relief
 - 7.14 Hoses and Fittings:
 - 7.14.1 All hydraulic hoses and fittings shall be JIC with o-ring boss thread adaptors.
 - 7.14.2 Hoses and fittings to be placed so as not to be damaged from rubbing or heat
 - 7.14.3 As needed, hoses shall be wrapped with loom for protection.
 - 7.15 Installation:
 - 7.15.1 Equipment shall be mounted neatly on truck furnished by Division of Highways
 - 7.15.2 Installation to include all hoses, fittings, and other appurtenance required to have a complete and ready unit.
 - 7.15.3 Shall be plow lights top of plow frame mounted with the system
 - 7.15.4 All steel shall be sandblasted before primer and paint is applied.
 - 7.15.5 Vendor must have insurance to cover trucks while at mounting facility and during transport.
 - 7.16 Unit shall include all other features considered as standard equipment but not specifically addressed above.
 - 7.17 Vendor must certify that snowplow offered will comply with the Occupational Safety and Health Act of 1970 and subsequent amendments.
 - 7.18 Advertising: Manufacturer shall attach a metal plate on the reverse side of the moldboard stating manufacturer, series or model number, size and type of blade (approximately 6 inch to 8 inch square). Date of manufacturer shall also be stamped on plate or moldboard. No large decals or painted advertisement is permitted.
 - 7.19 All loose hardware to be in a separate container for each plow and shipped with each plow.

Appendix F: Memorandum from Purchasing Division



JOE MANCHIN III
GOVERNOR


STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
PURCHASING DIVISION
2018 WASHINGTON STREET, EAST
P.O. BOX 50130
CHARLESTON, WEST VIRGINIA 25305-0130

ROBERT W. FERGUSON, JR.
CABINET SECRETARY

DAVID TINCHER
DIRECTOR

Sent via facsimile and hand delivered

TO: Angie Moonman, Procurement Officer
Division of Highways

FROM: Dave Tinchler, Director 
Purchasing Division

DATE: November 3, 2006

RE: DOH RFQ 70-7-EC013 - Front Wing Mounted Snow Plows

It has been brought to our attention that specifications contained for the equipment described in the RFQ favor equipment offered by Tenco, U.S.A. Specifically, we believe that specification 7.5.3 relating to rubber compression resets; specification 7.7.2 relating to snow plow height; and specification 7.7.6 relating to three sections trips favor Tenco U.S.A. and cannot be met by any other potential bidder, thus restricting competition.

The West Virginia Code §5A-3-3(10) states that the Purchasing Director shall have the power and duty to:

(10) Assure that the specifications and commodity descriptions in all "requests for quotations" are prepared so as to permit all potential suppliers-vendors who can meet the requirements of the state an opportunity to bid and to assure that the specifications and descriptions do not favor a particular brand or vendor. If the director determines that any such specifications or descriptions as written favor a particular brand or vendor or if it is decided, either before or after the bids are opened, that a commodity having different specifications or quality or in different quantity can be bought, the director may rewrite the "requests for quotations" and the matter shall be rebid.

Accordingly, DOH must submit an official Addendum to be received by the Purchasing Division no later than the close of business Monday, November 6, 2006 that modifies the specifications mentioned above, and any and all other specification requirements that favor Tenco U.S.A. or any other bidder. Failure to comply will cause the Purchasing Division to issue an official Addendum relaxing any and all requirements to permit all potential suppliers-vendors an opportunity to compete.

DT/dw

cc: Robert W. Ferguson, Jr., Cabinet Secretary, Department of Administration
Jim Kirby, General Counsel, Department of Administration

PHONE (304) 558-2308

E E O/AFFIRMATIVE ACTION EMPLOYER

FAX (304) 560-4116

Appendix G: Addendum to RFQ (70-7-EC013)

WV PURCHASING ACA SECT Fax 304-558-4115

Nov 9 2006 11:46am P003/004

2

ADDENDUM #1
OPEN END CONTRACT
707EC013
FRONT MOUNTED WING SNOWPLOW (LEFT, CENTER, RIGHT)

CHANGES TO SPECIFICATIONS:

FROM:

7.5.3 The reset shall be with a rubber compression and not with coil spring

TO:

7.5.3 Trip section shall be reset after hitting an obstruction by torsion or by coil springs.

FROM:

7.7.2 Overall height of plow shall be maximum 42 inches

TO:

7.7.2 Overall height of plow should be approximately 42 inches

FROM:

7.7.6 Trip section shall be one (1) piece trip and shall become three (3) section by removing two (2) 1 inch section bolts allowing the cutting edge to be three (3) section trip.

TO:

7.7.6 Trip section should be designed to allow one (1) piece trip to become a multiple section trip; thus reducing shock to moldboard and extending life of plow.

Appendix H: Agency Responses

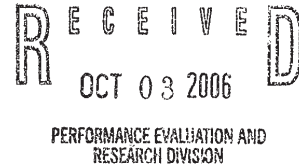


WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • 304/558-3505

Joe Manchin III
Governor

September 28, 2006



Mr. John Sylvia, Director
Performance Evaluation and Research Division
Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610

Dear Mr. Sylvia:

This is in response to your September 26, 2006 letter transmitting the updated draft copy of the Full Performance Evaluation. Subsequent to your letter of August 18, 2006, and our meeting of August 25, 2006, the Division of Highways (DOH) has drafted the following responses to your report.

- The DOH is frequently in search of better equipment and operational methods that will provide efficiencies and cost savings for our operations. The DOH attends various meetings with other state officials as well as trade shows to seek methods and/or equipment that have proven beneficial to other agencies similar to the WVDOH.
- The DOH submitted the equipment specifications for the hydraulic control wing plow to the Purchasing Division. As is normal, the Purchasing Division reviewed these specifications and proceeded to advertise for quotations and arrange the pre-bid conference.
- The mandatory language referred to by the Auditor is included as standard language for all equipment purchase contracts the DOH sends through Purchasing Division.
- The DOH follows Purchasing Division guidelines for equipment purchases and many times revises specifications to address concerns by Purchasing Division or vendor concerns through the pre-bid meeting.
- All equipment specifications utilize the "shall and/or must" and "minimum or maximum" language. This is done in an effort to obtain quality built and reliable equipment.

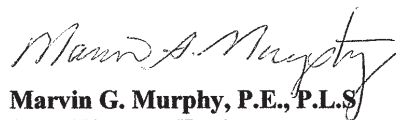
E.E.O./AFFIRMATIVE ACTION EMPLOYER

Mr. John Sylvia
September 28, 2006
Page Two

- **The DOH does not believe that these specifications placed any vendor at a competitive disadvantage. The vendors that were present at the pre-bid did not feel they were at any competitive disadvantage with these specifications as well, as evidenced by their own statement. The Purchasing Division did not believe the specifications had limited competition either until after the pre-bid meeting.**
- **Statements from other potential vendors prove that wide spread competition for this type of system was not available. Had the one vendor expressed their concerns to the DOH or Purchasing Division either before or during the pre-bid meeting, these concerns could have been addressed by addendum to the specifications as is the normal process.**
- **The Auditors investigation has shown that the DOH and Purchasing Division work closely together to assure compliance with State Code. Section 3.2 of these specifications provide for any vendor to present products with variations or exceptions to mandatory items in the specifications.**
- **Again the DOH and Purchasing Division have worked together on numerous other equipment specifications regarding mandatory specification. We do not understand why a particular vendor with intimate knowledge of procurement specifications and a viable product he wished to submit as an alternate would not pursue this right through the process that has been in place for years.**
- **The Division of Highways returned the three sets of wing plows to Tenco USA on July 17, 2006.**
- **The Division of Highways will continue to work with Purchasing Division to develop specifications to obtain quality and reliable equipment.**

If you need any additional clarification on our responses, please feel free to contact our office.

Very truly yours,


Marvin G. Murphy, P.E., P.L.S.
State Highway Engineer

MGM:Wb

cc: Mr. Paul Mattox, Secretary/Commissioner
Mr. John S. Walker, Deputy State Highway Engineer-Operations
Mr. Danny Ellis, Business Manager
Mr. Fred Thomas, Director, Finance Division



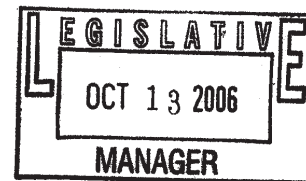
JOE MANCHIN III
GOVERNOR

STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
OFFICE OF THE CABINET SECRETARY

ROBERT W. FERGUSON, JR.
CABINET SECRETARY

October 12, 2006

John Sylvia
West Virginia Legislature
Building 1, Room W-314
State Capitol Complex
1900 Kanawha Blvd., East
Charleston, WV 25305



Dear Mr. Sylvia:

Thank you for the opportunity to respond in writing regarding any concerns of the Department of Administration with the Special Report on the Capitol Cafeteria and the side-wing snowplow issue.

Please be aware that we have no comment at this time.

Very truly yours,

ROBERT W. FERGLSON, JR.
Cabinet Secretary

RWFjr;jkj

