



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

State of West Virginia Master Agreement

Order Date: 01-27-2025

CORRECT ORDER NUMBER MUST
APPEAR ON ALL PACKAGES, INVOICES,
AND SHIPPING PAPERS. QUESTIONS
CONCERNING THIS ORDER SHOULD BE
DIRECTED TO THE DEPARTMENT
CONTACT.

Order Number:	CMA 0705 0705 LOTITTEMP-OO 1	Procurement Folder:	1572813
Document Name:	Prequalified IT Temp Staffing Services	Reason for Modification:	Award of CRFQ LOT2400000011
Document Description:	Prequalified IT Temp Staffing Services		
Procurement Type:	Central Master Agreement		
Buyer Name:			
Telephone:			
Email:			
Shipping Method:	Best Way	Effective Start Date:	2024-12-01
Free on Board:	FOB Dest, Freight Prepaid	Effective End Date:	2025-11-30

VENDOR				DEPARTMENT CONTACT	
Vendor Customer Code: VS0000009995				Requestor Name:	Thomas P Hymes
TUNABEAR INC				Requestor Phone:	304-558-2350
6420 Dykes Way				Requestor Email:	thymes@wvlottery.com
Dallas		TX	75230-1816		
US					
Vendor Contact Phone:		888-923-8889	Extension:		
Discount Details:					
	Discount Allowed	Discount Percentage	Discount Days		
#1	No	0.0000	0		
#2	No				
#3	No				
#4	No				
2025 FILE LOCATION _____					

INVOICE TO	SHIP TO
ACCOUNTS PAYABLE LOTTERY PO BOX 2067 CHARLESTON WV 25327-2067 US	PURCHASING LOTTERY 900 PENNSYLVANIA AVE CHARLESTON WV 25302 US

CR 4-10-25

Total Order Amount:

Open End

Purchasing Division's File Copy

PURCHASING DIVISION AUTHORIZATION DATE: 1/27/25 ELECTRONIC SIGNATURE ON FILE	ATTORNEY GENERAL APPROVAL AS TO FORM DATE: 4/10/25 ELECTRONIC SIGNATURE ON FILE	ENCUMBRANCE CERTIFICATION DATE: 4-30-25 ELECTRONIC SIGNATURE ON FILE
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Extended Description:

The Vendor, Tunabear Inc.dba Tunabear Consulting Services has been prequalified and agrees to enter with the West Virginia Lottery Commission, into an open-end contract to provide Information Technology (IT) Staffing Services as defined herein.

This contract establishes Tunabear Inc.dba Tunabear Consulting Services as a prequalified bidder for the which the IT staffing needs of the WV Lottery Commission. At the time of need, the WVLOT shall request pricing from all prequalified bidders for the quantity, skill level, and duration of the specific IT staffing need. At which time all vendors that have been prequalified will submit pricing to be valid and fixed for the period of time stated by the facility. Once all bids have been received the Agency will determine the lowest bids in progression to the highest to establish the order for which the vendors will be given the opportunity to provide staffing needs as per the specifications, terms and conditions, bid requirements Addendum No. 1 issued 04/22/2024, Addendum No 2 issued 04/29/2024 and the Vendor's submitted and accepted qualifications dated 05/07/2024 incorporated herein by reference and made apart hereof. See attached.

Line	Commodity Code	Manufacturer	Model No	Unit	Unit Price
1	80111600			Hour	0.000000
Service From		Service To		Service Contract Amount	
				0.00	

Commodity Line Description: Temporary IT Personnel Services - Business Analyst

Extended Description:

Temporary IT Staffing Services
Business Analyst

Line	Commodity Code	Manufacturer	Model No	Unit	Unit Price
2	80111600			Hour	0.000000
Service From		Service To		Service Contract Amount	
				0.00	

Commodity Line Description: Temporary IT Personnel Services - Data Analyst

Extended Description:

Temporary IT Staffing Services
Data Analyst

Line	Commodity Code	Manufacturer	Model No	Unit	Unit Price
3	80111600			Hour	0.000000
Service From		Service To		Service Contract Amount	
				0.00	

Commodity Line Description: Temporary IT Personnel Services - Database Administrator

Extended Description:

Temporary IT Staffing Services
Database Administrator

Line	Commodity Code	Manufacturer	Model No	Unit	Unit Price
4	80111600			Hour	0.000000
Service From		Service To		Service Contract Amount	
				0.00	

Commodity Line Description: Temporary IT Personnel Services - Help Desk Support

Extended Description:

Temporary IT Staffing Services
Help Desk Support

Line	Commodity Code	Manufacturer	Model No	Unit	Unit Price
5	80111600			HOUR	0.000000
	Service From	Service To		Service Contract Amount	
				0.00	

Commodity Line Description: Temporary IT Personnel Services - IT Service Cont. Analyst

Extended Description:
Temporary IT Staffing Services
IT Service Continuity Analyst

Line	Commodity Code	Manufacturer	Model No	Unit	Unit Price
6	80111600			HOUR	0.000000
	Service From	Service To		Service Contract Amount	
				0.00	

Commodity Line Description: Temporary IT Personnel Services - Network Engineer

Extended Description:
Temporary IT Staffing Services
Network Engineer

Line	Commodity Code	Manufacturer	Model No	Unit	Unit Price
7	80111600			HOUR	0.000000
	Service From	Service To		Service Contract Amount	
				0.00	

Commodity Line Description: Temporary IT Personnel Services - Project Manager

Extended Description:
Temporary IT Staffing Services
Project Manager

Line	Commodity Code	Manufacturer	Model No	Unit	Unit Price
8	80111600			HOUR	0.000000
	Service From	Service To		Service Contract Amount	
				0.00	

Commodity Line Description: Temporary IT Personnel Services - Quality Assurance Analyst

Extended Description:
Temporary IT Staffing Services
Quality Assurance Analyst

Line	Commodity Code	Manufacturer	Model No	Unit	Unit Price
9	80111600			HOUR	0.000000
	Service From	Service To		Service Contract Amount	
				0.00	

Commodity Line Description: Temporary IT Personnel Services - Security Analyst

Extended Description:
Temporary IT Staffing Services
Security Analyst

Line	Commodity Code	Manufacturer	Model No	Unit	Unit Price
10	80111600			HOUR	0.000000
	Service From	Service To		Service Contract Amount	
				0.00	

Commodity Line Description: Temporary IT Personnel Services - Software Developer/Engineer

Extended Description:
Temporary IT Staffing Services
Software Developer/Engineer

Line	Commodity Code	Manufacturer	Model No	Unit	Unit Price
11	80111600			HOUR	0.000000
	Service From	Service To		Service Contract Amount	
				0.00	

Commodity Line Description: Temporary IT Personnel Services - System Administrator

Extended Description:
Temporary IT Staffing Services
System Administrator

Line	Commodity Code	Manufacturer	Model No	Unit	Unit Price
12	80111600			HOUR	0.000000
	Service From	Service To		Service Contract Amount	
				0.00	

Commodity Line Description: Temporary IT Personnel Services - Technical Writer

Extended Description:
Temporary IT Staffing Services
Technical Writer

•	Document Phase	Document Description	Page 5
LOTITTEMP-00	Draft	Prequalified IT Temp Staffing Services	

ADDITIONAL TERMS AND CONDITIONS

See attached document(s) for additional Terms and Conditions

GENERAL TERMS AND CONDITIONS:

1. CONTRACTUAL AGREEMENT: Issuance of an Award Document signed by the Purchasing Division Director, or his designee, and approved as to form by the Attorney General's office constitutes acceptance by the State of this Contract made by and between the State of West Virginia and the Vendor. Vendor's signature on its bid, or on the Contract if the Contract is not the result of a bid solicitation, signifies Vendor's agreement to be bound by and accept the terms and conditions contained in this Contract.

2. DEFINITIONS: As used in this Solicitation/Contract, the following terms shall have the meanings attributed to them below. Additional definitions may be found in the specifications included with this Solicitation/Contract.

2.1. "Agency" or "Agencies" means the agency, board, commission, or other entity of the State of West Virginia that is identified on the first page of the Solicitation or any other public entity seeking to procure goods or services under this Contract.

2.2. "Bid" or "Proposal" means the vendors submitted response to this solicitation.

2.3. "Contract" means the binding agreement that is entered into between the State and the Vendor to provide the goods or services requested in the Solicitation.

2.4. "Director" means the Director of the West Virginia Department of Administration, Purchasing Division.

2.5. "Purchasing Division" means the West Virginia Department of Administration, Purchasing Division.

2.6. "Award Document" means the document signed by the Agency and the Purchasing Division, and approved as to form by the Attorney General, that identifies the Vendor as the contract holder.

2.7. "Solicitation" means the official notice of an opportunity to supply the State with goods or services that is published by the Purchasing Division.

2.8. "State" means the State of West Virginia and/or any of its agencies, commissions, boards, etc. as context requires.

2.9. "Vendor" or "Vendors" means any entity submitting a bid in response to the Solicitation, the entity that has been selected as the lowest responsible bidder, or the entity that has been awarded the Contract as context requires.

3. CONTRACT TERM; RENEWAL; EXTENSION: The term of this Contract shall be determined in accordance with the category that has been identified as applicable to this Contract below:

☒ **Term Contract**

Initial Contract Term: The Initial Contract Term will be for a period of One (1) Year. The Initial Contract Term becomes effective on the effective start date listed on the first page of this Contract, identified as the State of West Virginia contract cover page containing the signatures of the Purchasing Division, Attorney General, and Encumbrance clerk (or another page identified as _____), and the Initial Contract Term ends on the effective end date also shown on the first page of this Contract.

Renewal Term: This Contract may be renewed upon the mutual written consent of the Agency, and the Vendor, with approval of the Purchasing Division and the Attorney General's office (Attorney General approval is as to form only). Any request for renewal should be delivered to the Agency and then submitted to the Purchasing Division thirty (30) days prior to the expiration date of the initial contract term or appropriate renewal term. A Contract renewal shall be in accordance with the terms and conditions of the original contract. Unless otherwise specified below, renewal of this Contract is limited to Three (3) successive one (1) year periods or multiple renewal periods of less than one year, provided that the multiple renewal periods do not exceed the total number of months available in all renewal years combined. Automatic renewal of this Contract is prohibited. Renewals must be approved by the Vendor, Agency, Purchasing Division and Attorney General's office (Attorney General approval is as to form only)

☐ **Alternate Renewal Term** – This contract may be renewed for _____ successive _____ year periods or shorter periods provided that they do not exceed the total number of months contained in all available renewals. Automatic renewal of this Contract is prohibited. Renewals must be approved by the Vendor, Agency, Purchasing Division and Attorney General's office (Attorney General approval is as to form only)

Delivery Order Limitations: In the event that this contract permits delivery orders, a delivery order may only be issued during the time this Contract is in effect. Any delivery order issued within one year of the expiration of this Contract shall be effective for one year from the date the delivery order is issued. No delivery order may be extended beyond one year after this Contract has expired.

☐ **Fixed Period Contract:** This Contract becomes effective upon Vendor's receipt of the notice to proceed and must be completed within _____ days.

☐ **Fixed Period Contract with Renewals:** This Contract becomes effective upon Vendor's receipt of the notice to proceed and part of the Contract more fully described in the attached specifications must be completed within _____ days. Upon completion of the work covered by the preceding sentence, the vendor agrees that:

☐ the contract will continue for _____ years;

☐ the contract may be renewed for _____ successive _____ year periods or shorter periods provided that they do not exceed the total number of months contained in all available renewals. Automatic renewal of this Contract is prohibited. Renewals must be approved by the Vendor, Agency, Purchasing Division and Attorney General's Office (Attorney General approval is as to form only).

☐ **One-Time Purchase:** The term of this Contract shall run from the issuance of the Award Document until all of the goods contracted for have been delivered, but in no event will this Contract extend for more than one fiscal year.

☐ **Construction/Project Oversight:** This Contract becomes effective on the effective start date listed on the first page of this Contract, identified as the State of West Virginia contract cover page containing the signatures of the Purchasing Division, Attorney General, and Encumbrance clerk (or another page identified as _____), and continues until the project for which the vendor is providing oversight is complete.

☐ **Other:** Contract Term specified in _____

4. AUTHORITY TO PROCEED: Vendor is authorized to begin performance of this contract on the date of encumbrance listed on the front page of the Award Document unless either the box for "Fixed Period Contract" or "Fixed Period Contract with Renewals" has been checked in Section 3 above. If either "Fixed Period Contract" or "Fixed Period Contract with Renewals" has been checked, Vendor must not begin work until it receives a separate notice to proceed from the State. The notice to proceed will then be incorporated into the Contract via change order to memorialize the official date that work commenced.

5. QUANTITIES: The quantities required under this Contract shall be determined in accordance with the category that has been identified as applicable to this Contract below.

☒ **Open End Contract:** Quantities listed in this Solicitation/Award Document are approximations only, based on estimates supplied by the Agency. It is understood and agreed that the Contract shall cover the quantities actually ordered for delivery during the term of the Contract, whether more or less than the quantities shown.

☐ **Service:** The scope of the service to be provided will be more clearly defined in the specifications included herewith.

☐ **Combined Service and Goods:** The scope of the service and deliverable goods to be provided will be more clearly defined in the specifications included herewith.

☐ **One-Time Purchase:** This Contract is for the purchase of a set quantity of goods that are identified in the specifications included herewith. Once those items have been delivered, no additional goods may be procured under this Contract without an appropriate change order approved by the Vendor, Agency, Purchasing Division, and Attorney General's office.

☐ **Construction:** This Contract is for construction activity more fully defined in the specifications.

6. EMERGENCY PURCHASES: The Purchasing Division Director may authorize the Agency to purchase goods or services in the open market that Vendor would otherwise provide under this Contract if those goods or services are for immediate or expedited delivery in an emergency. Emergencies shall include, but are not limited to, delays in transportation or an unanticipated increase in the volume of work. An emergency purchase in the open market, approved by the Purchasing Division Director, shall not constitute a breach of this Contract and shall not entitle the Vendor to any form of compensation or damages. This provision does not excuse the State from fulfilling its obligations under a One-Time Purchase contract.

7. REQUIRED DOCUMENTS: All of the items checked in this section must be provided to the Purchasing Division by the Vendor as specified:

☐ **LICENSE(S) / CERTIFICATIONS / PERMITS:** In addition to anything required under the Section of the General Terms and Conditions entitled Licensing, the apparent successful Vendor shall furnish proof of the following licenses, certifications, and/or permits upon request and in a form acceptable to the State. The request may be prior to or after contract award at the State's sole discretion.

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The apparent successful Vendor shall also furnish proof of any additional licenses or certifications contained in the specifications regardless of whether or not that requirement is listed above.

8. INSURANCE: The apparent successful Vendor shall furnish proof of the insurance identified by a checkmark below prior to Contract award. The insurance coverages identified below must be maintained throughout the life of this contract. Thirty (30) days prior to the expiration of the insurance policies, Vendor shall provide the Agency with proof that the insurance mandated herein has been continued. Vendor must also provide Agency with immediate notice of any changes in its insurance policies, including but not limited to, policy cancelation, policy reduction, or change in insurers. The apparent successful Vendor shall also furnish proof of any additional insurance requirements contained in the specifications prior to Contract award regardless of whether that insurance requirement is listed in this section.

Vendor must maintain:

☒ **Commercial General Liability Insurance** in at least an amount of: \$1,000,000.00 per occurrence.

☐ **Automobile Liability Insurance** in at least an amount of: _____ per occurrence.

☐ **Professional/Malpractice/Errors and Omission Insurance** in at least an amount of: _____ per occurrence. Notwithstanding the forgoing, Vendor's are not required to list the State as an additional insured for this type of policy.

☐ **Commercial Crime and Third Party Fidelity Insurance** in an amount of: _____ per occurrence.

☐ **Cyber Liability Insurance** in an amount of: _____ per occurrence.

☐ **Builders Risk Insurance** in an amount equal to 100% of the amount of the Contract.

☐ **Pollution Insurance** in an amount of: _____ per occurrence.

☐ **Aircraft Liability** in an amount of: _____ per occurrence.

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9. WORKERS' COMPENSATION INSURANCE: Vendor shall comply with laws relating to workers compensation, shall maintain workers' compensation insurance when required, and shall furnish proof of workers' compensation insurance upon request.

10. VENUE: All legal actions for damages brought by Vendor against the State shall be brought in the West Virginia Claims Commission. Other causes of action must be brought in the West Virginia court authorized by statute to exercise jurisdiction over it.

11. LIQUIDATED DAMAGES: This clause shall in no way be considered exclusive and shall not limit the State or Agency's right to pursue any other available remedy. Vendor shall pay liquidated damages in the amount specified below or as described in the specifications:

☐ _____ for _____.

☐ Liquidated Damages Contained in the Specifications.

☒ Liquidated Damages Are Not Included in this Contract.

12. ACCEPTANCE: Vendor's signature on its bid, or on the certification and signature page, constitutes an offer to the State that cannot be unilaterally withdrawn, signifies that the product or service proposed by vendor meets the mandatory requirements contained in the Solicitation for that product or service, unless otherwise indicated, and signifies acceptance of the terms and conditions contained in the Solicitation unless otherwise indicated.

13. PRICING: The pricing set forth herein is firm for the life of the Contract, unless specified elsewhere within this Solicitation/Contract by the State. A Vendor's inclusion of price adjustment provisions in its bid, without an express authorization from the State in the Solicitation to do so, may result in bid disqualification. Notwithstanding the foregoing, Vendor must extend any publicly advertised sale price to the State and invoice at the lower of the contract price or the publicly advertised sale price.

14. PAYMENT IN ARREARS: Payments for goods/services will be made in arrears only upon receipt of a proper invoice, detailing the goods/services provided or receipt of the goods/services, whichever is later. Notwithstanding the foregoing, payments for software maintenance, licenses, or subscriptions may be paid annually in advance.

15. PAYMENT METHODS: Vendor must accept payment by electronic funds transfer and P-Card. (The State of West Virginia's Purchasing Card program, administered under contract by a banking institution, processes payment for goods and services through state designated credit cards.)

16. TAXES: The Vendor shall pay any applicable sales, use, personal property or any other taxes arising out of this Contract and the transactions contemplated thereby. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.

17. ADDITIONAL FEES: Vendor is not permitted to charge additional fees or assess additional charges that were not either expressly provided for in the solicitation published by the State of West Virginia, included in the Contract, or included in the unit price or lump sum bid amount that Vendor is required by the solicitation to provide. Including such fees or charges as notes to the solicitation may result in rejection of vendor's bid. Requesting such fees or charges be paid after the contract has been awarded may result in cancellation of the contract.

18. FUNDING: This Contract shall continue for the term stated herein, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise made available, this Contract becomes void and of no effect beginning on July 1 of the fiscal year for which funding has not been appropriated or otherwise made available. If that occurs, the State may notify the Vendor that an alternative source of funding has been obtained and thereby avoid the automatic termination. Non-appropriation or non-funding shall not be considered an event of default.

19. CANCELLATION: The Purchasing Division Director reserves the right to cancel this Contract immediately upon written notice to the vendor if the materials or workmanship supplied do not conform to the specifications contained in the Contract. The Purchasing Division Director may also cancel any purchase or Contract upon 30 days written notice to the Vendor in accordance with West Virginia Code of State Rules § 148-1-5.2.b.

20. TIME: Time is of the essence regarding all matters of time and performance in this Contract.

21. APPLICABLE LAW: This Contract is governed by and interpreted under West Virginia law without giving effect to its choice of law principles. Any information provided in specification manuals, or any other source, verbal or written, which contradicts or violates the West Virginia Constitution, West Virginia Code, or West Virginia Code of State Rules is void and of no effect.

22. COMPLIANCE WITH LAWS: Vendor shall comply with all applicable federal, state, and local laws, regulations and ordinances. By submitting a bid, Vendor acknowledges that it has reviewed, understands, and will comply with all applicable laws, regulations, and ordinances.

SUBCONTRACTOR COMPLIANCE: Vendor shall notify all subcontractors providing commodities or services related to this Contract that as subcontractors, they too are required to comply with all applicable laws, regulations, and ordinances. Notification under this provision must occur prior to the performance of any work under the contract by the subcontractor.

23. ARBITRATION: Any references made to arbitration contained in this Contract, Vendor's bid, or in any American Institute of Architects documents pertaining to this Contract are hereby deleted, void, and of no effect.

24. MODIFICATIONS: This writing is the parties' final expression of intent. Notwithstanding anything contained in this Contract to the contrary no modification of this Contract shall be binding without mutual written consent of the Agency, and the Vendor, with approval of the Purchasing Division and the Attorney General's office (Attorney General approval is as to form only). Any change to existing contracts that adds work or changes contract cost, and were not included in the original contract, must be approved by the Purchasing Division and the Attorney General's Office (as to form) prior to the implementation of the change or commencement of work affected by the change.

25. WAIVER: The failure of either party to insist upon a strict performance of any of the terms or provision of this Contract, or to exercise any option, right, or remedy herein contained, shall not be construed as a waiver or a relinquishment for the future of such term, provision, option, right, or remedy, but the same shall continue in full force and effect. Any waiver must be expressly stated in writing and signed by the waiving party.

26. SUBSEQUENT FORMS: The terms and conditions contained in this Contract shall supersede any and all subsequent terms and conditions which may appear on any form documents submitted by Vendor to the Agency or Purchasing Division such as price lists, order forms, invoices, sales agreements, or maintenance agreements, and includes internet websites or other electronic documents. Acceptance or use of Vendor's forms does not constitute acceptance of the terms and conditions contained thereon.

27. ASSIGNMENT: Neither this Contract nor any monies due, or to become due hereunder, may be assigned by the Vendor without the express written consent of the Agency, the Purchasing Division, the Attorney General's office (as to form only), and any other government agency or office that may be required to approve such assignments.

28. WARRANTY: The Vendor expressly warrants that the goods and/or services covered by this Contract will: (a) conform to the specifications, drawings, samples, or other description furnished or specified by the Agency; (b) be merchantable and fit for the purpose intended; and (c) be free from defect in material and workmanship.

29. STATE EMPLOYEES: State employees are not permitted to utilize this Contract for personal use and the Vendor is prohibited from permitting or facilitating the same.

30. PRIVACY, SECURITY, AND CONFIDENTIALITY: The Vendor agrees that it will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the Agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the Agency's policies, procedures, and rules. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in www.state.wv.us/admin/purchase/privacy.

31. YOUR SUBMISSION IS A PUBLIC DOCUMENT: Vendor's entire response to the Solicitation and the resulting Contract are public documents. As public documents, they will be disclosed to the public following the bid/proposal opening or award of the contract, as required by the competitive bidding laws of West Virginia Code §§ 5A-3-1 et seq., 5-22-1 et seq., and 5G-1-1 et seq. and the Freedom of Information Act West Virginia Code §§ 29B-1-1 et seq.

DO NOT SUBMIT MATERIAL YOU CONSIDER TO BE CONFIDENTIAL, A TRADE SECRET, OR OTHERWISE NOT SUBJECT TO PUBLIC DISCLOSURE.

Submission of any bid, proposal, or other document to the Purchasing Division constitutes your explicit consent to the subsequent public disclosure of the bid, proposal, or document. The Purchasing Division will disclose any document labeled "confidential," "proprietary," "trade secret," "private," or labeled with any other claim against public disclosure of the documents, to include any "trade secrets" as defined by West Virginia Code § 47-22-1 et seq. All submissions are subject to public disclosure without notice.

32. LICENSING: In accordance with West Virginia Code of State Rules § 148-1-6.1.e, Vendor must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, or any other state agency or political subdivision. Obligations related to political subdivisions may include, but are not limited to, business licensing, business and occupation taxes, inspection compliance, permitting, etc. Upon request, the Vendor must provide all necessary releases to obtain information to enable the Purchasing Division Director or the Agency to verify that the Vendor is licensed and in good standing with the above entities.

SUBCONTRACTOR COMPLIANCE: Vendor shall notify all subcontractors providing commodities or services related to this Contract that as subcontractors, they too are required to be licensed, in good standing, and up-to-date on all state and local obligations as described in this section. Obligations related to political subdivisions may include, but are not limited to, business licensing, business and occupation taxes, inspection compliance, permitting, etc. Notification under this provision must occur prior to the performance of any work under the contract by the subcontractor.

33. ANTITRUST: In submitting a bid to, signing a contract with, or accepting a Award Document from any agency of the State of West Virginia, the Vendor agrees to convey, sell, assign, or transfer to the State of West Virginia all rights, title, and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the State of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the State of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to Vendor.

34. VENDOR NON-CONFLICT: Neither Vendor nor its representatives are permitted to have any interest, nor shall they acquire any interest, direct or indirect, which would compromise the performance of its services hereunder. Any such interests shall be promptly presented in detail to the Agency.

35. VENDOR RELATIONSHIP: The relationship of the Vendor to the State shall be that of an independent contractor and no principal-agent relationship or employer-employee relationship is contemplated or created by this Contract. The Vendor as an independent contractor is solely liable for the acts and omissions of its employees and agents. Vendor shall be responsible for selecting, supervising, and compensating any and all individuals employed pursuant to the terms of this Solicitation and resulting contract. Neither the Vendor, nor any employees or subcontractors of the Vendor, shall be deemed to be employees of the State for any purpose whatsoever. Vendor shall be exclusively responsible for payment of employees and contractors for all wages and salaries, taxes, withholding payments, penalties, fees, fringe benefits, professional liability insurance premiums, contributions to insurance and pension, or other deferred compensation plans, including but not limited to, Workers' Compensation and Social Security obligations, licensing fees, etc. and the filing of all necessary documents, forms, and returns pertinent to all of the foregoing.

Vendor shall hold harmless the State, and shall provide the State and Agency with a defense against any and all claims including, but not limited to, the foregoing payments, withholdings, contributions, taxes, Social Security taxes, and employer income tax returns.

36. INDEMNIFICATION: The Vendor agrees to indemnify, defend, and hold harmless the State and the Agency, their officers, and employees from and against: (1) Any claims or losses for services rendered by any subcontractor, person, or firm performing or supplying services, materials, or supplies in connection with the performance of the Contract; (2) Any claims or losses resulting to any person or entity injured or damaged by the Vendor, its officers, employees, or subcontractors by the publication, translation, reproduction, delivery, performance, use, or disposition of any data used under the Contract in a manner not authorized by the Contract, or by Federal or State statutes or regulations; and (3) Any failure of the Vendor, its officers, employees, or subcontractors to observe State and Federal laws including, but not limited to, labor and wage and hour laws.

37. NO DEBT CERTIFICATION: In accordance with West Virginia Code §§ 5A-3-10a and 5-22-1(i), the State is prohibited from awarding a contract to any bidder that owes a debt to the State or a political subdivision of the State. By submitting a bid, or entering into a contract with the State, Vendor is affirming that (1) for construction contracts, the Vendor is not in default on any monetary obligation owed to the state or a political subdivision of the state, and (2) for all other contracts, neither the Vendor nor any related party owe a debt as defined above, and neither the Vendor nor any related party are in employer default as defined in the statute cited above unless the debt or employer default is permitted under the statute.

38. CONFLICT OF INTEREST: Vendor, its officers or members or employees, shall not presently have or acquire an interest, direct or indirect, which would conflict with or compromise the performance of its obligations hereunder. Vendor shall periodically inquire of its officers, members and employees to ensure that a conflict of interest does not arise. Any conflict of interest discovered shall be promptly presented in detail to the Agency.

39. REPORTS: Vendor shall provide the Agency and/or the Purchasing Division with the following reports identified by a checked box below:

☒ Such reports as the Agency and/or the Purchasing Division may request. Requested reports may include, but are not limited to, quantities purchased, agencies utilizing the contract, total contract expenditures by agency, etc.

☐ Quarterly reports detailing the total quantity of purchases in units and dollars, along with a listing of purchases by agency. Quarterly reports should be delivered to the Purchasing Division via email at purchasing.division@wv.gov.

40. BACKGROUND CHECK: In accordance with W. Va. Code § 15-2D-3, the State reserves the right to prohibit a service provider's employees from accessing sensitive or critical information or to be present at the Capitol complex based upon results addressed from a criminal background check. Service providers should contact the West Virginia Division of Protective Services by phone at (304) 558-9911 for more information.

41. PREFERENCE FOR USE OF DOMESTIC STEEL PRODUCTS: Except when authorized by the Director of the Purchasing Division pursuant to W. Va. Code § 5A-3-56, no contractor may use or supply steel products for a State Contract Project other than those steel products made in the United States. A contractor who uses steel products in violation of this section may be subject to civil penalties pursuant to W. Va. Code § 5A-3-56. As used in this section:

- a. "State Contract Project" means any erection or construction of, or any addition to, alteration of or other improvement to any building or structure, including, but not limited to, roads or highways, or the installation of any heating or cooling or ventilating plants or other equipment, or the supply of and materials for such projects, pursuant to a contract with the State of West Virginia for which bids were solicited on or after June 6, 2001.
- b. "Steel Products" means products rolled, formed, shaped, drawn, extruded, forged, cast, fabricated or otherwise similarly processed, or processed by a combination of two or more or such operations, from steel made by the open heath, basic oxygen, electric furnace, Bessemer or other steel making process.
- c. The Purchasing Division Director may, in writing, authorize the use of foreign steel products if:
 1. The cost for each contract item used does not exceed one tenth of one percent (.1%) of the total contract cost or two thousand five hundred dollars (\$2,500.00), whichever is greater. For the purposes of this section, the cost is the value of the steel product as delivered to the project; or
 2. The Director of the Purchasing Division determines that specified steel materials are not produced in the United States in sufficient quantity or otherwise are not reasonably available to meet contract requirements.

42. PREFERENCE FOR USE OF DOMESTIC ALUMINUM, GLASS, AND STEEL: In Accordance with W. Va. Code § 5-19-1 et seq., and W. Va. CSR § 148-10-1 et seq., for every contract or subcontract, subject to the limitations contained herein, for the construction, reconstruction, alteration, repair, improvement or maintenance of public works or for the purchase of any item of machinery or equipment to be used at sites of public works, only domestic aluminum, glass or steel products shall be supplied unless the spending officer determines, in writing, after the receipt of offers or bids, (1) that the cost of domestic aluminum, glass or steel products is unreasonable or inconsistent with the public interest of the State of West Virginia, (2) that domestic aluminum, glass or steel products are not produced in sufficient quantities to meet the contract requirements, or (3) the available domestic aluminum, glass, or steel do not meet the contract specifications. This provision only applies to public works contracts awarded in an amount more than fifty thousand dollars (\$50,000) or public works contracts that require more than ten thousand pounds of steel products.

The cost of domestic aluminum, glass, or steel products may be unreasonable if the cost is more than twenty percent (20%) of the bid or offered price for foreign made aluminum, glass, or steel products. If the domestic aluminum, glass or steel products to be supplied or produced in a "substantial labor surplus area", as defined by the United States Department of Labor, the cost of domestic aluminum, glass, or steel products may be unreasonable if the cost is more than thirty percent (30%) of the bid or offered price for foreign made aluminum, glass, or steel products. This preference shall be applied to an item of machinery or equipment, as indicated above, when the item is a single unit of equipment or machinery manufactured primarily of aluminum, glass or steel, is part of a public works contract and has the sole purpose or of being a permanent part of a single public works project. This provision does not apply to equipment or machinery purchased by a spending unit for use by that spending unit and not as part of a single public works project.

All bids and offers including domestic aluminum, glass or steel products that exceed bid or offer prices including foreign aluminum, glass or steel products after application of the preferences provided in this provision may be reduced to a price equal to or lower than the lowest bid or offer price for foreign aluminum, glass or steel products plus the applicable preference. If the reduced bid or offer prices are made in writing and supersede the prior bid or offer prices, all bids or offers, including the reduced bid or offer prices, will be reevaluated in accordance with this rule.

43. INTERESTED PARTY SUPPLEMENTAL DISCLOSURE: W. Va. Code § 6D-1-2 requires that for contracts with an actual or estimated value of at least \$1 million, the Vendor must submit to the Agency a disclosure of interested parties prior to beginning work under this Contract. Additionally, the Vendor must submit a supplemental disclosure of interested parties reflecting any new or differing interested parties to the contract, which were not included in the original pre-work interested party disclosure, within 30 days following the completion or termination of the contract. A copy of that form is included with this solicitation or can be obtained from the WV Ethics Commission. This requirement does not apply to publicly traded companies listed on a national or international stock exchange. A more detailed definition of interested parties can be obtained from the form referenced above.

44. PROHIBITION AGAINST USED OR REFURBISHED: Unless expressly permitted in the solicitation published by the State, Vendor must provide new, unused commodities, and is prohibited from supplying used or refurbished commodities, in fulfilling its responsibilities under this Contract.

45. VOID CONTRACT CLAUSES: This Contract is subject to the provisions of West Virginia Code § 5A-3-62, which automatically voids certain contract clauses that violate State law.

46. ISRAEL BOYCOTT: Bidder understands and agrees that, pursuant to W. Va. Code § 5A-3-63, it is prohibited from engaging in a boycott of Israel during the term of this contract.

DESIGNATED CONTACT: Vendor appoints the individual identified in this Section as the Contract Administrator and the initial point of contact for matters relating to this Contract.

(Printed Name and Title) Victoria Ferrary, Sr. Operations Director

(Address) 11711 Hillcrest Rd, Dallas, TX 75230

(Phone Number) / (Fax Number) 954-600-1415

(email address) victoria@tunabear.com

CERTIFICATION AND SIGNATURE: By signing below, or submitting documentation through wvOASIS, I certify that: I have reviewed this Solicitation/Contract in its entirety; that I understand the requirements, terms and conditions, and other information contained herein; that this bid, offer or proposal constitutes an offer to the State that cannot be unilaterally withdrawn; that the product or service proposed meets the mandatory requirements contained in the Solicitation/Contract for that product or service, unless otherwise stated herein; that the Vendor accepts the terms and conditions contained in the Solicitation, unless otherwise stated herein; that I am submitting this bid, offer or proposal for review and consideration; that this bid or offer was made without prior understanding, agreement, or connection with any entity submitting a bid or offer for the same material, supplies, equipment or services; that this bid or offer is in all respects fair and without collusion or fraud; that this Contract is accepted or entered into without any prior understanding, agreement, or connection to any other entity that could be considered a violation of law; that I am authorized by the Vendor to execute and submit this bid, offer, or proposal, or any documents related thereto on Vendor's behalf; that I am authorized to bind the vendor in a contractual relationship; and that to the best of my knowledge, the vendor has properly registered with any State agency that may require registration.

By signing below, I further certify that I understand this Contract is subject to the provisions of West Virginia Code § 5A-3-62, which automatically voids certain contract clauses that violate State law; and that pursuant to W. Va. Code 5A-3-63, the entity entering into this contract is prohibited from engaging in a boycott against Israel.

Tunabear Inc

(Company)

(Signature of Authorized Representative)

Benjamin Dai, CEO/President

11 / 26 / 2024

(Printed Name and Title of Authorized Representative) (Date)

214-288-8882

(Phone Number) (Fax Number)

rfp@tunabear.com

(Email Address)

Revised 8/24/2023

REQUEST FOR QUOTATION
West Virginia Lottery
Information Technology Temporary Staffing Services

PREQUALIFICATION AGREEMENT SPECIFICATIONS

- 1. PURPOSE AND SCOPE:** The West Virginia Purchasing Division is soliciting bids on behalf of the Agency, West Virginia Lottery Commission (Lottery), located at 900 Pennsylvania Avenue, Charleston, WV 25302, to establish a list of prequalified vendors from which the Agency may subsequently obtain bids through a delegated process for Information Technology (IT) Staff as covered by the prequalification agreement. The Prequalification Agreement aims to establish vendors from which the Lottery may request bids for Information Technology (IT) Staff as defined herein.

BACKGROUND & CURRENT OPERATING ENVIRONMENT: The Lottery manages many systems designed explicitly for the Lottery that support various applications for the State of West Virginia. These systems are primarily on the Microsoft (MS) Structured Query Language (SQL) database server platform. Applications are split between Windows services and database applications. Windows services are coded using C# and Visual Studio 2017. End-user applications are coded in Visual Basic for Applications (VBA) in MS Access 2016. The Lottery sometimes requires additional technical expertise and support to accomplish specific project goals for these systems. The data centers have been recently upgraded to Hyper-Converged Infrastructure (HCL) and Next Generation Firewalls (NGFW). The Lottery plans to migrate specific applications from MS Access to C# applications that read and write directly to the MS SQL server using stored procedures, views, and triggers. Other existing MS Access VBA applications will continue to need support and maintenance. In addition, the Lottery plans to expand and further develop its internal cyber security and business continuity capabilities.

- 2. DEFINITIONS:** The terms listed below shall have the meanings assigned below. Additional definitions can be found in section 2 of the General Terms and Conditions.
 - 2.1 “.NET”** means Microsoft’s .NET or .NET Framework software.
 - 2.2 “Holidays”** means days designated by WV State Code CSR 2-2-1 as legal holidays.
 - 2.3 “Contract Item”** means the items identified in Section 4 below.
 - 2.4 “Contract Services”** means providing temporary staffing services for the list of classifications identified in Section 1 (above) or Section 4.1 (below) as more fully described in these specifications.

REQUEST FOR QUOTATION
West Virginia Lottery
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- 2.5 “Delegated Prequalification Bidding”** means the Agency will obtain bids from the Prequalified Vendor as needed.
- 2.6 “Facility or Agency”** means the WV Lottery Headquarters located at 900 Pennsylvania Ave, Charleston, WV 25302.
- 2.7 “Prequalified Vendors”** means vendors meeting all Vendor Qualifications and being awarded a Prequalified Vendor Agreement.
- 2.8 “PRN”** means an acronym of the Latin term “pro re nata.” The word itself can be translated to mean “when necessary” or “as needed.” A PRN resource is willing to work on an as-needed basis, i.e., on-demand.
- 2.9 “Microsoft SQL Server”** means a relational database developed by Microsoft.
- 2.10 “Requests for Bids”** means the solicitation from the Agency identifying the nursing staff needed and requesting pricing from the Prequalified Vendors before or at such time of need.
- 2.11 “SDLC”** means Software or Systems Development Life Cycle, a standard term describing the planning process for, creating, testing, and deploying software or systems applications.
- 2.12 “Solicitation”** means the official notice of an opportunity to supply the State with goods or services published by the Purchasing Division.
- 2.13 “Staffing Agency or Vendor”** means the prospective Vendor. Contracts may only be awarded to Prequalified Vendors after the delegated bidding process.
- 2.14 “Visual Studio”** means a source code editor that runs on the Windows operating system for personal computers.
- 2.15 “NDA”** means Non – Disclosure Agreement, also known as a confidentiality agreement, agrees not to share this information with anyone else for a specified period of time.
- 3. VENDOR QUALIFICATIONS:** Vendor(s) shall have the following minimum qualifications:

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- 3.1 Vendor shall be in business for at least five (5) years, providing similar IT staffing services. Vendors must provide documentation to indicate that their company meets this requirement prior to award.
 - 3.1.1 Vendor should provide with their bid, a general company overview that must include information regarding the number of years of qualification, experience, training, and relevant professional education for each individual classification.
- 3.2 Vendor shall provide these services for each classification for bid by providing documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below.
 - 3.2.1 Documentation should include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4.
 - 3.2.2 Vendors must provide documentation to indicate that their company meets this requirement prior to award.
 - 3.2.3 The documentation should detail the entity, company or business to whom the individual was supplied and provide contact information for that entity.
- 3.3 Vendor must possess all licenses, permits, and certifications required to perform this contract before the start date of service.
- 3.4 Lottery shall require resources to hold current certification for target technologies, the certifications would include but not limited to cybersecurity or vendor-specific certifications as Cisco and Microsoft.
- 4 **MANDATORY CONTRACT ITEMS AND DELIVERABLES:** Vendor(s) shall provide the Agency with the Contract Items listed below on an open-ended and continuing basis. Contract items must meet or exceed the following mandatory requirements:
 - 4.1 **Multiple-Award Contract:** Contracts will be awarded only to prequalified vendors. The Agency will request quotes from each prequalified vendor as needed. The Agency shall then award the contract/purchase order to the lowest responsive bidder. The Agency shall reject any bid that fails to comply with the requirements contained in the prequalification agreement and request for bids.
 - 4.2 **Classifications:** Prequalified vendors may bid on one (1) or all classifications, including:

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- 4.2.1 Business Analyst** – Analyzes and documents business requirements and processes. Assists in designing IT solutions to meet needs. Facilitates process modifications and improvements.
 - 4.2.2 Data Analyst** – Is responsible for data analysis, modeling, database management, security, and quality assurance.
 - 4.2.3 Database Administrator** – Is responsible for designing, implementing, and maintaining databases.
 - 4.2.4 Help Desk Support** – Is responsible for technical support to end-users, troubleshooting technical issues, and resolving problems.
 - 4.2.5 IT Service Continuity Analyst** – Documents, analyzes, implements, and manages disaster recovery and business continuity plans.
 - 4.2.6 Network Engineer** – Is responsible for designing, implementing, and maintaining computer networks.
 - 4.2.7 Project Manager** – Manages IT projects, coordinates resources, and meets project deadlines.
 - 4.2.8 Quality Assurance Analyst** – Tests software applications to meet quality standards and requirements.
 - 4.2.9 Security Analyst** – Documents, analyzes, implements, and maintains security measures to protect IT systems and data.
 - 4.2.10 Software Developer/Engineer** – Is responsible for designing, coding, testing, and maintaining software applications.
 - 4.2.11 Systems Administrator** – Is responsible for installing, configuring, and maintaining computer systems, networks, and servers.
 - 4.2.12 Technical Writer** – Is responsible for creating technical documentation, including but not limited to user manuals, help files, and online documentation.
- 4.3 Professional Compatibility and Compliance:** Prequalified vendors shall provide IT professionals as requested by the Lottery to be compatible with the needs of the Lottery.
- 4.3.1** These needs may be hourly, daily, weekly, monthly, or annual, including weekends and holidays.
 - 4.3.1.1** There will be no overtime pay associated with these assignments and may also be for specified periods as agreed upon in writing by the Agency and the vendor. For example, *a 13-week contract*

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("term"). The requests for bids are further described in Section 5 below.

- 4.3.2 Prequalified vendors must provide qualified IT professionals to accommodate the Lottery needs and comply with all Lottery policies and procedures, Federal and State statutory and regulatory requirements, and standards for applicable accreditation and licensure bodies.
- 4.3.3 The position or classifications above will provide technical expertise to meet the contracted staffing needs for the Lottery to support the division's IT efforts.

- 4.3.3.1 These services shall be used to develop new computer systems, modifications, and enhancements to existing computer systems for the Agency, as well as mentor, provide technical training and support, and provide "shadowing" opportunities for State employees, among other tasks as defined by the Lottery in its Delivery Order for the services.

- 4.4 **Background Checks:** Prior to award all prequalified vendors must provide and have a completed background check performed by Vendor at Vendor's sole cost for each candidate proposed for any classification. These items will include, but are not limited to:

- 4.4.1 Background check through Vendor

- 4.4.2 Resume of proposed candidate as proof of experience, with references

- 4.4.3 Other documents, as requested

- 4.4.4 The Lottery will also run a separate mandatory background check of vendor staff for each proposed classification before any work can begin.

- 4.4.4.1 The vendor must provide Lottery with the names and fingerprint information for background check on each vendor staff proposed for placement within 48 hours of scheduled shift.

- 4.4.4.2 The Vendor and the Lottery must agree to any deviation from this requirement in writing.

- 4.5 **Minimum Experience Requirements:** Vendor's staff must meet or exceed minimum experience requirements for the associated classification and target technology. E.g., Software Developer/Engineer with five (5) or more years of

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experience with MS Visual Basic for Applications (VBA) and one (1) or more years of experience with MS Transact SQL (TSQL).

4.6 Candidate Performance: The Vendor's proposed candidate must consistently perform the contracted duties as outlined in these specifications or as described in the project-specific scope included within the Delivery Order.

4.6.1 The Agency will notify the awarded vendor if a Vendor's employee fails to consistently perform the contracted duties.

4.6.2 The Agency may, as part of this solicitation, request the Vendor replace the candidate; if so, and the Vendor will have 2 weeks (10 business days) to provide another proposed candidate with the qualifications for a replacement.

4.6.3 The Lottery reserves the right, and at its sole discretion, with no appeal or protest to remove any proposed candidate from the vendor's candidate pool.

4.6.4 If a vendor provides a candidate under false documentation that will give Lottery grounds for cancellation of the Delivery Order and the vendor shall be removed from the prequalified vendor pool.

4.7 Work Location and Work Hours:

4.7.1 Work will be onsite, remote or hybrid, onsite location will be at Lottery headquarters located at 900 Pennsylvania Ave, Charleston, WV. Any and all travel, per diem, parking, and/or living expenses shall be at the Worker's and/or Vendor's expense.

4.7.2 Work hours will be Monday through Friday from 8am - 5pm EDT, excluding State and Federal holidays when the Agency is closed unless approved by the Agency designated manager.

4.7.3 Work outside normal business hours may be required on weekends, evenings, and holidays.

4.7.4 Work over 40 hours will be at the hourly rate quoted on the pricing page for the classification, and must be coordinated and pre-approved by the Agency designated manager. The Agency will not pay vendor overtime rates.

4.8 Non-Disclosure Agreement (NDA) or Confidentiality Agreement: Prior to award all parties, the Vendor, Lottery and vendors proposed candidate must sign a

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mutual Non-Disclosure Agreement (NDA) to ensure the confidentiality of the information exposed. (see attached Lottery NDA as Exhibit – B)

- 4.9 Previous Employees:** The Lottery will not allow any previous employee dismissed by any state agency for disciplinary or performance reasons to return and work through any Staffing Agency.

5 PREQUALIFICATION AWARD AND REQUESTS FOR BIDS:

- 5.1 Vendor Prequalification:** This agreement establishes a pool of prequalified vendors to provide the services listed in Section 4, "Mandatory Contract Items and Deliverables."

5.1.1 The vendors responding to this RFQ for "Prequalification of Vendors" solicitation and meeting the qualifications in Section 3, "Vendor Qualifications," will be awarded a Vendor Prequalification Agreement.

5.1.2 The Vendor Prequalification Agreement will enable those vendors to submit bids upon request. Prequalification Agreements are limited to up to three (3) years.

- 5.2 Requests for Bids:** All prequalified vendors will be sent requests for bids when services are needed. The request for bids will contain the following: (see attached Lottery Staff Request Form as Exhibit – C)

5.2.1 Whether PRN or Term contract

5.2.2 Professional Classification from section 4.2

5.2.3 Technology area(s)

5.2.4 Number of years of experience required in each technology area identified

5.2.5 Quantity of services to include the estimated number of hours for a specific date range. E.g., 2080 hours over one year

5.2.6 Pricing Page to be completed by the vendor

5.2.7 The deadline (opening date and time) by which the vendors must submit bids

5.2.8 The location to which bids must be submitted

5.2.9 Examples of work

- 5.3 Evaluation of Bids:** The Lottery shall evaluate the bids received from the prequalified vendors to ensure they comply with the requirements of the prequalification agreement and the requests for bids.

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- 5.4 Award of Bids:** The Lottery shall award the contract to the responsive bidders with the lowest total cost.
- 5.4.1** This will be a progressive award contract with all prequalified vendors that respond to the bid request.
- 5.4.2** The lowest overall total cost will prioritize awards. For example, if Vendor A (lowest bid) cannot meet the needs, the agency shall move to the next lowest bid (Vendor B), and so on.
- 6 PERFORMANCE:** Vendor and Agency shall agree upon a schedule for performance in writing as outlined in the Request for Bid. The Vendor shall perform by the Vendor Prequalification Agreement, Request for Bid, General Terms & Conditions, and any contracts or purchase orders the Lottery may issue.
- 7 PAYMENT:** The vendor shall submit monthly invoices in arrears to the Accounting Office at the West Virginia Lottery for all services provided. The Vendor shall submit one monthly invoice for all provided staff, along with a copy of each Vendor staff member's signed timesheet as backup documentation. All timesheets must be signed and approved by Facility's designee before invoicing.
- 8 TRAVEL:** Vendor must be responsible for all mileage and travel costs, including travel time, associated with the performance of this contract. Any anticipated mileage or travel costs must be included in the Vendor's bid response, the agency will not pay such costs separately.
- 9 FACILITIES ACCESS:** Performance of Contract Services may require access cards and keys to access Agency's facilities. If access cards and keys are needed:
- 9.1** Vendor must identify principal service personnel who will be issued access cards and keys to perform service.
- 9.2** The Vendor will be responsible for controlling cards and keys and will pay a replacement fee of \$25 for each access card or key lost, stolen, or not returned to the Lottery.
- 9.3** The Vendor shall notify the Agency immediately of any lost, stolen, or missing card or key.

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9.4 Anyone performing under this Contract will be subject to the Agency's security protocol and procedures.

9.5 Vendor shall inform all staff of the Agency's security protocol and procedures.

10 VENDOR DEFAULT:

10.1 The following shall be considered a vendor default under this Contract.

10.1.1 Failure to perform Contract Services in accordance with the requirements contained herein.

10.1.2 Failure to comply with other specifications and requirements contained herein.

10.1.3 Failure to comply with any laws, rules, and ordinances applicable to the Contract Services provided under this Contract.

10.1.4 Failure to remedy deficient performance upon request.

10.2 The following remedies shall be available to Agency upon default.

10.2.1 Immediate cancellation of the Contract.

10.2.2 Immediate cancellation of one or more release orders issued under this Contract.

10.2.3 Any other remedies available in law or equity.

11 MISCELLANEOUS:

11.1 **Manager:** Prequalified vendors must designate and maintain a primary manager responsible for overseeing Vendor's responsibilities under the Prequalification Agreement. The manager must be available during regular business hours to address any customer service or other issues related to the agreement. The Vendor shall supply contact information for the designated Manager upon request.

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11.2 Emergency Contact: Prequalified vendors must designate and maintain an emergency contact responsible for any staffing issues that may arise outside of regular business hours. The emergency contact number must be answered or responded to within two (2) hours on any given day or time, including weekends and holidays. In addition, Prequalified Vendors shall supply contact information for the emergency contact upon request.

Contract Manager: Benjamin Dai
Telephone Number: 214-288-8882
Fax Number: N/A
Email Address: rfp@tunabear.com

Revised 12/12/2017

EXHIBIT – A

**WEST VIRGINIA LOTTERY
TEMPORARY IT STAFFING SERVICES**

MUTUAL NON-DISCLOSURE AGREEMENT

MUTUAL NON-DISCLOSURE AGREEMENT

This Mutual Non-Disclosure Agreement ("Agreement") is entered into by and between the West Virginia Lottery, with its principal offices located at 900 Pennsylvania Avenue Charleston, WV 25302 ("Lottery"), and Tunabear Inc with its principal offices located at 11711 Hillcrest Rd, Dallas, TX 75230 ("Party of the second part"), with an Effective Date of 12/01/2024. Lottery and Party of the second party also are referred to herein individually as a "party", or collectively as the "parties".

WHEREAS, the parties to this Agreement may wish to exchange certain information related to the provision of certain information or communication technology services by one party of interest to the other party; and

WHEREAS, the parties agree that improper disclosure of either party's Confidential Information, as defined below, by the other party could cause material harm to the party whose Confidential Information was improperly disclosed;

NOW THEREFORE, in order to protect certain Confidential Information that may be disclosed between the parties, Lottery and Alpha agree to maintain the confidentiality of the Confidential Information as follows:

I. Definition of Confidential Information. The "Confidential Information" disclosed under this Agreement is defined as follows:

Any data or information that is proprietary to the disclosing party and not generally known to the public, whether in tangible or intangible form, whenever and however disclosed, including, but not limited to: (i) any marketing strategies, plans, financial information, or projections, operations, sales estimates, business plans and performance results relating to the past, present or future business activities of such party, its affiliates, subsidiaries and affiliated companies; (ii) plans for products or services, and customer or supplier lists; (iii) any scientific or technical information, invention, design, process, procedure, formula, improvement, technology or method; (iv) any concepts, reports, data, know-how, works-in-progress, designs, development tools, specifications, computer software, source code, object code, flow charts, databases, inventions, intellectual property, and trade secrets; (v) solicitation for proposals, responses to proposals, bids, or information disclosed in connection with such solicitation, response, or bid; (vi) any other information that should reasonably be recognized as confidential information of the disclosing party.

II. Disclosure Period and Term. This Agreement protects against the disclosure of Confidential Information which is disclosed between the parties during each party's performance of its obligations associated with that certain CRFQ Agreement executed between the parties on 12/01/2024 (the "Effective Date") and 3 year(s) after the termination of such Agreement ("Disclosure Period"). Therefore, the duty of a recipient of Confidential Information to protect such Confidential Information disclosed under this Agreement begins on the Effective Date and expires 3 year(s) after the end of Disclosure

Period. Upon termination of this Agreement or upon the disclosing party's request, the recipient shall cease use of Confidential Information and return or destroy it.

- III. Use of Confidential Information.** A party hereunder receiving Confidential Information shall use such Confidential Information solely for the purposes of, as applicable to the recipient, understanding current business activities of a party, soliciting a proposal for certain information technology services, responding to such proposal solicitation, reviewing solicitation responses, tendering a bid, or discussions or negotiations related to such solicitation, proposal, or bid.
- IV. Protection of Confidential Information.** Each party shall not disclose the Confidential Information of the other party to any third party. The recipient shall protect the Confidential Information by using the same degree of care, but no less than a reasonable degree of care, to prevent the unauthorized use, dissemination or publication of the Confidential Information as the recipient uses to protect its own confidential information of a like nature. A recipient shall restrict disclosure of Confidential Information to its employees, provided that such employees (i) have a need to know, and (ii) are bound by obligations of confidentiality equally as restrictive as the terms of this Agreement.
- V. Exclusions.** This Agreement imposes no obligation upon the recipient with respect to Confidential Information which: (a) was in the recipient's possession before receipt from the disclosing party; (b) is or becomes a matter of public knowledge through no fault of the recipient; (c) is rightfully received by the recipient from a third party without a duty of confidentiality; (d) is disclosed by the disclosing party to a third party without a duty of confidentiality on the third party; (e) is independently developed by the recipient; (f) is disclosed under operation of law; or (g) is disclosed by the recipient with the disclosing party's prior written approval.
- VI. Miscellaneous.** Neither party to this Agreement shall acquire any intellectual property rights nor any other rights under this Agreement except the limited right to use as set forth in this Agreement. This Agreement does not prevent either Party from competing with one another for work or clients unless the parties specifically agree otherwise, in writing, as to a specific client. Each disclosing party warrants and represents that the Confidential Information and other information provided which is necessary to the purposes described hereunder, are true and correct to the best of the disclosing party's knowledge and belief. Nothing in this Agreement shall be construed to preclude either party from developing, using, marketing, licensing, and/or selling any software or other material that is developed without reference to the Confidential Information.
- VII. Export Administration.** Each party to this Agreement agrees to comply fully with all relevant export laws and regulations of the United States and other countries to assure that no Confidential Information or any portion thereof is exported, directly or indirectly, in violation of such laws.
- VIII. No Obligation to Purchase or Offer Products or Services.** Neither party has an obligation under this Agreement to purchase or otherwise acquire any service or item

from the other party. Neither party has an obligation under this Agreement to commercially offer any products using or incorporating the Confidential Information. The disclosing party may, at its sole discretion, offer such products commercially and may modify them or discontinue such offerings at any time.

IX. General. The parties do not intend that any agency or partnership relationship be created between them by this Agreement. This Agreement sets forth the entire agreement with respect to the Confidential Information disclosed herein and supersedes all prior or contemporaneous agreements concerning such Confidential Information, whether written or oral. All additions or modifications to this Agreement must be made in writing and must be signed by both parties. This Agreement and all matters arising out of or relating to this Agreement shall be governed by the laws of the State of West Virginia. The parties agree that the information provided as allowed by this Agreement will not contain any proprietary technical or confidential contractual information, or any financial information related to the relationship between Alpha and its partners. As a result, damages will not be included as a remedy.

The undersigned authorized representatives of each party have agreed to be legally bound by the terms of this Agreement as of the Effective Date shown above.

WEST VIRGINIA LOTTERY

By: Jonathan OQuinn

Name: Jonathan OQuinn

Title: IT Director

Tunabear Inc (VENDOR)

By: 

Name: Benjamin Dai

Title: CEO/President

ATTACHMENT – 1

**WEST VIRGINIA LOTTERY
TEMPORARY IT STAFFING SERVICES**

**JOB CLASSIFICATIONS
AND
REQUIREMENTS**

Business Analyst

Nature of Work:

Under general supervision, analyzes and documents business requirements and processes and assists in designing IT solutions to meet needs. Facilitates process modifications and improvements. Performs related work as required.

Examples of Work:

- Analyzing and improving business processes to enhance efficiency, productivity, and quality.
- Documenting current processes, identifying areas for improvement, and designing optimized workflows
- Eliciting, analyzing, and documenting IT project and initiative business requirements.
- Conduct stakeholder interviews, document user stories, and manage requirements throughout the project lifecycle.
- Analyzing market trends, customer feedback, and product performance data to inform product development and strategy.

Data Analyst

Nature of Work:

Under general supervision, is responsible for data analysis, modeling, database management, security, and quality assurance. Performs related work as required.

Examples of Work:

- Gathering, analyzing, and interpreting business data to provide strategic insights and inform decision-making
- Designing and maintaining data warehouses, creating reports and dashboards, and identifying trends and patterns
- Analyzing and interpreting data to derive actionable insights and support decision-making
- Collecting and analyzing data, creating visualizations, and communicating findings to stakeholders
- Develop and execute test plans and test cases to validate data accuracy, completeness, and consistency
- Conduct data quality assessments to identify and resolve anomalies, errors, and discrepancies

Database Administrator

Nature of Work:

Under general supervision, is responsible for designing, implementing, and maintaining databases. Performs related work as required.

Examples of Work:

- Design logical and physical database structures based on business requirements and industry best practices
- Define data models, schemas, tables, indexes, and relationships to ensure efficient data storage and retrieval
- Install, configure, and deploy SQL Server database management systems (DBMS)
- Create and configure database instances, ensuring optimal performance, scalability, and availability
- Import, export, and migrate data between different database environments while ensuring data integrity and consistency
- Monitor database performance, health, and security to identify and address potential issues proactively

Help Desk Support

Nature of Work:

Under general supervision, is responsible for technical support to end-users, troubleshooting technical issues, and resolving problems. Performs related work as required.

Examples of Work:

- Resolve technical problems related to desktops, laptops, printers, mobile devices, and other peripherals
- Guide users through troubleshooting steps and perform remote diagnostics to identify and resolve technical issues
- Maintain a knowledge base of common technical issues and their resolutions for reference by end-users and support staff
- Conduct training sessions and workshops for end-users to promote self-service troubleshooting and enhance technical skills
- Assist with user account creation, modification, and termination processes, ensuring compliance with regulatory requirements
- Install software updates, patches, and security fixes to address vulnerabilities and enhance system stability

IT Service Continuity Analyst

Nature of Work:

Under general supervision, documents, analyzes, implements, and manages disaster recovery and business continuity plans. Performs related work as required.

Examples of Work:

- Develop and maintain comprehensive disaster recovery (DR) and business continuity (BC) plans, including procedures, policies, and guidelines
- Document recovery objectives, critical processes, dependencies, and resource requirements to ensure readiness for potential disasters
- Analyze existing DR and BC capabilities, processes, and infrastructure to identify gaps and opportunities for improvement
- Conduct regular testing and validation exercises of DR and BC plans to verify effectiveness, identify weaknesses, and refine procedures
- Conduct tabletop exercises, simulations, and drills to prepare personnel for emergency scenarios and enhance response capabilities

Network Engineer

Nature of Work:

Under general supervision, is responsible for designing, implementing, and maintaining computer networks. Performs related work as required.

Examples of Work:

- Design and architect computer networks, including LANs, WANs, and wireless networks, based on organizational requirements and best practices
- Develop network topology diagrams, IP addressing schemes, and routing protocols to ensure efficient data transmission and connectivity
- Deploy and configure network devices such as routers, switches, firewalls, and access points to establish connectivity and secure network infrastructure
- Conduct network audits, performance assessments, and capacity planning to identify potential issues and scalability requirements
- Implement and enforce network security measures, including firewalls, intrusion detection/prevention systems (IDS/IPS), VPNs, and access controls
- Identify root causes of network issues and implement corrective actions to restore service and minimize downtime
- Implement configuration management processes to track changes, updates, and revisions to network devices and configurations

Project Manager

Nature of Work:

Under general supervision, manages IT projects, coordinates resources, and meets project deadlines. Performs related work as required.

Examples of Work:

- Develop project plans, schedules, and budgets and track progress against key milestones and deliverables
- Identify project resource requirements and allocate resources effectively to meet project needs and timelines
- Provide regular project status updates, reports, and presentations to stakeholders to keep them informed of project progress and risks
- Develop risk management plans, contingency strategies, and mitigation measures to minimize project disruptions and ensure successful outcomes
- Implement quality assurance activities, such as reviews, inspections, and testing, to validate project deliverables and ensure compliance with quality standards
- Implement change control procedures to document, evaluate, and approve changes in a systematic and transparent manner
- Maintain accurate and up-to-date project documentation, including project plans, schedules, status reports, and meeting minutes

Quality Assurance Analyst

Nature of Work:

Under general supervision, tests software applications to meet quality standards and requirements. Performs related work as required.

Examples of Work:

- Develop test plans, test cases, and test scripts based on software requirements and design specifications
- Define test objectives, acceptance criteria, and testing strategies to ensure comprehensive test coverage
- Conduct functional testing, regression testing, integration testing, and performance testing to identify defects and ensure software quality
- Identify, classify, prioritize, and report software defects and issues found during testing
- Develop and maintain automated test scripts and test frameworks
- Generate test summary reports, defect trend analysis reports, and test coverage reports for project stakeholders
- Identify potential risks and their impacts on software quality, reliability, and usability and adjust testing strategies accordingly

Security Analyst

Nature of Work:

Under general supervision, documents, analyzes, implements, and maintains security measures to protect IT systems and data. Performs related work as required.

Examples of Work:

- Develop and maintain comprehensive documentation of security policies, procedures, standards, and guidelines
- Document security controls, configurations, and baselines for IT systems and infrastructure
- Analyze security threats, vulnerabilities, and risks to IT systems and data through risk assessments and security audits
- Evaluate security controls and mechanisms to identify gaps, weaknesses, and areas for improvement
- Perform regular security assessments, vulnerability scans, and penetration tests to identify and address security vulnerabilities proactively
- Respond to security incidents, breaches, and anomalies by investigating root causes, containing threats, and mitigating impacts
- Conduct security audits and assessments to verify compliance with security controls, policies, and procedures
- Develop risk mitigation strategies, controls, and action plans to address identified security risks and vulnerabilities

Software Developer/Engineer

Nature of Work:

Under general supervision, is responsible for designing, coding, testing, and maintaining software applications. Performs related work as required.

Examples of Work:

- Create system architecture, design diagrams, and technical specifications to guide the development process
- Implement software features, modules, and components according to design specifications and coding standards
- Debug, troubleshoot, and resolve software defects and issues reported by users or identified during testing
- Implement software updates, patches, and enhancements to address changing requirements and improve system performance
- Document software changes, release notes, and technical documentation to facilitate knowledge transfer and future maintenance
- Deploy software releases to production environments in a controlled and efficient manner, minimizing downtime and disruption

Systems Administrator

Nature of Work:

Under general supervision, is responsible for installing, configuring, and maintaining computer systems, networks, and servers. Performs related work as required.

Examples of Work:

- Install and configure operating systems, software applications, and hardware components on computer systems and servers.
- Set up and deploy network infrastructure devices such as routers, switches, firewalls, and wireless access points.
- Install and configure server hardware, including rack-mount servers, blade servers, and virtualization hosts.
- Perform routine maintenance tasks such as software updates, patches, and security fixes to ensure system stability and security
- Identify root causes of system failures, performance degradation, and network outages and implement corrective actions.
- Implement and enforce security policies, access controls, and encryption mechanisms to protect computer systems, networks, and servers.
- Maintain accurate and up-to-date documentation of system configurations, network diagrams, and technical procedures.

Technical Writer

Nature of Work:

Under general supervision, is responsible for creating technical documentation, including but not limited to user manuals, help files, and online documentation. Performs related work as required.

Examples of Work:

- Develop user manuals and guides for software applications, hardware devices, and technical systems to assist end-users in understanding product features and functionalities.
- Collaborate with subject matter experts (SMEs) and product managers to gather information and ensure the accuracy and completeness of user documentation.
- Write concise and informative help content covering everyday tasks, functions, and features tailored to target users' needs and skill levels.
- Design and develop online documentation portals, knowledge bases, and FAQs to serve as centralized technical information and resources repositories.
- Review and edit technical documentation for clarity, coherence, accuracy, and adherence to style and formatting guidelines.
- Maintain document repositories, libraries, and archives to store, organize, and track revisions and updates to technical documentation.

ATTACHMENT – 2

**WEST VIRGINIA LOTTERY
TEMPORARY IT STAFFING SERVICES**

SAMPLE OF REQUEST FOR PRICING

Example Information Technology Staff Augmentation Request

Work Location: 1900 Pennsylvania Ave, Charleston WV, 25302

Position Number: 2024000142

WV Lottery Contact Information

Contact Name	Phone Number	Email
Jonathan O'Quinn	304-558-0500 x1935	joquinn@wvlottery.com

Position Request Information

Category	Type	Period	Total Contract Hours
Network Engineer	Term average 4/weekly	52 weeks	300

Onsite/Remote/Hybrid	Target Start Date	Hourly Rate
Onsite	6/1/2024	\$

Worker Minimum Qualifications

Years	Technology and Experience
5	Install, configuring, and maintaining Cisco routers and switches
	Valid CCNA, CCNP, or CCIE certification in Routing and Switching is required
	On-call, four (4) hour onsite response time is required.
	Travel to up to eight (8) total sites may be required. Additional response time hours are documented below.

Examples of Work

Maintain network documentation, including network diagrams, addressing schemes, and server, router, switch, and security configurations.

Must be able to install, configure, and maintain Cisco equipment, including various routers and switches.

Identify root causes of network issues and implement corrective actions to restore service and minimize downtime

Implement configuration management processes to track changes, updates, and revisions to network devices and configurations

Conduct network audits, performance assessments, and capacity planning to identify potential issues and scalability requirements

Additional Travel Hours Allotted for Response Time:

West Virginia Lottery
Headquarters
900 Pennsylvania Avenue
Charleston, WV 25302
0

West Virginia Lottery
Backup Data Center (Hot Site)
64 Sterling Drive
Bridgeport, WV 26330
2

Example Information Technology Staff Augmentation Request

West Virginia Lottery 100 Municipal Plaza Suite 100 Weirton, WV 26062	4
The Greenbrier 300 W Main Street White Sulphur Springs, WV 24986	2
Mardi Gras Casino & Resort 1 Greyhound Drive Cross Lanes, WV 25313	0
Wheeling Island Hotel-Casino-Racetrack 1 South Stone Street Wheeling, WV 26003	4
Mountaineer Racetrack, Casino & Resort Rt 2 Chester, WV 26034	4
Hollywood Casino at Charles Town Races Flowing Springs Road Rt 340 Charles Town, WV 25414	6

Example Information Technology Staff Augmentation Request

Work Location: 1900 Pennsylvania Ave, Charleston WV, 25302

Position Number: 2024000142

WV Lottery Contact Information

Contact Name	Phone Number	Email
Jonathan OQuinn	304-558-0500 x1935	joquinn@wvlottery.com

Position Request Information

Category	Type	Period	Total Contract Hours
Software Developer/Engineer	Term: Average 40/weekly	52 weeks	2200

Onsite/Remote/Hybrid	Target Start Date	Hourly Rate
Hybrid 10% onsite/90% remote	7/1/2024	\$

Worker Minimum Qualifications

Years	Technology and Experience
5	Coding applications in Microsoft Visual Basic for Applications (VBA) in MS Access
2	Writing Microsoft Structured Query Language (SQL) queries for MS SQL server
	After hours, weekends and holiday work may be required as needed

Examples of Work

Implement software features, modules, and components according to design specifications and coding standards

Debug, troubleshoot, and resolve software defects and issues reported by users or identified during testing

Implement software updates, patches, and enhancements to address changing requirements and improve system performance

Document software changes, release notes, and technical documentation to facilitate knowledge transfer and future maintenance

Deploy software releases to production environments in a controlled and efficient manner, minimizing downtime and disruption

Example Information Technology Staff Augmentation Request

Work Location: 1900 Pennsylvania Ave, Charleston, WV, 25302

Position Number: 2024000103

WV Lottery Contact Information

Contact Name	Phone Number	Email
Jonathan O'Quinn	304-558-0500 x1935	joquinn@wvlottery.com

Position Request Information

Category	Type	Period	Total Contract Hours
Network Engineer	PRN	52 weeks	400

Onsite/Remote/Hybrid	Target Start Date	Hourly Rate
Hybrid 50% onsite/50% remote	7/1/2024	\$

Worker Minimum Qualifications

Years	Technology and Experience
7	Designing and implementing complex local, wide area, and wireless networks, VPN, and firewalls.
	A valid CCIE certification is required

Examples of Work

Network Design: Develop comprehensive network architecture plans to meet the organization's current and future needs. This involves designing network layouts, recommending appropriate hardware and software components, and ensuring scalability and reliability for LAN, WAN, and Wireless networks.

Network Security: Develop and assist with implementing security measures to protect the network infrastructure from cyber threats such as malware, hacking attempts, and data breaches. This may involve firewalls, intrusion detection systems, VPNs, and other security protocols.

Network Optimization: Optimize network performance by identifying and resolving bottlenecks, latency issues, and other performance constraints. This could involve analyzing network traffic patterns, upgrading hardware, or implementing Quality of Service (QoS) policies.

Disaster Recovery Planning: Develop disaster recovery and business continuity plans to ensure network availability during natural disasters, hardware failures, or other disruptions. This could involve setting up redundant network paths, failover mechanisms, and backup systems.



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

State of West Virginia
Centralized Request for Quote
Service - Prof

Proc Folder: 1354530

Doc Description: Addendum No 1 - Prequalification Agreements IT Temp Staffing

Reason for Modification:
Addendum No 1 is issued to
modify the bid opening date.

Proc Type: Central Master Agreement

Date Issued	Solicitation Closes	Solicitation No	Version
2024-04-22	2024-05-07 13:30	CRFQ 0705 LOT2400000011	2

BID RECEIVING LOCATION

BID CLERK
DEPARTMENT OF ADMINISTRATION
PURCHASING DIVISION
2019 WASHINGTON ST E
CHARLESTON WV 25305
US

VENDOR

Vendor Customer Code:

Vendor Name :

Address :

Street :

City :

State :

Country :

Zip :

Principal Contact :

Vendor Contact Phone:

Extension:

FOR INFORMATION CONTACT THE BUYER

Toby L Welch
(304) 558-8802
toby.l.welch@wv.gov

Vendor
Signature X

FEIN#

DATE

All offers subject to all terms and conditions contained in this solicitation

ADDITIONAL INFORMATION

Addendum No 1 is issued for the following reasons:

1) To modify the bid opening date from 04/25/2024 to 05/07/2024.

--no other changes--

INVOICE TO				SHIP TO			
LOTTERY PO BOX 2067				LOTTERY 900 PENNSYLVANIA AVE			
CHARLESTON		WV		CHARLESTON		WV	
US				US			

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
1	Temporary IT Personnel Services				

Comm Code	Manufacturer	Specification	Model #
80111600			

Extended Description:
Temporary IT Staffing Services

SCHEDULE OF EVENTS

<u>Line</u>	<u>Event</u>	<u>Event Date</u>
1	Questions are due by 3:00 p.m.	2024-04-18

SOLICITATION NUMBER: CRFQ LOT2400000011
Addendum Number: 1

The purpose of this addendum is to modify the solicitation identified as ("Solicitation") to reflect the change(s) identified and described below.

Applicable Addendum Category:

- ☒ | Modify bid opening date and time
- ☐ | Modify specifications of product or service being sought
- ☐ | Attachment of vendor questions and responses
- ☐ | Attachment of pre-bid sign-in sheet
- ☐ | Correction of error
- ☐ | Other

Description of Modification to Solicitation:

Addendum No 1 is issued for the following reasons:

- 1) To modify the bid opening date from 04/25/2024 to 05/07/2024.

—no other changes—

Additional Documentation: Documentation related to this Addendum (if any) has been included herewith as Attachment A and is specifically incorporated herein by reference.

Terms and Conditions:

1. All provisions of the Solicitation and other addenda not modified herein shall remain in full force and effect.
2. Vendor should acknowledge receipt of all addenda issued for this Solicitation by completing an Addendum Acknowledgment, a copy of which is included herewith. Failure to acknowledge addenda may result in bid disqualification. The addendum acknowledgement should be submitted with the bid to expedite document processing.

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: CRFQ LOT24*011

Instructions: Please acknowledge receipt of all addenda issued with this solicitation by completing this addendum acknowledgment form. Check the box next to each addendum received and sign below. Failure to acknowledge addenda may result in bid disqualification.

Acknowledgment: I hereby acknowledge receipt of the following addenda and have made the necessary revisions to my proposal, plans and/or specification, etc.

Addendum Numbers Received:

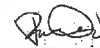
(Check the box next to each addendum received)

- | | |
|--|--|
| ☒ Addendum No. 1 | ☐ Addendum No. 6 |
| ☐ Addendum No. 2 | ☐ Addendum No. 7 |
| ☐ Addendum No. 3 | ☐ Addendum No. 8 |
| ☐ Addendum No. 4 | ☐ Addendum No. 9 |
| ☐ Addendum No. 5 | ☐ Addendum No. 10 |

I understand that failure to confirm the receipt of addenda may be cause for rejection of this bid. I further understand that any verbal representation made or assumed to be made during any oral discussion held between Vendor's representatives and any state personnel is not binding. Only the information issued in writing and added to the specifications by an official addendum is binding.

Tunabear Inc

Company



Authorized Signature

11 / 26 / 2024

Date

NOTE: This addendum acknowledgment should be submitted with the bid to expedite document processing.
Revised 6/8/2012



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

State of West Virginia
Centralized Request for Quote
Service - Prof

Proc Folder: 1354530

Doc Description: Addendum No 2 - Prequalification Agreements IT Temp Staffing

Reason for Modification:

Addendum No 2 is issued to
publish questions and answers.

Proc Type: Central Master Agreement

Date Issued	Solicitation Closes	Solicitation No	Version
2024-04-29	2024-05-07 13:30	CRFQ 0705 LOT2400000011	3

BID RECEIVING LOCATION

BID CLERK
DEPARTMENT OF ADMINISTRATION
PURCHASING DIVISION
2019 WASHINGTON ST E
CHARLESTON WV 25305
US

VENDOR

Vendor Customer Code:

Vendor Name :

Address :

Street :

City :

State :

Country :

Zip :

Principal Contact :

Vendor Contact Phone:

Extension:

FOR INFORMATION CONTACT THE BUYER

Toby L Welch
(304) 558-8802
toby.l.welch@wv.gov

Vendor
Signature X

FEIN#

DATE

All offers subject to all terms and conditions contained in this solicitation

ADDITIONAL INFORMATION

Addendum No 2 is issued for the following reasons:

1) To publish a copy of all vendor questions and their responses.

--no other changes--

INVOICE TO

LOTTERY
PO BOX 2067

CHARLESTON WV
US

SHIP TO

LOTTERY
900 PENNSYLVANIA AVE

CHARLESTON WV
US

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
1	Temporary IT Personnel Services				

Comm Code

80111600

Manufacturer**Specification****Model #****Extended Description:**

Temporary IT Staffing Services

SCHEDULE OF EVENTS

<u>Line</u>	<u>Event</u>	<u>Event Date</u>
1	Questions are due by 3:00 p.m.	2024-04-18

SOLICITATION NUMBER: CRFQ LOT2400000011

Addendum Number: 2

The purpose of this addendum is to modify the solicitation identified as ("Solicitation") to reflect the change(s) identified and described below.

Applicable Addendum Category:

- ☐ | Modify bid opening date and time
- ☐ | Modify specifications of product or service being sought
- ☒ | Attachment of vendor questions and responses
- ☐ | Attachment of pre-bid sign-in sheet
- ☐ | Correction of error
- ☐ | Other

Description of Modification to Solicitation:

Addendum No 2 is issued for the following reasons:

- 1) To attach the vendors questions and Agency responses.
- no other changes--

Additional Documentation: Documentation related to this Addendum (if any) has been included herewith as Attachment A and is specifically incorporated herein by reference.

Terms and Conditions:

1. All provisions of the Solicitation and other addenda not modified herein shall remain in full force and effect.
2. Vendor should acknowledge receipt of all addenda issued for this Solicitation by completing an Addendum Acknowledgment, a copy of which is included herewith. Failure to acknowledge addenda may result in bid disqualification. The addendum acknowledgement should be submitted with the bid to expedite document processing.

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: LOT2400000011

Instructions: Please acknowledge receipt of all addenda issued with this solicitation by completing this addendum acknowledgment form. Check the box next to each addendum received and sign below. Failure to acknowledge addenda may result in bid disqualification.

Acknowledgment: I hereby acknowledge receipt of the following addenda and have made the necessary revisions to my proposal, plans and/or specification, etc.

Addendum Numbers Received:

(Check the box next to each addendum received)

☐ Addendum No. 1	☐ Addendum No. 6
☐ Addendum No. 2	☐ Addendum No. 7
☐ Addendum No. 3	☐ Addendum No. 8
☐ Addendum No. 4	☐ Addendum No. 9
☐ Addendum No. 5	☐ Addendum No. 10

I understand that failure to confirm the receipt of addenda may be cause for rejection of this bid. I further understand that any verbal representation made or assumed to be made during any oral discussion held between Vendor's representatives and any state personnel is not binding. Only the information issued in writing and added to the specifications by an official addendum is binding.

Company

Authorized Signature

Date

NOTE: This addendum acknowledgment should be submitted with the bid to expedite document processing.
Revised 6/8/2012

ATTACHMENT A

CRFQ LOT2400000011

Prequalification Agreements – IT Temporary Staffing

1. Could you please provide an OCR-compatible searchable version of the Solicitation document?
A1) No, see the CRFQ bid documents.
2. We are assuming that bidders are neither required to submit client references at the proposal submission stage nor at the contract award stage. Please confirm.
A2) Incorrect. Per sections 3.2, 3.2.1 – 3.2.3 documentation is required before award.
3. Regarding section 3.2.2, could you elaborate on what specific documentation is required to indicate that a company meets the stated requirement prior to award?
A3) Vendor should provide with their bid, a general company overview that must include information regarding the number of years of qualification, experience, training, and relevant professional education for each individual classification.
4. Please confirm if bidders are required to include cost proposal (range of bill rates) in their proposal submission.
A4) No, see section 5.1 Vendor Prequalification: This RFQ will establish a pool of prequalified vendors to provide the services listed in Section 4, "Mandatory Contract Items and Deliverables."
5. Is this a new contract or a renewal of an existing contract? If it is an existing contract, could you share the number of and list of the incumbent vendors?
A5) New, there is no existing contract or incumbent Vendor.
6. How many vendors do you anticipate selecting as a result of this Request for Proposal (RFP) process?
A6) No anticipated number of awards or vendors, this will be a Multiple-Award Contract: Contracts will be awarded only to prequalified vendors.
7. What was the Lottery's expenditure for similar services last year?
A7) None, there is no existing contract or incumbent Vendor.
8. What is the anticipated budget allocated for this contract?
A8) This information is not for bidding purposes, neither the Purchasing Division nor the Lottery can disclose this information to the bidders at any time prior to the conclusion of the procurement process.
9. How many staff augmentation requests were made by the Lottery in the past years?
A9) None, there is no existing contract or incumbent Vendor.
10. What is the anticipated number of requisitions that would be released under this contract?
A10) There is no anticipated number of requisitions, Lottery's requests will be when services are needed.

CRFQ LOT2400000011

Prequalification Agreements – IT Temporary Staffing

- 11.** What would be the minimum anticipated duration of such projects for which the Lottery would require resources?
A11) Per section 4.3 Lottery needs may be hourly, daily, weekly, monthly or annually, or as needed, per section 2.8 where PRN is defined as “when necessary” or “as needed”. Each mini-bid will specify the total number of chargeable hours available on the contract over a specified duration.
- 12.** Will the selected resources be required to work full-time or part-time? If part-time, is there a minimum hourly commitment?
A12) There will be no full-time work associated with the award of these prequalification agreements; see page 30, section 5.2, and Sample Staff Request Form Attachment – 2. Resources contracted by the mini-bid will have a not-to-exceed number of chargeable hours over a specific duration. There will be no minimum commitment of hours.
- 13.** Could you please provide the evaluation criteria that will be used to assess the proposals submitted by vendors?
A13) See the PREQUALIFICATION AGREEMENT SPECIFICATIONS starting on page-24 of the CRFQ Bid Documents.
- 14.** Would the resources be required to perform work on-site or remote?
A14) See page-29 section 4.7 Work Location and Work Hours.
- 15.** Please confirm if vendors should sign and submit page 23 (Designated Contact Form) with our response?
A15) Yes
- 16.** Referring to the information requested on section 3.1.1 “...experience, training, and relevant professional education for each individual classification.” What is WV Lottery asking vendors to provide in this section? Would this be number of placements or sample resumes? Please clarify.
A16) Section 3.1.1 refers to documentation specified by section 3.2 and 3.2.1 for the three (3) resources placed in the last five (5) years.
- 17.** For section 3.2, which asks for vendors to provide, “...documentation to indicate they have provided staffing of at least 3 individuals within the past 5 years for any classification listed in section 4.2.” Can vendors provide at least 3 references where we placed resources for the classifications listed in the RFQ to meet this section's requirement?
A17) Vendors are required to provide three (3) references where resources have been placed for each category bid upon. For example, if a vendor bids on all categories, three (3) references would be required for 12 categories, for a total of 36. Each category is treated separately. It is not required to bid on all 12 categories.

CRFQ LOT2400000011

Prequalification Agreements – IT Temporary Staffing

- 18.** For the purpose of putting together an RFQ response for WV Lottery, vendors are only required to provide the information requested in sections 3.1 to 3.4? Please confirm.
A18) Yes, and must comply with section 4.5 Minimum Experience Requirements.
- 19.** Can you confirm that no pricing quotes are required in our response? If pricing is required in what format is WV Lottery wanting to receive pricing as part of vendor responses? Would a table listing each resource classification with bill rates be acceptable?
A19) No pricing quotes required in the bid response.
- 20.** What is the anticipated award date?
A20) ASAP, upon evaluation of all bid submissions.
- 21.** Will we have the ability to discuss any and all modifications made prior to the award?
A21) No, The Solicitation contains the specifications that shall form the basis of a contractual agreement; communication with the State of West Virginia or any of its employees regarding this Solicitation during the solicitation, bid, evaluation or award periods, except through the Purchasing Division, is strictly prohibited without prior Purchasing Division approval.
- 22.** Who is responsible for providing laptops?
A22) The WV Lottery will provide the end point.
- 23.** In section 4.4 background check requirements were included, can you provide specifics as to what is required for the vendor background checks? And what is the Lottery responsible for in terms of background checks?
A23) The vendor is required to perform a background check, and also provide the names and fingerprints of selected resources to the Lottery. The Lottery will run an independent law enforcement background check in addition to the Vendor supplied background check.
- 24.** What is the intended number of awardees for this contract?
A24) No anticipated number of awards or vendors, this will be a Multiple-Award Contract, and Contracts will be awarded only to prequalified vendors.
- 25.** Would the list of all vendors awarded be publicized?
A25) Yes
- 26.** With WV being considered tax exempt, is WV Lottery willing to provide the tax-exempt certificate?
A26) Yes
- 27.** What is the estimated budget for this contract?
A27) This information is not for bidding purposes, neither the Purchasing Division nor the Lottery can disclose this information to the bidders at any time prior to the conclusion of the procurement process.

CRFQ LOT2400000011

Prequalification Agreements – IT Temporary Staffing

28. What was the clients spend in relation to the Current IT Staff Augmentation Contract for the previous year?

A28) There is no existing contract or incumbent Vendor.

29. Is there any incumbent for this contract, or is this for a new contract? If yes, please let us know the incumbent's name, hourly rate and historical spending.

A29) New, there is no existing contract or incumbent Vendor.

30. How many requirements are anticipated to be released annually?

A30) There is no set or anticipated number of resources that will be released.

31. Please confirm if there is any local preference.

A31) No local preference.

32. How many awards are to be made under this contract?

A32) No anticipated number of awards or vendors, this will be a Multiple-Award Contract: Contracts will be awarded only to prequalified vendors.

33. On average, how many temporary IT staff are deployed at any given time?

A33) There is no set or anticipated number of resources that will be deployed.

34. How many task orders can we expect for each vendor?

A34) There is no set or anticipated number of resources that will be released.

35. Is there any specific response format for this solicitation?

A35) BID FORMATTING: Vendor should type or electronically enter the information onto its bid to prevent errors in the evaluation. Failure to type or electronically enter the information may result in bid disqualification.

36. Is there any specific format for the price sheet, or can we give an hourly rate for the positions?

A36) No pricing quotes required in the bid response.

37. How will you release the work order request once it is awarded? Email or any specific portal.

A37) See page-30, specifications section 5. PREQUALIFICATION AWARD AND REQUESTS FOR BIDS.

38. Will the prequalified vendors be handling existing positions or entirely new openings? If it's a mix of both, what percentage of these are new positions?

A38) New openings.

39. What is the ratio of remote positions to hybrid or onsite positions?

A39) There is no set or anticipated number of remote, hybrid or onsite resources that will be released.

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- 40. Are resumes required to be submitted as part of our proposal? If yes, are sample resumes, okay?**
A40) Yes, per section 3.2 – 3.2.3, vendors must provide evidence that a minimum of three (3) resources have been successfully placed in the last five (5) years, per category bid upon. If a vendor bides on 12 categories they will submit 36 resumes. Each category is treated separately. Sample resumes do not meet the requirement.
- 41. Is this a new requirement or a rebid? If it is a rebid, please share the list of incumbents.**
A41) New, there is no existing contract or incumbent Vendor.
- 42. What is the budget for this requirement?**
A42) This information is not for bidding purposes, neither the Purchasing Division nor the Lottery can disclose this information to the bidders at any time prior to the conclusion of the procurement process.
- 43. How many vendors will be awarded under this CRFQ?**
A43) No anticipated number of awards or vendors, this will be a Multiple-Award Contract: Contracts will be awarded only to prequalified vendors.
- 44. Is the vendor required to provide Insurance certification at the time of submission?**
A44) Should provide to expedite bid evaluation, required upon request and prior to Contract Award.
- 45. In the CRFQ document, we didn't find Proposal content requirements. Can the agency clarify what we need to include in our response?**
A45) See page-25 of the bid documents section 3. VENDOR QUALIFICATIONS.
- 46. Can the agency clarify how we need to share our Pricing information?**
A46) No pricing quotes required in the bid response.
- 47. Can the agency provide the evaluation criteria?**
A47) See page-25 of the bid documents section 3. VENDOR QUALIFICATIONS.
- 48. Do we need to provide any sample resumes for the job titles mentioned in the document?**
A48) No sample resumes are required. Note: per section 3.2 – 3.2.3, vendors must provide evidence that a minimum of three (3) resources have been successfully placed in the last five (5) years, per category bid upon. If a vendor bides on 12 categories they will submit 36 resumes. Each category is treated separately. Resumes are expected as a part of that evidence.
- 49. Can the agency clarify what forms we need to submit with our response?**
A49) Please read the RFQ Bid Documents thoroughly starting with page-4 INSTRUCTIONS to VENDORS SUBMITTING BIDS, also see page-25 Section 3. VENDOR QUALIFICATIONS.

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- 50. Upon reading Section 6. Bid Submission, we were unsure about the submission because it says that, when it's an RFP, it cannot be submitted on wvOASIS; it has to be mailed or by fax. The document description states that this is a Prequalification Agreements IT Temp Staffing (so I understand it's not a Request for Proposal). So, the question is: can this submission be made through wvOASIS or only by mail or fax?**
A50) Yes, Vendors can submit bids electronically through wvOASIS, in paper form delivered to the Purchasing Division at the address listed below either in person or by courier, or in facsimile form by faxing to the Purchasing Division.
- 51. Regarding the format, can we create a template with all the information, exhibits, and attachments requested, or do we need to print and fill out the Prequalification Agreements IT Temp Staffing document?**
A51) Yes, must include all the information, exhibits, and attachments requested in the RFQ or may result in the bid being disqualified.
- 52. What needs to be submitted with the response; can you please clarify?**
A52) Please read the RFQ Bid Documents thoroughly starting with page-4 INSTRUCTIONS to VENDORS SUBMITTING BIDS, also see page-25 Section 3. VENDOR QUALIFICATIONS.
- 53. Is this a re-compete Prequalification agreement?**
A53) No
- 54. Could you please give me the name of Current prequalified vendors (who are currently providing services to Agency)?**
A54) There is no current contract or incumbent Vendors.
- 55. When the existing contract was started, and what is the annual monetary spent value of the current agreement since inception?**
A55) There is no current contract or incumbent Vendors.
- 56. How many resources are currently engaged in the bids under current agreement?**
A56) There is no current contract or incumbent Vendors.
- 57. Can you please share the no. of positions served in previous years under this agreement?**
A57) There is no current contract or incumbent Vendors.
- 58. Can you please share the amount of business each vendor did under this agreement in previous years?**
A58) There is no current contract or incumbent Vendors.
- 59. What will be the estimated annual budget for this project?**

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A59) This information is not for bidding purposes, neither the Purchasing Division nor the Lottery can disclose this information to the bidders at any time prior to the conclusion of the procurement process.

60. How many position requirements we can expect under this agreement in one year?

A60) There is no set or anticipated number of resources that will be released.

61. What communication method will be utilized for the distribution of requisitions/task orders among the vendors awarded under the contract? This includes options such as Email, VMS, or any alternative mode.

A61) Through wvOASIS Vendor Self-Serve (VSS) Portal and by Email.

62. In the event that the agency opts to use a VMS for requisition/task order distribution under the contract, could you please verify the name of the VMS being considered?

A62) A vendor management system (VMS) is not being considered at this time.

63. How will requisitions be distributed among the chosen vendors under the contract?

A63) All prequalified vendors will be sent requests when services are needed. The Lottery shall evaluate prequalified vendors to ensure they comply with the requirements of the prequalification agreement and the requests. See page-30 section 5 Prequalification Award and Requests

64. Can you confirm whether requisitions/task orders under the resulting contract will be sent to all selected vendors?

A64) Yes, to all prequalified vendors.

65. If requisitions under the resulting contract are intended for specific vendors among those awarded, how does the agency plan to determine and select those particular vendors for receiving requisitions.

A65) All prequalified vendors will be sent requests when services are needed. The Lottery shall evaluate prequalified vendors to ensure they comply with the requirements of the prequalification agreement and the requests. See page-30 section 5 Prequalification Award and Requests.

66. PAGE #2, ARFQ FORM, Line Item

a. Question: Could you please confirm if we need to submit pricing for the required classification?

No pricing quotes are required in the bid response.

b. Question: If not, what exactly is to filled in "Unit Price" & Total Price in the ARFQ form?

None, This agreement establishes a pool of prequalified vendors to provide the services.

c. Question: There is no pricing format, do we need to provide fully burdened hourly rate for each position listed in section 4.2 Classification?

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No pricing quotes are required in the bid response.

d. Question: Do we need to provide pricing in our own format?

No pricing quotes are required in the bid response.

67. PAGE#26, PREQUALIFICATION AGREEMENT SPECIFICATION, Section 3.1.1

"3.1.1 Vendor should provide with their bid, a general company overview that must include information regarding the number of years of qualification, experience, training, and relevant professional education for each individual classification."

- a. Question: Could you please confirm by stating "number of years of qualification, experience, training, and relevant professional education" would the agency require proposers to submit the information regarding the available consultants in our resume database for the required classifications?

A 67a) Section 3.1.1 refers to documentation specified by section 3.2 and 3.2.1 for the three (3) resources placed in the last five (5) years.

- b. Question: If the answer to above question is no, could you please confirm for whom the information is required? See Answer 67a

68. PAGE#26, PREQUALIFICATION AGREEMENT SPECIFICATION, Section 3.2.1

"3.2.1 Documentation should include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4."

- a. Question: Could you please confirm providing client reference including description of service, list of position served, date of services, date of placements and client's point of contact would suffice the above mentioned requirement?

A68a) Per section 3.2.3 vendors must supply at a minimum the name of the entity, company or business, and contact information. The position served, date of services, and date of placements would also be helpful.

69. PAGE#26, PREQUALIFICATION AGREEMENT SPECIFICATION, Section 3.2.3

- a. *"3.2.3 The documentation should detail the entity, company or business to whom the individual was supplied and provide contact information for that entity."*

- b. Question: We have served varied positions covering multiple classifications (mentioned in section 4.2) to our one single client in past 5 years. Could you please confirm if submitting a client information document for that client would suffice this requirement?

A69b) No. For the purpose of awarding multiple categories, a single resource will not be considered as serving in more than one capacity during overlapping periods of service at one specific entity.

70. PAGE#26, PREQUALIFICATION AGREEMENT SPECIFICATION, Section 3.3

"3.3 Vendor must possess all licenses, permits, and certifications required to perform this contract before the start date of service."

- a. Question: We are registered with WV secretary of state, would this suffice this above requirement?

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A70a) WVSOS registration is only for Business License in the state.

- b. Question: if other license or registrations are required, request you to please confirm the type and name of license and registrations required to suffice the above requirement?

A70b) As stated in section 3.3, only permits, and certifications that are required to perform the services of this contract.

71. PAGE#26, PREQUALIFICATION AGREEMENT SPECIFICATION, Section 3.4

- a. 3.4 Lottery shall require resources to hold current certification for target technologies, the certifications would include but not limited to cybersecurity or vendor-specific certifications as Cisco and Microsoft.

- b. Question: In order to suffice the above requirement, do we also need to submit potential resumes of candidates for the respective classifications?

A71b) Required certifications will be specified on mini-bids when a position is released. Section 3.4 is intended to notify vendors that certifications can be required by the Lottery.

- c. Question: If resumes are required, do we need to submit actual resumes? Additionally, how many resumes are required for each position?

A71c) Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement.

- d. Question: Can we show certifications and credentials of actual consultants available in our resume database to suffice the above requirement?

A71d) Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business.

72. Do we need to submit "MUTUAL NON-DISCLOSURE AGREEMENT" as part of the response?

A72) No, see page-29 section 4.8 Non-Disclosure Agreement (NDA) or Confidentiality Agreement.

73. Do we need to include any sample resumes with our submission?

A73) Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement.

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74. Could the agency please specify the required proposal format?

A74) The proposal format may emulate the bid documents, please read the RFQ Bid Documents thoroughly starting with page-4 INSTRUCTIONS to VENDORS SUBMITTING BIDS.

75. Could the agency provide clarification on Section 3.2? Is it necessary to include past experience with three placements in each classification as part of our submission?

A75) Yes. Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement.

76. In the event that we don't have three placements in all categories, what are the guidelines? Are we still allowed to submit responses for all categories, only those where we meet the placement requirement, or are we unable to respond at all?

A76) Yes, you may respond to only those where you meet the placement requirements.

77. Could the agency clarify whether the required documentation outlined in Sections 3.2.2 and 3.2.3 need to be provided prior to award or with our proposal submission?

A77) Vendors shall provide with your bid proposal submission.

78. If it's prior to award, what information is needed at the time of proposal submission regarding the details of the individuals placed?

A78) Please read the RFQ Bid Documents thoroughly starting with page-4 INSTRUCTIONS to VENDORS SUBMITTING BIDS, also see page-25 Section 3. VENDOR QUALIFICATIONS.

79. Is this a new contract or renewal of an existing contract?

A79) New

80. If there is an existing contract, could you please share the names of the current vendors and their pricing?

A80) There is no current contract or incumbent Vendors.

81. In order to be considered responsive to this solicitation, is it mandatory to bid on all positions?

A81) This agreement establishes a pool of prequalified vendors to provide the services, see page-26 Section 4.2 Classifications.

82. What is the estimated budget for this contract?

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A82) This information is not for bidding purposes, neither the Purchasing Division nor the Lottery can disclose this information to the bidders at any time prior to the conclusion of the procurement process.

83. Is it mandatory to subcontract?

A83) No

84. Could you please provide information on the daily duration of shifts required for the necessary professions? For example, the number of hours per day?

A84) See page-30 section 5.2

85. What are the necessary documents for the proposal?

A85) Please read the RFQ Bid Documents thoroughly starting with page-4 INSTRUCTIONS to VENDORS SUBMITTING BIDS, also see page-25 Section 3. VENDOR QUALIFICATIONS.

86. Do we only need to fill in the blank sections of the RFQ?

A86) Yes and provided all requested documents and information, REVIEW DOCUMENTS THOROUGHLY: The documents contain a solicitation for bids. Please read these instructions and all documents in their entirety. These instructions provide critical information about requirements that if overlooked could lead to disqualification of a Vendor's bid. All bids must be submitted in accordance with the provisions contained in these instructions and the Solicitation. Failure to do so may result in disqualification of Vendor's bid.

87. Is it necessary to attach a Certification of Insurance?

A87) Should provide to expedite bid evaluation, required upon request and prior to Contract Award.

88. Is this a re-compete RFQ? If yes,

A88) No

a. Could you please share the name of Current Suppliers (who are currently providing services to Agency)? N/A

b. Could you please share current Supplier's pricing and Proposals? N/A

c. How many awards were made in the Past? None

d. When the existing contract was started, and what is the annual monetary spent value of the current contract since inception? N/A

e. How many resources are currently engaged in the current contract? N/A

f. Can you please share the no. of positions served in previous years under this contract? N/A

g. Can you please share the amount of business each vendor did under this contract in previous years? N/A

**h. Is there any issue that the agency is currently facing with the incumbents?
No incumbents**

i. Are incumbents allowed to bid on this RFQ? Please confirm.

If there were incumbents then yes this is an open solicitation.

j. Please share the historical spending for the years 2021, 2022 and 2023? N/A

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k. How many positions were used in the years 2021, 2022 and 2023? N/A

89. What will be the estimated annual budget for this project?

A89) This information is not for bidding purposes, neither the Purchasing Division nor the Lottery can disclose this information to the bidders at any time prior to the conclusion of the procurement process.

90. Is this a single award or multiple award contract?

A90) See page-26 section 4.1 Multiple-Award Contract.

91. If it is a multi-award contract, can you please confirm the total number of vendors to be awarded this contract?

A91) There is no set number of vendors, See page-26 section 4.1 Multiple-Award Contract.

92. How will job requests be shared among multiple awarded vendors?

A92) see section 5.2 Requests for Bids: All prequalified vendors will be sent requests for bids when services are needed. The request for bids will contain the following: (see attached Sample Staff Request Form as Attachment – 2.

93. Will all job requests be shared among all awarded vendors simultaneously?

A93) Yes

94. Is there any ranking system for sharing job requests among awarded vendors such as primary bidder, secondary bidder, and then other awarded bidders?

A94) Yes, see page-30 & 31 sections 5.3 Evaluation of Bids and 5.4 Award of Bids.

95. Can you share details from where we can get old RFQ details? Can you please tell us where we can see the records for the old contract?

A95) There is none this is a new solicitation for services.

96. Can you please share the email id/details where we can raise the public record request for old RFQ?

A96) There is none this is a new solicitation for services, all FOIA request may be requested through the WV Purchasing Division, follow this link and search for FOIA.

<https://www.state.wv.us/admin/purchase/>

97. Would you accept references from large commercial entities?

A97) Yes

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- 98.** How many positions are required under this contract? How many positions are currently open? How many positions are currently used in a single day? Please give a rough estimate. Out of mentioned staffing positions, what are the most filled positions? Please share. What would be the estimated hours for given positions?
A98) These answers are currently unknown at this time, see the example of the Lottery Staff Request Form attached to the bid documents as Attachment - 2 for some clarity.
- 99.** Please confirm minimum guaranteed hours per week for these positions.
A99) There will be no guaranteed placement or hours implied for prequalified vendors.
- 100.** What is the weekend and holiday shift work rate policy of County such as 1.5-time standard hourly rate? Please confirm. Can you please share shift timings and location of services?
A100) See page-29 section 4.7 Work Location and Work Hours.
- 101.** What is the average response time to provide resume of qualified resources?
A101) Please see page-1 for the solicitation closing date and time. However a date and time will also be provided when services are needed.
- 102.** Do we have to provide Sample Insurance Certificate with the proposal response? Please confirm.
A102) No, upon request or prior to award.
- 103.** Will you award this contract to the lowest responsive bidders? Please confirm.
A103) No, see section 5.1 Vendor Prequalification: This RFQ will establish a pool of prequalified vendors to provide the services listed in Section 4 Mandatory Contract Items and Deliverables.
- 104.** Will the agency be giving any preference to local vendors? Please confirm.
A104) No.
- 105.** To be responsive, is it mandatory to have physical office in West Virginia? Please confirm.
A105) No.
- 106.** To be responsive, is it mandatory to provide Business Registration Certificate (BRC) with the proposal response? Please confirm.
A106) No, only upon request and prior to award.
- 107.** Can we provide BRC certificate after the award? Please confirm.
A107) Yes.
- 108.** Is there any specific format for pricing? If yes, can you please share the pricing format? Do we need to provide hourly rates? Do we need to provide hourly bill rate or markup percentage?

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A108) No pricing quotes required in the bid response.

109. Are there any Subcontracting requirements to comply with the bid requirements? If yes, please confirm the subcontracting goal for the bid?

A109) No.

110. For Section 3.2 Vendor shall provide these services for each classification for bid by providing documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below.

- Please confirm if we need to submit 3 individual references in past 5 years for every classification or do we have to submit 3 individual references for just one of the classifications to qualify for all other classifications?

A110) Vendors are required to provide three (3) references where resources have been placed for each category bid upon. For example, if a vendor bids on all categories, three (3) references would be required for 12 categories, for a total of 36. Each category is treated separately. It is not required to bid on all 12 categories.

111. If the references have to be given for all classifications, could we request to extend the submission deadline for 1 more week?

A111) RFQ bid closing date has been extended to May 7th, 2024, see Addendum #1.

112. Is there a requirement to include resumes in the proposal?

A112) Yes, Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement.

113. Does the Agency suggest a template/specific format/excel for cost proposal?

A113) No, however vendors must provide all requested documents and information, REVIEW DOCUMENTS THOROUGHLY: The documents contain a solicitation for bids. Please read these instructions and all documents in their entirety. These instructions provide critical information about requirements that if overlooked could lead to disqualification of a Vendor's bid. All bids must be submitted in accordance with the provisions contained in these instructions and the Solicitation. Failure to do so may result in disqualification of Vendor's bid.

114. What format or form do you want us to use for the Request for Rates/Pricing. I don't see a form that is included in the RFP to add our proposed rates for each position posted.

A114) No pricing quotes required in the bid response.

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115. Can you please confirm if our understanding is correct: "We just have to respond to the requirements mentioned in Section 3. Vendor Qualifications as a part of our qualification response and nothing else"?

A115) Yes, and vendors must also comply with section 4.5 Minimum Experience Requirements.

116. Is it correct that we do not have to provide any pricing information for now and it will be requested for a post contract award?

A116) Yes correct.

117. How many staffing requirements do you anticipate under the contract each year?

A117) Unknown at this time.

118. Do you have an anticipated number of awards that you intend to give?

A118) No.

119. Please provide us with an estimated NTE budget allocated for this contract.

A119) This information is not for bidding purposes, neither the Purchasing Division nor the Lottery can disclose this information to the bidders at any time prior to the conclusion of the procurement process.

120. What is the tentative start date of this engagement?

A120) Unknown at this time.

121. What is the work location of the proposed candidates?

A121) See page-29 section 4.7 Work Location and Work Hours.

122. Please provide the evaluation criteria for evaluating the bids for this ITB.

A122) Meet or exceed the Vendor minimum qualifications according to the bid documents.

123. Is this a new contract or are there any incumbents? If there is an incumbent, could you please let us know the incumbent name and pricing and are the incumbents eligible to submit the proposal again?

A123) New, no incumbent vendors.

124. Are there any pain points or issues with the current vendor(s)?

A124) No incumbent Vendors.

125. Would you please share the previous spending on this contract, if any?

A125) There is no previous contract, this is a new solicitation for services.

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- 126.** Is there any mandatory subcontracting requirement for this contract? If yes, Is there any specific goal for the subcontracting?
A126) No.
- 127.** How many positions were used in the previous contract?
A127) There is no previous contract.
- 128.** If the proposed candidates are not available at the time of award, will the agency allow us to provide replacement personnel with similar or more skill sets?
A128) Proposed resources must be available by the target start date on the staff augmentation request form supplied in the mini-bid documents. See the sample form provided. In the event a candidate is not available by the specified start date the Lottery reserves the right to move on to the next lowest cost vendor that can provide a qualified candidate by the target start date.
- 129.** Can we provide hourly rate ranges for the given positions?
A129) No price/rate required, this is to establish a pool of prequalified vendors.
- 130.** Is it entirely onsite work or can it be done remotely to some extent / Does the services need to be delivered onsite or is there a possibility for remote operations and performance?
A130) See page-29 section 4.7 Work Location and Work Hours also see Attachment – 2.
- 131.** Are resumes required at the time of proposal submission? If yes, do we need to submit the actual resumes for proposed candidates or can we submit the sample resumes?
A131) Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement.
- 132.** Could you please provide the list of holidays?
A132) Holidays for the state of West Virginia can be viewed by looking up WV State Code CSR 2-2-1.
- 133.** Are there any mandated Paid Time Off, Vacation, etc.?
A133) No.

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134.

- a. **Pre-Bid Meeting:** Is there any pre-bid meeting for this solicitation? If yes, please share the details. **No Pre-Bid Meeting**
- b. **Resume:** Please confirm if we need to provide a resume along with the proposal response. **Yes, Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement.**
- c. **Evaluation Criteria:** Besides the lowest cost, are there any other criteria used for awarding the contract? **Meet or exceed the Vendor minimum qualifications according to the bid documents.**

135. Will WV Lottery permit other State of WV entities (agencies, boards, Supreme Court, Statutory Offices et al) to use their contract for solicitations? **A135) No.**

- a. Is this new requirement? **Yes.**
- b. Who is incumbent and what was their awarded value? **No incumbent.**
- c. Is this open opportunity to all interested vendors like us? **Yes.**
- d. Which section do we have to answer in the proposal response? **All, please read the RFQ thoroughly.**
- e. Do we need to submit hard copy response apart from portal submission or it is optional? **No, one submission.**
- f. Do you require sample resumes in proposal response for the given IT positions in section 4.2? **Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement.**
- g. How many hours of work required? **Unknown at this time.**
- h. Do we have to provide per hour pricing? **Not at this time.**
- i. Who are the current providers? Please provide us with the incumbent's response documents that they have submitted previously. **No incumbent.**

136. How many vendors will be awarded? Also is it an open bid?

A136) Unknown at this time; yes this is an open solicitation that require sealed bids to be submitted.

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137. Can we go with the email submission?

A137) No.

138. Do we need to provide live resumes of the mentioned positions?

A138) Yes. Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement.

139. There is some specific format of response, or do we just need to submit by portal on filling in the asked questions there?

A139) Yes, Vendors can submit bids electronically through wvOASIS, in paper form delivered to the Purchasing Division at the address listed below, or either in person or by courier, or in facsimile form by faxing to the Purchasing Division.

140. What is the total budget for the contract?

A140) This information is not for bidding purposes, neither the Purchasing Division nor the Lottery can disclose this information to the bidders at any time prior to the conclusion of the procurement process.

141. Who all are the incumbents?

A141) No incumbents, new solicitation for services.

142. How many vendors does the Lottery plan to award?

A142) There is no set number of vendors, See page-26 section 4.1 Multiple-Award Contract.

143. Is the vendor required to provide actual resumes of its employees placed in the 12 positions with its clients or just sample resumes?

A143) Yes. Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement.

144. There is no pricing attachment. Where do we provide the hourly pricing for the positions that we plan to bid on?

A144) No pricing quotes required in the bid response.

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- 145. Can we provide our own pricing format?**
A145) No, that State cannot accept alternate pricing pages.
- 146. Is Certificate of Insurance required with the response?**
A146) No, upon request or prior to award.
- 147. Is it necessary to submit resumes along with the application for the specified roles?**
A147) Yes. Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement.
- 148. What is the expected timeframe for processing requests from the West Virginia Lottery?**
A148) Timeframes for processing bids for posted positions will vary by the number of vendors in the resource pool that provide candidates.
- 149. Must the necessary staff members already be employed by the proposing entity?**
A149) Resources placed by the Vendor to meet the requirement must have been employed by the Vendor at time of placement. Vendors must disclose an accurate duration of service for the resource placed at an entity, company or business.
- 150. Besides registering as an Apparent Successful Vendor with the West Virginia State, are there additional compliance requirements for businesses from other states?**
A150) No.
- 151. Are there subcontracting regulations imposed by the State of West Virginia that need to be adhered to?**
A151) No, subcontractor compliance in accordance with State Code is designated for construction contracts valued at more than \$250,000.00 for the construction, alteration, decoration, painting or improvement of a new or existing building or structure.
- 152. If we're obligated to fulfil subcontracting regulations (SBE/MBE/DBE), should we provide our state certification of MBE as proof of compliance?**
A152) Yes, could help in evaluating the pre-qualified vendor pool for awards.
- 153. The accepted response submission mode is In Person, Postal or Fax and no online portal submission is accepted, Are we correct?**
A153) Yes, Vendors can submit bids electronically through wvOASIS, in paper form delivered to the Purchasing Division at the address listed below either in person or by courier, or in facsimile form by faxing to the Purchasing Division.

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154. Is this a new contract or is there an incumbent? If so, are they in good standing? Who are they? **No incumbent this is a new solicitation for services.**
- a. Please share the volume over the last 3 years for this need 2021, 2022, and 2023.
N/A
 - b. How many contractors are currently working? **N/A**
 - c. Are these all-contract roles? How often do you convert them to full-time work?
Yes, all positions are contract only. No positions will be converted to full time Lottery staff positions.
 - d. Is this a full and open bid? Are there any preferences?
Yes, open solicitation and no preferences.
 - e. Please advise if the listed positions are 100% onsite, 100% remote, or hybrid.
There is no set or anticipated number of remote, hybrid or onsite positions that will be released.
155. Can you please provide the years of experience required for this positions listed?
A155) The number of years of experience will vary for every positions released, see Attachment – 2.
156. Please advise if we can submit H1B candidates on C2C.
A156) No
157. Please advise if we can submit US Citizen and Green Cards on C2C?
A157) No
158. Please advise if there is any VMS fee; if yes, what percentage?
A158) A vendor management system (VMS) is not being considered at this time.
159. Please advise if we have to submit sample resumes with a bill rate at the time of the RFP bid or if, once the contract is awarded, we need to submit live resumes with references?
A159) Bill rates are not required for the predetermination submission. Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement. Once a position is posted vendor would submit qualified candidate resumes for consideration.
160. What is the estimated annual budget for this RFQ?
A160) This information is not for bidding purposes, neither the Purchasing Division nor the Lottery can disclose this information to the bidders at any time prior to the conclusion of the procurement process.

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- 161.** How many vendors will be pre-qualified for this RFQ?
A161) No anticipated number of awards or vendors, this will be a Multiple-Award Contract: Contracts will be awarded only to prequalified vendors.
- 162.** How many vendors are there in the previous pre-qualified pool?
A162) None, this is a new solicitation to establish a pool of prequalified vendors.
- 163.** What was the historic spent on this contract?
A163) None, this is a new solicitation for services.
- 164.** Is there any local preference?
A164) No
- 165.** How many temporary staff are currently working with the State?
A165) To understand this question as for the whole State of WV it is unknown by the Lottery. Requests of this nature can be obtained by interested parties through a Freedom of Information Act request.
- 166.** What is the evaluation criteria for this RFQ?
A166) Per section 3.2 – 3.2.3, vendors must provide evidence that a minimum of three (3) resources have been successfully placed in the last five (5) years, per category. If a vendor bides on all 12 categories they will submit 36 resumes. Each category is treated separately. Resumes are expected as a part of that evidence.
- 167.** What is the format to respond to this bid?
A167) No specific format, however vendors must provide all requested documents and information, **REVIEW DOCUMENTS THOROUGHLY:** The documents contain the solicitation for bids. Please read these instructions and all documents in their entirety. These instructions provide critical information about requirements that if overlooked could lead to disqualification of a Vendor's bid. All bids must be submitted in accordance with the provisions contained in these instructions and the Solicitation. Failure to do so may result in disqualification of Vendor's bid.
- 168.** Do we need to submit any response with this bid, can you provide the response format?
A168) No specific format, however vendors may submit any response they consider as helpful to evaluating the bid response for the award of a pre-qualification agreement.
- 169.** Does the vendor need to respond to the Vendor Qualifications, does this information suffice the bid response?

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A169) Yes, Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement.

170. Does the vendor need to provide resumes of our proposed candidates with the bid response?

A170) Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement.

171. Does the vendor need to provide references where we provided similar services? If so, how many references should be provided?

A171) Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for each classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement. Vendors are required to provide three (3) references where resources have been placed for each category bid upon. For example, if a vendor bids on all categories, three (3) references would be required for 12 categories, for a total of 36. Each category is treated separately. It is not required to bid on all 12 categories. A reference must be provided for each resource placed.

172. Do the vendors need to submit pricing with the proposal? If so, what should be the pricing response format for this bid?

A172) No pricing proposal required with this bid response.

173. Does the vendor need to provide pay rate and mark-up for the classifications listed?

A173) No.

174. Does the vendor need to provide fully blended hourly rate for the classifications listed?

A174) No prices shall submitted with this bid response. Rates will be provided at the time a position is released in the mini-bid process to pre-qualified vendors.

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175. Does the vendor need to provide hourly bill rate ranges for the classifications listed?
A175) No prices shall be submitted with this bid response. Rates will be provided at the time a position is released in the mini-bid process to pre-qualified vendors.
176. While responding online, what are the documents that needs to be attached and what should be entered in the Contract Amount?
A176) Please read the RFQ Bid Documents thoroughly starting with page-4 INSTRUCTIONS to VENDORS SUBMITTING BIDS, see page-25 Section 3. VENDOR QUALIFICATIONS.
177. Does the vendor need to complete and sign the RFQ document and attach with the response?
A177) Yes.
178. Is this a new initiative? If not, please provide the names of the current vendor(s) providing the services.
A178) Yes this is a new initiative.
179. Can you please let us know the previous spending of this contract?
A179) There is none, this is a new initiative.
180. Please confirm if we can get the proposals or pricing of the incumbent(s).
A180) There is none, this is a new initiative.
181. Are there any pain points or issues with the current vendor(s)?
A181) There is none, this is a new initiative.
182. Please confirm the anticipated number of awards?
A182) No anticipated number of awards or vendors, this will be a Multiple-Award Contract with Contracts being awarded only to prequalified vendors.
183. Under section 6, For Request for Proposal ("RFP") Responses Only, it is stated that- "Submission of a response to a Request for Proposal is not permitted in wvOASIS", whereas, under the same section 6, BID SUBMISSION, it is stated- "Vendors can submit bids electronically through wvOASIS, in paper form delivered to the Purchasing Division at the address listed below either in person or by courier, or in facsimile form by faxing to the Purchasing Division at the number listed below." Could you please clarify whether or not as a vendor we can submit the response to this CRFQ electronically through wvOASIS?
A183) Yes, please read RFQ thoroughly and carefully. "Notwithstanding the foregoing, the Purchasing Division may prohibit the submission of bids electronically through wvOASIS at its sole discretion. Such a prohibition will be contained and communicated in the wvOASIS system resulting in the Vendor's inability to submit bids through wvOASIS"

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- 184.** Under Section 32. LICENSING, it is stated that "In accordance with West Virginia Code of State Rules § 148-1-6.1.e, Vendor must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, or any other state agency or political subdivision." Could be confirm whether you require the business License and Certificate of Good Standing at the time of submission or after award?
A184) Upon request, the Vendor must provide all necessary releases to obtain information to enable the Purchasing Division Director or the Agency to verify that the Vendor is licensed and in good standing with the entities as stated in section 32. LICENSING of the General Terms and Conditions.
- 185.** In section "3.1.1 Vendor should provide with their bid, a general company overview that must include information regarding the number of years of qualification, experience, training, and relevant professional education for each individual classification." does the Agency require number of years of qualification, experience, training, and relevant professional education of the key personnel's of the company?
A185) Section 3.1.1 refers to documentation specified by section 3.2 and 3.2.1 for the three (3) resources placed in the last five (5) years. Information on the number of years of qualification, experience, training, and relevant professional education of the key personnel's of the company is not required or desired.
- 186.** As stated under section "3.3 Vendor must possess all licenses, permits, and certifications required to perform this contract before the start date of service." Could you please specify a complete list of all the Licenses and certificates that the Agency requires?
A186) Lottery requires resources to hold current certification for target technologies, the certifications would include but not limited to cybersecurity or vendor-specific certifications as Cisco and Microsoft.
- 187.** Under section "3.4 Lottery shall require resources to hold current certification for target technologies, the certifications would include but not limited to cybersecurity or vendor-specific certifications as Cisco and Microsoft." It is unclear of what response the agency demands from the vendors. Could you please clarify it?
A187) Required certifications will be specified on mini-bids to pre-qualified vendors when a position is released. Section 3.4 is intended to notify vendors that certifications required by the Lottery.
- 188.** I would request the Agency to provide an evaluation scorecard basis that will be followed by the Agency in order to evaluate the response from each vendor.
A185) All bids will be posted on the WV Purchasing Division website at <https://www.state.wv.us/admin/purchase/Bids/default.html>

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- 189.** How much is the estimated budget for this project?
A189) This information is not for bidding purposes, neither the Purchasing Division nor the Lottery can disclose this information to the bidders at any time prior to the conclusion of the procurement process.
- 190.** Is there any SBE (small business enterprise) or MBE (Minority business enterprise) preference?
A190) See section 16 on page-8 of the Instructions to Vendors Submitting Bids. The West Virginia Purchasing Division welcomes minority businesses to participate in the competitive-purchasing process within state government. To get started, we encourage businesses to become registered with our agency, see link below.
<https://www.state.wv.us/admin/purchase/minority.html>
- 191.** Is this a new initiative?
A191) Yes this is a new initiative.
- 192.** Can you share the name of the incumbent or historical data on spending?
A192) There is none, this is a new initiative.
- 193.** Can you provide a copy of the proposal of the previous/current vendors providing temporary staffing, including rate/cost sheets? Can you provide the current contract, pay and/or bill rates?
A193) There is none, this is a new initiative.
- 194.** Could you please provide a set format for pricing?
A194) No prices shall be submitted with this bid response. Rates shall be provided at the time a position is released in the mini-bid process to pre-qualified vendors.
- 195.** As per our understanding the Vendor qualifications that needs to be included in the response file is mentioned under section 3 of this CRFQ. Could you please confirm if the Agency requires only those qualification requirements to be answered or does the agency require any other documents from the side of the vendor? Also, we would request the Agency to kindly provide a clear format and a list of all the documents that needs to be submitted in response to this CRFQ.
A195) Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement.

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- 196.** What is the budget of the opportunity?
A196) This information is not for bidding purposes, neither the Purchasing Division nor the Lottery can disclose this information to the bidders at any time prior to the conclusion of the procurement process.
- 197.** Can you please give us the list of incumbents?
A197) There is none, this is a new initiative.
- 198.** What are the proposal content requirements and format? Can the agency clarify what exactly they want in the response to this CRFQ?
A198) Please read the RFQ Bid Documents thoroughly starting with page-4 INSTRUCTIONS to VENDORS SUBMITTING BIDS, see page-25 Section 3. VENDOR QUALIFICATIONS.
- 199.** There is no bid table in the document, how do we need to provide the pricing?
A199) No prices shall be submitted with this bid response. Rates shall be provided at the time a position is released in the mini-bid process to pre-qualified vendors.
- 200.** Do the Agency need Resumes of candidates with the proposal submission?
A200) Yes, Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement. Vendors are required to provide three (3) references where resources have been placed for each category bid upon. For example, if a vendor bids on all categories, three (3) references would be required for 12 categories, for a total of 36. Each category is treated separately. It is not required to bid on all 12 categories.
- 201.** Can the Agency clarify what forms and certifications we need to submit with the response?
A201) Required certifications will be specified on mini-bids to pre-qualified vendors when a position is released. Section 3.4 is intended to notify vendors that Lottery requires resources to hold current certification for target technologies, the certifications would include but not limited to cybersecurity or vendor-specific certifications as Cisco and Microsoft.
- 202.** Are any additional documents required outside of the attached PDF in the portal?
A202) No.
- 203.** How many positions does the West Virginia Lottery Commission anticipate will be a part of the CRFQ?
A203) Unknown at this time, this will be specified on mini-bids to pre-qualified vendors when a position is released.

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- 204.** Will there be a follow up bid with more details required to be submitted?
A204) Yes, this will be specified on mini-bids to pre-qualified vendors when a position is released.
- 205.** Could Lottery clarify if firms are permitted to use commercial experience?
A205) No, firms must meet the requirement of being awarded pre-qualification agreement contracts to provide temporary staffing services for positions that are aligned to the categories in section 4.2. Other methods such that include but are not limited to project based work, deliverable based work, or managed services will not be considered.
- 206.** Under section 3.1 it states Vendors must provide documentation to indicate that their company meets this requirement prior to award. - Could the Lottery please specify what can be used as an evidence to fulfill this requirement?
A206) Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement. Vendors are required to provide three (3) references where resources have been placed for each category bid upon. For example, if a vendor bids on all categories, three (3) references would be required for 12 categories, for a total of 36. Each category is treated separately. It is not required to bid on all 12 categories.
- 207.** For section 3.2, could the Lottery kindly suggest if firms are permitted to use Purchase orders as proof of documentation evidence?
A207) Lottery would prefer vendor to provide the documentation used to award the purchase order as proof of evidence.
- 208.** For section 3.2 of the RFP document, since a contract or Purchase order/proof of placement is a confidential piece of information, can firms provide this evidence after award of pre-qualification?
A208) No, see section 21 on page-9 of the Instructions to Vendors Submitting Bids.
- 209.** Under section 3.2 it states "Vendor shall provide these services for each classification for bid by providing documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification."- Could the Lottery please specify what can be used as an evidence to fulfill this requirement?

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- A209) Yes, Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement. Vendors are required to provide three (3) references where resources have been placed for each category bid upon. For example, if a vendor bids on all categories, three (3) references would be required for 12 categories, for a total of 36. Each category is treated separately. It is not required to bid on all 12 categories.**
- 210. For section 3.1 of the RFP document, could the Lottery kindly confirm if case studies will suffice the requirement of documented evidence of 5 years in business?**
A210) No case studies do not meet the requirement. Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement. Vendors are required to provide three (3) references where resources have been placed for each category bid upon. For example, if a vendor bids on all categories, three (3) references would be required for 12 categories, for a total of 36. Each category is treated separately. It is not required to bid on all 12 categories
- 211. Under section 3.2.3 it states "The documentation should detail the entity, company or business to whom the individual was supplied and provide contact information for that entity."- Could the Lottery kindly confirm if these evidences will be used as references for the bidding firm?**
A211) Correct, the references will be used to determine a pre-qualified Vendor.
- 212. Could the Lottery confirm if firms need to provide resumes for any position listed in the solicitation document?**
A212) Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement. Vendors are required to provide three (3) references where resources have been placed for each category bid upon. For example, if a vendor bids on all categories, three (3) references would be required for 12 categories, for a total of 36. Each category is treated separately. It is not required to bid on all 12 categories.

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- 213.** Could the Lottery please provide a format for the response to solicitation document?
A213) No specific format, see section 9. **BID FORMATTING** on page-6.
- 214.** Could the Lottery please provide a format for price proposal?
A214) No prices shall be submitted with this bid response. Rates shall be provided at the time a position is released in the mini-bid process to pre-qualified vendors.
- 215.** Could the Lottery kindly clarify if firms have to be local to West Virginia or have West Virginia experience to bid on this prequalification?
A215) No, firms do not have to be local or have prior WV experience.
- 216.** Could the Lottery please grant an extension to the proposal due date because of the short turnaround time to submit after Q/A release?
A216) Solicitation has been extended see Addendum – 1.
- 217.** Are firms required to provide all of the job titles listed in the RFP document?
A217) No, vendors are not required to bid on all categories.
- 218.** Are firms currently providing the services requested in the solicitation? If yes, could the Lottery please provide the incumbent information?
A218) There are none, this is a new initiative.
- 219.** Is there a budget established for this contract?
A219) This information is not for bidding purposes, neither the Purchasing Division nor the Lottery can disclose this information to the bidders at any time prior to the conclusion of the procurement process.
- 220.** Is the Lottery looking for firms to provide local candidates to perform the services?
A220) Local candidates are not required. Some positions will require fractional or full time onsite work. Travel expenses are not paid.
- 221.** Are firms required to pay for Sick Leave, Holidays, Vacation, etc. to the candidates placed?
A221) Yes, Lottery will not pay for Sick Leave, Holidays, Vacation, etc. to any candidates placed.
- 222.** Is the Lottery looking for firms to recruit the positions requested or for firms to provide in-house personnel to provide the services?
A222) The Lottery has no preference.
- 223.** Under section 3.2 it states "Vendor shall provide these services for each classification for bid by providing documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below." Do the individuals provided have to be from a single agency or can they be from different agencies?

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A223) Resources submitted to meet the qualification may be the same resource placed at different entities, companies or business, different resources placed at the same entity, company, or business, or a combination. A single resource will not be considered as serving in more than one capacity during overlapping periods of service at one specific entity, company or business.

- 224.** Under section 3.2 it states "Vendor shall provide these services for each classification for bid by providing documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below." Will the information provided under this section be used as references? If yes, would the Lottery consider reducing the amount of individuals provided as not all agencies agree to be used as a reference?

A224) Yes, the information provided to meet the requirement of section 3.2 – 3.2.3, successfully placing three (3) resources in the past five (5) years includes contact information for the entity, company or business. This requirement will not be reduced.

- 225.** Do firms need to provide all-inclusive hourly rates for the positions requested in the solicitation?

A225) Prices shall not be submitted with this bid response. Rates shall be provided at the time a position is released in the mini-bid process to pre-qualified vendors. However yes, an all-inclusive rate is required in the response to mini-bids for pre-qualified vendors.

- 226.** Can firms provide hourly all-inclusive rate ranges?

A226) Prices shall not be submitted with this bid response. Rates shall be provided at the time a position is released in the mini-bid process to pre-qualified vendors. However no, a fixed rate is required in response to mini-bids for pre-qualified vendors.

- 227.** Will Information Technology Staff Augmentation Requests be sent to all awarded firms?

A227) Yes, resource requests will be sent to all vendors awarded a pre-qualification vendor agreement contract per the specific categories. For example, the Business Analyst category may have a different number of awarded vendors compared to the Project Manager category.

- 228.** Could the Lottery please clarify whether the submission should be made via the portal or physically?

A228) Vendors can submit bids electronically through wvOASIS, in paper form delivered to the Purchasing Division at the address listed or either in person or by courier, or in facsimile form by faxing to the Purchasing Division to fax number listed.

- 229.** Are electronic signatures allowed?

A229) Yes.

- 230.** Is the certificate of Insurance required with the response?

A230) Vendors should provide to expedite bid evaluation, required upon request and prior to Contract Award.

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- 231.** Do vendors have to provide references within their response? If yes, how many?
A231) Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement. Section 3.2.3 requires the documentation to include information on the entity, company or business to whom the individual was supplied and provide contact information for that entity.
- 232.** Could the Lottery please clarify if it is required to provide resumes of the Key personnel? If yes, is there a page limit for the resumes?
A232) No, it is not required to provide resumes of Key personnel. Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement.
- 233.** Could the Lottery please confirm the required forms that must be submitted with the proposal?
A233) Please read the RFQ Bid Documents thoroughly starting with page-4 INSTRUCTIONS to VENDORS SUBMITTING BIDS, also see page-25 Section 3. VENDOR QUALIFICATIONS.
- 234.** Could the Lottery please provide clarification on the appropriate section within the response where vendors should include the forms?
A234) Please include any and all required forms with your bid response. Please read the RFQ Bid Documents thoroughly starting with page-4 INSTRUCTIONS to VENDORS SUBMITTING BIDS, also see page-25 Section 3. VENDOR QUALIFICATIONS.
- 235.** Could the Lottery please confirm that vendors can fill out proposal forms electronically?
A235) Yes.
- 236.** Is it necessary to have licenses to do business in Virginia at the time of the submission or is required post-award?
A236) West Virginia Lottery cannot speak to the State of Virginia business license requirements. However in the State of West Virginia licenses to do business is not required when submitting bids, is required upon request and prior to award.

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- 237.** Does the Lottery accept remote resources to work on this engagement?
A237) Local candidates are not required. Some positions will require fractional or full time onsite work. Travel expenses are not paid. There is no set or anticipated number of remote, hybrid or onsite resources that will be released.
- 238.** Does the Lottery accept offshore resources to work on this engagement?
A238) Offshore resources will not be accepted.
- 239.** Does the Lottery prefer on-site resources to execute this engagement?
A239) Local candidates are not required. Some positions will require fractional or full time onsite work. Travel expenses are not paid. There is no set or anticipated number of remote, hybrid or onsite resources that will be released.
- 240.** Is the W-9 necessary with the proposal response?
A240) Not required when submitting bids, is required upon request and prior to award.
- 241.** Is it required to provide the Good Standing Certificate alongside the proposal response?
A241) Not required when submitting bids, is required upon request and prior to award.
- 242.** Could the Lottery please confirm if it is required to send just one original copy of the technical and cost proposal, or if additional copies of the responses are necessary?
A242) One copy, no additional copies required.
- 243.** Could the Lottery please confirm what format should be followed for the proposal response?
A243) No specific format, see section 9. **BID FORMATTING** on page-6.
- 244.** Are firms required to answer the subsections in Section 4 Mandatory Contract Items and Deliverables as the proposal response?
A244) No
- 245.** Under section 6 Bid Submission it states 'Vendors can submit bids electronically through wvOASIS' and further in the document on page 5 it states 'For Request for Proposal ("RFP") Responses Only: Submission of a response to a Request for Proposal is not permitted in wvOASIS.'- Kindly clarify how are firms supposed to submit a response to this prequalification solicitation.
A245) To clarify this solicitation is an RFQ not RFP. Vendors can submit bids electronically through wvOASIS, in paper form delivered to the Purchasing Division at the address listed or either in person or by courier, or in facsimile form by faxing to the Purchasing Division. Please read RFQ thoroughly and carefully. "Notwithstanding the foregoing, the Purchasing Division may prohibit the submission of bids electronically through wvOASIS at its sole discretion. Such a prohibition will be contained and communicated in the wvOASIS system resulting in the Vendor's inability to submit bids through wvOASIS", please contact the Purchasing Division Buyer listed.

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- 246.** Under section 3.2 it states "Vendor shall provide these services for each classification for bid by providing documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. "Can firms pick three different classifications instead of showing 3 persons from the same classification?"
A246) Vendors are required to provide three (3) references where resources have been placed for each category bid upon. For example, if a vendor bids on all categories, three (3) references would be required for 12 categories, for a total of 36. Each category is treated separately. It is not required to bid on all 12 categories. Resources submitted to meet the qualification may be the same resource placed at different entities, different resources placed at the same entity, or a combination. A single resource will not be considered as serving in more than one capacity during overlapping periods of service at one specific entity, company or business.
- 247.** Do firms have to provide key personnel resumes in their response? If yes, then please specify in which section.
A247) No, it is not required to provide resumes of Key personnel. Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement.
- 248.** Do firms have to provide their staffing approach in the response? If yes, then please specify in which section.
A248) No, firms are not required to provide their staffing approach in the response.
- 249.** Please confirm if firms have to submit technical response and price proposal as two different attachments or in the same attachment on the WV Oasis portal.
A249) As one attachment is sufficient
- 250.** What information should vendors add in the Respond to line section in the portal?
A250) We do not understand the question or where that specific line in question is.
- 251.** Is it mandatory for bidding firms to provide a discount?
A251) No.
- 252.** Is this a new contract? If not, request you to please provide a list of incumbents.
A252) There are none, this is a new initiative.

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253. What is the budget of this contract?

A253) This information is not for bidding purposes, neither the Purchasing Division nor the Lottery can disclose this information to the bidders at any time prior to the conclusion of the procurement process.

254. How many vendors does the agency intend to award?

A254) No anticipated number of awards or vendors, this will be a Multiple-Award Contract where Contracts will be awarded only to prequalified vendors.

255. Do we need to provide sample resumes in the proposal response?

A255) No, it is not required to provide resumes of Key personnel. Per section 3.2 Vendors shall provide documentation to indicate they have provided staffing of at least three (3) individuals within the past five (5) years for any classification listed in section 4.2 below. Section 3.2.1 stipulates the documentation must include information to indicate that the Vendor provided an employee meeting the requirements of a specifically named classification from Section 4. A resume meets this requirement. Resumes provided as evidence of compliance with requirements must be submitted for actual resources successfully placed at an entity, company or business. Sample resumes do not meet the requirement.

ADDENDUM ACKNOWLEDGEMENT FORM
SOLICITATION NO.: LOT2400000011

Instructions: Please acknowledge receipt of all addenda issued with this solicitation by completing this addendum acknowledgment form. Check the box next to each addendum received and sign below. Failure to acknowledge addenda may result in bid disqualification.

Acknowledgment: I hereby acknowledge receipt of the following addenda and have made the necessary revisions to my proposal, plans and/or specification, etc.

Addendum Numbers Received:

(Check the box next to each addendum received)

- | | |
|--|--|
| ☒ Addendum No. 1 | ☐ Addendum No. 6 |
| ☒ Addendum No. 2 | ☐ Addendum No. 7 |
| ☐ Addendum No. 3 | ☐ Addendum No. 8 |
| ☐ Addendum No. 4 | ☐ Addendum No. 9 |
| ☐ Addendum No. 5 | ☐ Addendum No. 10 |

I understand that failure to confirm the receipt of addenda may be cause for rejection of this bid. I further understand that any verbal representation made or assumed to be made during any oral discussion held between Vendor's representatives and any state personnel is not binding. Only the information issued in writing and added to the specifications by an official addendum is binding.

Tunabear Inc

Company



Authorized Signature

11 / 26 / 2024

Date

NOTE: This addendum acknowledgment should be submitted with the bid to expedite document processing.
Revised 6/8/2012