

scanned 03-12-09



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

# Request for Quotation

RFO NUMBER  
PSC9044

PAGE  
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:  
FRANK WHITTAKER  
304-558-2316

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\*225121249      304-346-9490  
ELLIS DAVID J  
1200 FIRST ST  
#728  
ALEXANDRIA VA 22314

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P  
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O

PUBLIC SERVICE COMMISSION  
OF WEST VIRGINIA  
201 BROOKS STREET  
CHARLESTON, WV  
25301      340-0323

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
02/18/2009				

BID OPENING DATE: 03/12/2009      BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		961-20	\$ 86 per hour	Based on contract hours.
CONSULTING (NOT OTHERWISE CLASSIFIED)						
THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY THE WEST VIRGINIA PUBLIC SERVICE COMMISSION, IS SOLICITING BIDS FOR A CONSULTANT TO ASSIST THE PUBLIC SERVICE COMMISSION WITH A WIDE VARIETY OF ISSUES, INCLUDING UTILITY, FINANCE, UTILITY ACCOUNTING, REVENUE REQUIREMENTS, COST OF SERVICE, RATE DESIGN, AND REGIONAL ISSUES PER THE ATTACHED SPECIFICATIONS.						
EXHIBIT 3						
LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON MAY 15, 2009 AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE.						
UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.						
RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL						

RECEIVED

2009 MAR 10 PM 3:20

WV PURCHASING DIVISION

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>David J. Ellis</i>	TELEPHONE 304 545 7982	DATE 3-9-09
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TITLE <i>Individual Self Proprietor</i>	ADDRESS CHANGES TO BE NOTED ABOVE
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WHEN RESPONDING . . . . . IN SPACE ABOVE LABELED 'VENDOR'

**GENERAL TERMS & CONDITIONS  
REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)**

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. All quotations are governed by the *West Virginia Code* and the *Legislative Rules* of the Purchasing Division.
4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
5. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
6. Payment may only be made after the delivery and acceptance of goods or services.
7. Interest may be paid for late payment in accordance with the *West Virginia Code*.
8. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
9. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
11. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
12. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
13. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, this Contract may be deemed null and void, and terminated without further order.
14. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (<http://www.state.wv.us/admin/purchase/vrc/hipaa.htm>) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
15. **WEST VIRGINIA ALCOHOL & DRUG-FREE WORKPLACE ACT:** If this Contract constitutes a public improvement construction contract as set forth in Article 1D, Chapter 21 of the West Virginia Code ("The West Virginia Alcohol and Drug-Free Workplace Act"), then the following language shall hereby become part of this Contract: "The contractor and its subcontractors shall implement and maintain a written drug-free workplace policy in compliance with the West Virginia Alcohol and Drug-Free Workplace Act, as set forth in Article 1D, Chapter 21 of the West Virginia Code. The contractor and its subcontractors shall provide a sworn statement in writing, under the penalties of perjury, that they maintain a valid drug-free work place policy in compliance with the West Virginia and Drug-Free Workplace Act. It is understood and agreed that this Contract shall be cancelled by the awarding authority if the Contractor: 1) Fails to implement its drug-free workplace policy; 2) Fails to provide information regarding implementation of the contractor's drug-free workplace policy at the request of the public authority; or 3) Provides to the public authority false information regarding the contractor's drug-free workplace policy."

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**INSTRUCTIONS TO BIDDERS**

1. Use the quotation forms provided by the Purchasing Division.
2. **SPECIFICATIONS:** Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Complete all sections of the quotation form.
4. Unit prices shall prevail in case of discrepancy.
5. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
6. **BID SUBMISSION:** All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130



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 Department of Administration  
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VENDOR

\*225121249      304-346-9490  
 ELLIS DAVID J  
 1200 FIRST ST  
 #728  
 ALEXANDRIA VA 22314

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BID OPENING DATE: 03/12/2009      BID OPENING TIME 01:30PM

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<p>BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p> <p>QUANTITIES: QUANTITIES LISTED IN THE REQUISITION ARE APPROXIMATIONS ONLY, BASED ON ESTIMATES SUPPLIED BY THE STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF THE CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>David J Ellis</i>	TELEPHONE 304 545 7982	DATE 3-9-09
TITLE <i>Individual Sole Proprietor</i>	ADDRESS CHANGES TO BE NOTED ABOVE	

WHEN RESPONDING TO THIS, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



State of West Virginia  
 Department of Administration  
 Purchasing Division  
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<p>ELECTRONIC MEDIUM SUCH AS CD-ROM.            REV. 04/11/2001            NOTICE            A SIGNED BID MUST BE SUBMITTED TO:            DEPARTMENT OF ADMINISTRATION            PURCHASING DIVISION            BUILDING 15            2019 WASHINGTON STREET, EAST            CHARLESTON, WV 25305-0130</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:            SEALED BID</p> <p>BUYER:      44            RFQ. NO.:      PSC9044            BID OPENING DATE:      03/12/2009            BID OPENING TIME:      1:30 PM</p> <p>PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:            --- No Fax number. Email djellis1812@verizon.net ---</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>David J Ellis</i>	TELEPHONE 304-545-7982	DATE 3-9-09
TITLE Individual Sole Proprietor	ADDRESS CHANGES TO BE NOTED ABOVE	

WHEN RESPONDING

SPACE ABOVE LABELED 'VENDOR'



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CONTACT PERSON (PLEASE PRINT CLEARLY):						
----- <i>David J Ellis</i> -----						
***** THIS IS THE END OF RFQ PSC9044 ***** TOTAL:						<i>Based on Contract hours</i>

SEE REVERSE SIDE FOR TERMS AND CONDITIONS			
SIGNATURE	TELEPHONE	DATE	
<i>David J Ellis</i>	<i>3045457982</i>	<i>3-9-09</i>	
TITLE	ECIN	ADDRESS CHANGES TO BE NOTED ABOVE	
<i>Individual Self Proprietor</i>			

WHEN RESPONDING . . . . . IN SPACE ABOVE LABELED 'VENDOR'

PSC9044

The Public Service Commission is looking for someone to advise the Commission on a wide variety of issues, including utility, finance, utility accounting, revenue requirements, cost of service, rate design and regional issues with emphasis on advice to decision making and experience in complex cases before the Commission which are processed pursuant to statutory deadlines. (*See Note 1\* attached*)

1. Qualified to evaluate complex case issues that must be processed by the Commission. Shall have knowledge of Commission policy, Commission rules and regulations, and case history. Shall have knowledge of prior cases and be able to research prior cases for consideration of exceptions to ALJ Recommended Decisions, Petitions for Reconsideration and Commission consideration of cases that are pending before the Commission. Cases before the Commission include gas, electric, water, sewer, telephone and motor carrier.
2. Will be asked to prepare reports on the direct internal auditing, coordinating process improvement and quality control activities as well as analyzing and preparing factual case summaries with respect to financial and economic impacts of cases pending before the Commission. Working knowledge of case history shall be required going back as far as 40 years in order to cite case policy and decisions and check Commission precedence.
3. Shall have knowledge of theories, principles and practices in the area of assignment to provide expert consultation and policy recommendations to the Public Service Commission. Shall be able to evaluate adequacy of financial, management, operational control and process design, compliance with established policies, plans and procedures, the reliability of financial and operational data developed within the agency and the appropriation of audit reports and recommendations and advise the Commission accordingly.
4. Shall be able to compare and contrast current recommendations on current issues to similar issues that have come before the Commission. Have a working knowledge of Staff policy, understanding historic policies and positions taken in various cases or other forums.
5. Shall have working knowledge of issues pending or decided by the Federal Regulatory Energy Commission, the Federal Communications Commission and regional regulatory groups that evaluate FERC energy policy, regional electric market issues, regional transmission issues, wholesale electric and gas market issues, telecommunications policies and other issues that are of vital interest to West Virginia.

## PSC9044

6. Shall have experience in working with the Federal Energy Regulatory Commission and have served on federal and/or regional regulatory panels, committees or subcommittees which have worked on projects involving regional utility issues. Experience is a necessity so that the agency can be advised effectively and efficiently on federal and regional energy policy debates and the implications of developments at the federal level that will impact the interests of West Virginia.
7. Shall demonstrate an understanding of and the ability to direct and evaluate the work of the utility regulation division of the Public Service Commission. Able to develop, plan, evaluate and implement complex and technical procedures established for the compilation of the analysis of utility financial and operations data.
8. May be required to attend Commission agenda meetings and assist the Commission in reaching decisions on cases as well as advise on policy issues.
9. Shall have a working knowledge of the agency's auditing programs and case processing guidelines.
10. Shall have an understanding and working knowledge of the Public Service Commission Law. Be prepared to work with Legal Staff on issues before Circuit Court or Supreme Court of Appeals.
11. Shall be prepared to discuss telecommunications issues with regard to Enhanced 9-1-1 services, Telephone Relay Services in West Virginia, Personal Communications Services, Statewide Addressing and Mapping Board, Abbreviated dialing code 211 for access to a statewide center, FCC policies, federal Universal Service Fund, West Virginia's tel-assistance program and The Telecommunications Act of 1996.
12. Shall be prepared to discuss Motor Carrier issues before the Commission including Solid waste facilities, bulky goods collection issues, rates, quality of service for waste haulers, passenger carriers, household goods movers and, in some cases, wrecker rates and certification of these utilities.
13. Shall have knowledge of HB2453, "The 199 Cable Television Systems Act" where the Commission was granted authority to regulate cable television systems. Advise the Commission on the status of complaint issues and/or other technical issues to enhance the quality of product and service.

## PSC9044

14. Reviewing cases before the Commission will require research into engineering issues pertaining to proposed water and sewer projects and the WV Infrastructure & Jobs Development Council. The Commission is also has siting and certification proceedings for the NedPower Win project in Grant County. This project is proposed to generate up to 300 megawatts of electric power with 200 wind turbines.
15. Training: Graduation from an accredited four year college or university with a major or minor in accounting, finance, economics, business administration, management or closely related field or admission to the practice of law in West Virginia.
16. Substitution for training: Experience as described below may be substituted for the required training on the basis of two years of experience for each year of academic training required.
17. Experience: Seven years of full time or equivalent paid part time professional experience in a regulatory utility, utility regulatory agency, utility consultation or in accounting or auditing, two years of which must have been in an administrative or supervisory capacity.
18. Vendor shall, upon request by the PSC, provide supporting documentation for items 15 thru 17 above.
19. Provider shall keep accurate time records of hours worked on projects and will be compensated on an hourly basis for actual hours of performance.
20. Providers will submit a detailed statement, detailing work performed and hours worked.
21. Provide References (*See Note 2\* attached*)
22. Contract will be effective for one year with two one year renewals.



**BID SHEET**

Price per hour

\$ 86.00

This hourly rate shall be inclusive of all costs incurred.

Estimated hours per year = 600

**Note (1\*) Request for Quotation Page 5  
Qualifications, Training, and Experience**

Bidder, David J. Ellis believes and submits that he is uniquely qualified to provide advice to the Public Service Commission of West Virginia ("Commission") and to satisfy all requirements of the request for Advisor Services. His unique qualifications are described as follows:

- A. Bidder, David J. Ellis, was employed by the Commission continuously from June, 1963 through February, 2004. His total tenure with the Commission totaled 40 years and 8 months. Until 1977 he worked as a Statistician, Auditor, Rate Analyst and Utility Analyst. From 1977 until his retirement from the Commission he worked as a Division Director. His employment as an Auditor and Rate Analyst included participation in, and full charge of, a large number of audits of various types of public utilities in connection with rate and certificate applications before the Commission. He was also directly in charge of numerous special studies regarding electric utility fuel purchasing practices, electric utility fuel adjustment clauses, natural gas utility purchasing practices, natural gas utility purchased gas adjustment clauses, and effects of federal and state tax law changes on public utilities cost of service. During his tenure as a Division Director, he provided direct advise and assistance to the Commission on numerous technical and administrative issues and was given the functional title and responsibility as Chief Advisor to the Commission and Assistant to the Chairman.
- B. As Division Director and Chief Advisor to the Commission, bidder evaluated complex case issues and advised the Commission with regard to those issues. He personally developed or participated in the development of many of the Commission's Rules and Regulations and has a thorough knowledge of both the substance of the Commission's Rules and the history of the development of those Rules. This knowledge includes significant details of the economic and social issues that often drive the need for initiation of modified or new Rules by the Commission.
- C. Bidder, David J. Ellis, has a direct knowledge of case histories and precedents established by the Commission. This knowledge includes personal knowledge of the legal, jurisdictional, economic, financial and social factors that led to Commission precedential decisions since 1963. This direct knowledge places bidder in a unique position of being able to compare and contrast current national and West Virginia economic factors and trends in regulation to those that formed the basis for the Commission's precedential decisions.
- D. Bidder, David J. Ellis, has the technical knowledge and skills to research case histories and Commission decisions. His familiarity with language used in Commission Orders allows him to quickly and efficiently search past cases to find important precedential cases. Since he was involved in all Commission decisions from 1977 to 2004, and worked on many cases from 1963 to 1977, he can quickly rule out extraneous search results and focus on search results that are pertinent for a particular research project.
- E. Bidder, David J. Ellis, has in depth knowledge of, and has been directly involved in, management audits of public utilities and developed the Commission's management audit Rules. He also developed financial filing rules (Tariff Rule 42) for public utility rate cases in West Virginia in 1977 and those rules remain in place with only limited changes to date. He also participated in formulating many other Commission Rules that are currently in effect. Bidder, David J. Ellis, also developed a large portion of the audit program and procedures of the Commission's Division of

Accounts, Finance and Rates.

- F. Bidder, David J. Ellis, has significant knowledge and experience of theories, principles and practices of regulation as practiced by state Commissions and federal utility regulatory Commissions. He was on the Staff Subcommittee on Electricity and the Staff Subcommittee on Strategic Issues of the National Association of Regulatory Utility Commissioners ("NARUC") for over 30 years. He also participated on an ad hoc basis in deliberations of the NARUC Staff Subcommittee on Water and the NARUC Staff Subcommittee on Accounts over the same period of time.
- G. Bidder, David J. Ellis, participated in a number of national policy evaluations in the areas of regional electric markets, regional electric transmission issues, wholesale electric and natural gas markets and telephone deregulation and universal service. His participation in regional and national forums included studies conducted on behalf of the National Governors' Association, the Department of Energy, the Federal Communications Commission, and the Federal Energy Regulatory Commission. His involvement in many of these policy studies included management responsibilities.
- H. During his tenure with the Commission, Bidder, David J. Ellis, had significant experience advising the Legal Division of the Commission regarding issues on appeal before various courts. His experience included preparation and evaluation of technical documents that could help the legal staff understand, describe and effectively argue complex regulatory, economic and financial issues. Bidder, David J. Ellis, has been qualified as an expert witness on utility regulation in State and Federal Courts and has presented papers and testified before the Federal Energy Regulatory Commission.
- I. Bidder, David J. Ellis, has considerable experience in directing the work of Commission Staff, directing and developing audit programs and procedures, developing and directing other Staff work procedures, evaluating complex certificate cases involving water projects, sewer projects, telecommunications switching and transmission projects, natural gas transmission and distribution projects, electric generation projects, and electric transmission projects. His experience includes interaction with neighboring states on regional projects and issues involving electric generation and transmission issues. He is thoroughly familiar with issues that relate to siting and certification of traditional generation projects, and emerging technology and alternate fuel electric generation projects, including coal gasification projects, wind projects, co-generation projects, and renewable resources generation projects.
- J. Bidder, David J. Ellis, is thoroughly familiar with both the history and recent developments involving telecommunications issues including deregulation issues, incentive rate and rate cap issues, 911 and enhanced 911 (E911) dialing and infrastructure issues, 211 dialing and infrastructure issues, area code exhaust issues, including area code overlays and area code geographic splits, telecommunications relay services, statewide addressing and mapping issues and federal universal service fund cost allocation and payment issues. He is also familiar with Cable Television service quality issues and the extent and limitations of Commission jurisdiction over Cable Television providers.
- K. Bidder, David J. Ellis, is a recognized expert in the area of utility regulation and is a long standing faculty member of the Utility Rate School which is managed by Michigan State University and sponsored by the National Association of Regulatory Utility Commissioners' Water Committee.

This school provides semi-annual training on utility regulation.

- L. Bidder, David J. Ellis, has 5 years experience in trade matters, as Chief Advisor to a Commissioner at the United States International Trade Commission, dealing with the financial and economic issues raised by U.S. industries in competition with imports. This experience enhances his regulatory experience because of the significant experience he has gained in evaluating the financial condition and operations of large industries, including manufacturers of steel, chemical, and consumer products. These customers are large users of electricity, natural gas, and water and are often intervenors in matters before the Public Service Commission.
- M. Bidder, David J. Ellis, has vast experience of over 41 years directly dealing with regulated utilities and 5 years dealing with producers of steel, chemical, and consumer products in the United States and the economics of domestic competition and international trade. This experience covers all of the enumerated requirements set forth on pages 5 through 7 of the Request for a Quotation.
- N. Bidder, David J. Ellis, attended West Virginia University and West Virginia State College, majoring in Business Administration at West Virginia State College. Bidder did not attain a degree and is not relying on such to satisfy the training requirements specified in the Request for Quotation. Bidder submits that over 40 years of experience as an Auditor, Rate Analyst, Utility Analyst, and Division Director, as described above, more than satisfies the training requirement specified. Bidder also submits that such experience more than satisfies the experience requirement.

**Note (2\*) Request for Quotation Page 7**

**References:**

E. Dandridge McDonald  
Attorney and former Chairman of the Public Service Commission of West Virginia  
Charleston, WV

Otis Casto,  
Former Commissioner and Chairman of the of the Public Service Commission of West Virginia  
Ripley, WV

Charlotte R. Lane,  
Commissioner, United States International Trade Commission  
Former Commissioner and Chairman of the Public Service Commission of West Virginia  
Washington, DC

Billy Jack Gregg,  
Former Consumer Advocate of the Public Service Commission of West Virginia  
Charleston, WV

Byron Harris,  
Consumer Advocate of the Public Service Commission of West Virginia  
Charleston, WV

Additional professional and/or personal references and contact information can be provided upon

request.

**Note (3\*) Request for Quotation Page 10**  
**Note to Vendor Preference Certificate Item 1:**

Bidder, David J. Ellis, has indicated that he is an individual resident vendor and has resided continuously in West Virginia for four (4) years immediately preceding the date of the certification in this proposal. Bidder has been a continuous resident of West Virginia since 1943. Bidder maintains a continuous residence, currently at 301 Hunters Ridge Road, Charleston, WV, and prior to that at 1812 Smith Road, Charleston, WV. Bidder has established a business address and temporary residence in Washington DC and Alexandria Virginia since March, 2004. However, this residence relates to employment by a term appointee to a Federal Commission, which employment will cease in 2009. During this period of temporary residence in Washington DC and Alexandria Va, bidder has maintained his permanent residence, voting residence, and state tax residence in Charleston West Virginia, as indicated above. Bidder believes that his permanent residence for voting and income tax purpose being maintained in West Virginia is controlling with regard to the application for preference in accordance with WV Code Chapter 5A-3-37. Bidder requests that his certification of eligible for resident vendor preference be considered in light of this note regarding a permanent residence in West Virginia during a relatively short-term tenure in Washington DC since March, 2004. If it is determined that a temporary business residence in Washington DC and Alexandria Virginia is inconsistent with the application for preference under WV Code Chapter 5A-3-37, then bidder withdraws such request for preference.

**Note (4\*) Request for Quotation Page 7**  
**Note to Vendor Preference Certificate Item 2:**

Bidder, David J. Ellis, has indicated that during the life of the contract the will be the sole provider of services and believes that due to his permanent home, voting residence and income tax residence in West Virginia as described in Note 3\*above that he qualifies for the indicated preference. As described and requested in Note 3\* above, bidder requests that if it is determined that a temporary business residence in Washington DC and Alexandria Virginia is inconsistent with the application for preference under WV Code Chapter 5A-3-37, then bidder withdraws such request for preference.

State of West Virginia

VENDOR PREFERENCE CERTIFICATE

Certification and application\* is hereby made for Preference in accordance with West Virginia Code, §5A-3-37. (Does not apply to construction contracts). West Virginia Code, §5A-3-37, provides an opportunity for qualifying vendors to request (at the time of bid) preference for their residency status. Such preference is an evaluation method only and will be applied only to the cost bid in accordance with the West Virginia Code. This certificate for application is to be used to request such preference. The Purchasing Division will make the determination of the Resident Vendor Preference, if applicable.

1. Application is made for 2.5% resident vendor preference for the reason checked: (See Note 3\* attached)

- X Bidder is an individual resident vendor and has resided continuously in West Virginia for four (4) years immediately preceding the date of this certification; or, Bidder is a partnership, association or corporation resident vendor and has maintained its headquarters or principal place of business continuously in West Virginia for four (4) years immediately preceding the date of this certification; or 80% of the ownership interest of Bidder is held by another individual, partnership, association or corporation resident vendor who has maintained its headquarters or principal place of business continuously in West Virginia for four (4) years immediately preceding the date of this certification; or, Bidder is a nonresident vendor which has an affiliate or subsidiary which employs a minimum of one hundred state residents and which has maintained its headquarters or principal place of business within West Virginia continuously for the four (4) years immediately preceding the date of this certification; or,

2. Application is made for 2.5% resident vendor preference for the reason checked: (See Note 4\* attached)

- X Bidder is a resident vendor who certifies that, during the life of the contract, on average at least 75% of the employees working on the project being bid are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; or,

3. Application is made for 2.5% resident vendor preference for the reason checked:

- \_\_\_\_\_ Bidder is a nonresident vendor employing a minimum of one hundred state residents or is a nonresident vendor with an affiliate or subsidiary which maintains its headquarters or principal place of business within West Virginia employing a minimum of one hundred state residents who certifies that, during the life of the contract, on average at least 75% of the employees or Bidder's affiliate's or subsidiary's employees are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; or,

4. Application is made for 5% resident vendor preference for the reason checked:

- \_\_\_\_\_ Bidder meets either the requirement of both subdivisions (1) and (2) or subdivision (1) and (3) as stated above; or,

5. Application is made for 3.5% resident vendor preference who is a veteran for the reason checked:

- \_\_\_\_\_ Bidder is an individual resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted; or,

6. Application is made for 3.5% resident vendor preference who is a veteran for the reason checked:

- \_\_\_\_\_ Bidder is a resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years.

Bidder understands if the Secretary of Revenue determines that a Bidder receiving preference has failed to continue to meet the requirements for such preference, the Secretary may order the Director of Purchasing to: (a) reject the bid; or (b) assess a penalty against such Bidder in an amount not to exceed 5% of the bid amount and that such penalty will be paid to the contracting agency or deducted from any unpaid balance on the contract or purchase order.

By submission of this certificate, Bidder agrees to disclose any reasonably requested information to the Purchasing Division and authorizes the Department of Revenue to disclose to the Director of Purchasing appropriate information verifying that Bidder has paid the required business taxes, provided that such information does not contain the amounts of taxes paid nor any other information deemed by the Tax Commissioner to be confidential.

Under penalty of law for false swearing (West Virginia Code, §61-5-3), Bidder hereby certifies that this certificate is true and accurate in all respects; and that if a contract is issued to Bidder and if anything contained within this certificate changes during the term of the contract, Bidder will notify the Purchasing Division in writing immediately.

Bidder: David J Ellis Signed: David J Ellis
Date: 3-9-09 Title: Individual Sole Proprietor

\*Check any combination of preference consideration(s) indicated above, which you are entitled to receive.

STATE OF WEST VIRGINIA  
Purchasing Division

**PURCHASING AFFIDAVIT**

**VENDOR OWING A DEBT TO THE STATE:**

*West Virginia Code* §5A-3-10a provides that: No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owed is an amount greater than one thousand dollars in the aggregate.

**PUBLIC IMPROVEMENT CONTRACTS & DRUG-FREE WORKPLACE ACT:**

If this is a solicitation for a public improvement construction contract, the vendor, by its signature below, affirms that it has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the *West Virginia Code*. The vendor **must** make said affirmation with its bid submission. Further, public improvement construction contract may not be awarded to a vendor who does not have a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the *West Virginia Code* and who has not submitted that plan to the appropriate contracting authority in timely fashion. For a vendor who is a subcontractor, compliance with Section 5, Article 1D, Chapter 21 of the *West Virginia Code* may take place before their work on the public improvement is begun.

**ANTITRUST:**

In submitting a bid to any agency for the state of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will 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 the bidder.

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership or person or entity submitting a bid for the same materials, supplies, equipment or services and is in all respects fair and without collusion or fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.

**LICENSING:**

Vendors 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 agencies or political subdivision. Furthermore, the vendor must provide all necessary releases to obtain information to enable the Director or spending unit to verify that the vendor is licensed and in good standing with the above entities.

**CONFIDENTIALITY:**

The vendor agrees that he or she 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 <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.

Under penalty of law for false swearing (*West Virginia Code* §61-5-3), it is hereby certified that the vendor affirms and acknowledges the information in this affidavit and is in compliance with the requirements as stated.

Vendor's Name: David J Ellis David J Ellis  
Authorized Signature: David J Ellis Date: 3-9-09