



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

# Request for Quotation

RFQ NUMBER
PTR09004

PAGE
1

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

\*919153300      703-532-7629

VENDOR

WAGNER ASSOCIATES  
 5528 24TH ST NORTH  
 ARLINGTON VA 22205

SHIP TO

DIVISION OF PUBLIC TRANSIT  
 BUILDING 5, ROOM 906  
 1900 KANAWHA BOULEVARD, EAST  
 CHARLESTON, WV  
 25305-0432      304-558-0428

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
09/17/2008				

BID OPENING DATE: 10/08/2008      BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA		961-74	\$ 103 per hour	
STATE MANAGEMENT REVIEW PROGRAM						
<p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DIVISION OF PUBLIC TRANSIT IS SOLICITING BIDS FOR THE PERFORMANCE OF ON-SITE MONITORING REVIEWS FOR SUB-RECIPIENTS AND TECHNICAL ASSISTANCE TO ENSURE COMPLIANCE WITH FEDERAL TRANSIT ADMINISTRATION REQUIREMENTS PER THE ATTACHED SPECIFICATIONS.</p> <p>EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON 10/15/2008 AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE.</p> <p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.</p> <p>RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL</p>						

RECEIVED

2008 OCT -7 P 2:31

PURCHASING DIVISION  
STATE OF WV

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Samuel H. Wagner</i>	TELEPHONE 703-532-7629	DATE 10/6/2008
TITLE Principal	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS 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 FOB 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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 2019 Washington Street East  
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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>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN STATE CONTRACT ORDER (FORM NUMBER WV-39) TO THE VENDOR FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL COPY OF THE WV-39 SHALL BE MAILED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT, A SECOND COPY MAILED TO THE PURCHASING DIVISION, AND A THIRD COPY RETAINED BY THE SPENDING UNIT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT MAY BE</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
CONTACT PERSON (PLEASE PRINT CLEARLY):						
<i>Daniel W Wagner</i>						
***** THIS IS THE END OF RFQ PTR09004 ***** TOTAL: _____						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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

**Wagner Associates**  
5528 24<sup>th</sup> Street North  
Arlington, VA 22205-3113  
Tel: 703-532-7629  
Fax: 425-790-3369  
Dan.Wagner@comcast.net

October 6, 2008

Mr. Frank Whittaker  
State of West Virginia  
Department of Administration  
Purchasing Division  
Building 15  
2019 Washington Street, East  
Charleston, WV 25305-0130

**RFQ PTR09004**  
**STATE MANAGEMENT REVIEW PROGRAM**

Wagner Associates is pleased to submit to the West Virginia Division of Public Transit this proposal to perform on-site monitoring reviews of subrecipients and to provide technical assistance to ensure compliance with Federal Transit Administration (FTA) requirements. I am the best qualified firm to perform these site visits and provide this technical assistance as:

- I know the Division's people, policies and subrecipients as we provided these services to the Division for the past three years
- I assisted the Division in developing and testing the on-site review compliance workbook.
- I provided training to Division subrecipients and to subrecipients in Alaska, Maryland, Montana, North Carolina, South Carolina, Texas, and Vermont in FTA requirements.
- I have developed compliance review workbooks and conducted on-site reviews for Montana, Oklahoma, South Carolina, Texas, and Vermont.
- I am supporting State Management Review program for FTA, including developing program guidance, developing and conducting training workshops, and conducting site visits of states.

I appreciate the opportunity to submit this proposal and we look forward to working with you on this project.

Sincerely,  
Wagner Associates

  
Daniel W. Wagner

# Wagner Associates

## RFQ PTR09004 STATE MANAGEMENT REVIEW PROGRAM

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## RFQ PTR09004 STATE MANAGEMENT REVIEW PROGRAM

### PURPOSE OF WORK

The West Virginia Division of Public Transit is seeking consultant services for the performance of on-site reviews of the state's Section 5311, 5316 and 5317 subrecipients to verify compliance with FTA and Division requirements. The consultant will use the Division's compliance review workbook. In addition to conducting all the tasks associated with on-site reviews (desk review, site visit preparation, on-site review, preparation and delivery of the on-site report of findings and recommendations), the Division is also seeking assistance with the following tasks:

- Assist in the refinement of the Compliance Review Workbook, including adding sections that may be required as a result of the reauthorization of SAFETEA-LU.
- Refine the Compliance Review Workbook, including adding sections that may be required as a result of the reauthorization of SAFETEA-LU.
- Provide technical assistance to individual subrecipients to bring their programs into compliance with 5311, 5316 and 5317 program requirements.
- Assist the Division in ensuring that any new or current subrecipients or programs resulting from the reauthorization of SAFETEA-LU are in compliance with FTA regulations.
- Assist in revising the Section 5311, 5316 and 5317 program guide.
- Conduct workshops on the 5311, 5316 and/or 5317 on-site findings and/or new, changed or deleted FTA requirements.
- Assist in the implementation of any new circulars, regulations, and/or guidance issued by the FTA for the life of this contract.
- Assist in the implementation of any new programs, guidance and/or regulations that are the result of the reauthorization of SAFETEA-LU.

### EXPERIENCE

Wagner Associates is the most qualified firm to provide this assistance. Since 1995, Mr. Wagner has been working with the Section 5311 program, first on the development and implementation of the State Management Review Program with FTA and then assisting state departments of transportation, including West Virginia, with the development and conduct of on-site compliance review programs. Also, he is intimately familiar with Section 5316 and 5317 program requirements as he is working with FTA to incorporate those program requirements into the State Management Review program and is conducting training workshops in and compliance reviews of Section 5311, 5316, and 5317 program requirements for FTA. Examples of work experience follow, including a short description, the agency, contact person, phone number, and duration of work. All



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engagements were completed satisfactorily and on time. A time extension was requested and received for work in Texas due to the events of September 11.

## **Program Support to State Management Review Program, Federal Transit**

**Administration.** Mr. Wagner is assisting the FTA Office of Program Management in the development and implementation of the State Management Review program. He is developing program guidance to incorporate the requirements of SAFETEA-LU, including addressing the Section 5316 and 5317 programs. He has developed and is conducting workshops in FTA requirements as they relate to the Section 5311, 5316, and 5317 programs for state program managers. He is conducting on-site reviews of state departments of transportation for FTA

### *Contact:*

Ms. Tretha Chromey, Program Manager  
State Management Review Program  
U.S. DOT Federal Transit Administration  
202-366-1630

*Duration:* June 2008 – September 2013

## **Program Support to the State Management Review Program, West Virginia**

**Division of Public Transit.** For the past three years, Mr. Wagner has conducted on-site compliance reviews of subrecipients, provided technical assistance and training to subrecipients in FTA requirements, revised the compliance review workbook, assisted the Division in preparing for its State Management Review, and provided other program support as necessary, including reviewing the Section 5316 and 5317 state management plans, conducting the intercity bus consultative process, and assisting a subrecipient in revising its ADA complementary paratransit program guidelines.

### *Contact:*

Ms. Susan O'Connell, Director  
West Virginia Division of Public Transit  
304-558-0428

*Duration:* October 2005 – September 2008

## **Development of a Section 5311 Compliance Review Program, West Virginia**

**Division of Public Transit.** Mr. Wagner assisted the Division in the development of its on-site Section 5311 compliance review workbook

### *Contact:*

Ms. Susan O'Connell, Director  
West Virginia Division of Public Transit  
304-558-0428

*Duration:* July 2004 – October 2004

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**Training in the Conduct of On-Compliance Site Reviews, West Virginia Division of Public Transit.** Mr. Wagner trained Division staff in the conduct of on-site compliance reviews using the Division's on-site Section 5311 compliance review workbook.

*Contact:*

Ms. Susan O'Connell, Director  
West Virginia Division of Public Transit  
304-558-0428

*Duration:* February 2005 – April 2005

**Review of Internal Controls, Compliance, and Performance of Mass Transit Providers, South Carolina Department of Transportation** Mr. Wagner is conducting on-site compliance reviews of Section 5311 subrecipients and recipients of state mass transit assistance for the South Carolina Department of Transportation. He has also provided program support, including providing training in FTA requirements for subrecipients and revising the compliance review workbook to incorporate new FTA requirements, such as the new Title VI and Charter Bus requirements

*Contact:*

Ms. Lavern Glover, Program Manager  
South Carolina Department of Transportation  
803-737-0670

*Duration:* October 2006 – December 2008

**Technical Assistance for Fully Coordinated Transit Systems, Vermont Agency of Transportation.** Wagner Associates assisted two Section 5311 subrecipients in developing procedures for implementing coordinated service delivery and for meeting Section 5311 program requirements. Procedures were developed in the areas of governance, maintenance, procurement, service planning, service measurement and reporting, cost allocation, reservations and scheduling, and marketing.

*Contact:*

Ms. Krista Chadwick, Public Transit Assistant Administrator  
Vermont Agency of Transportation  
802-828-5750

*Duration:* July 2004 – April 2005

**Review of the Managerial Capability, Technical Capacity, and Compliance of Twelve Transit Providers, Vermont Agency of Transportation.** Wagner Associates conducted a review of the managerial capability, technical capacity, and compliance of 12 transit providers, 11 of which are Section 5311 subrecipients. The review process included a desk review, an on-site review, and a report. As part of the study, Wagner Associates developed recommendations for changes in state policy and program management.

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*Contact:*

Ms Krista Chadwick, Public Transit Assistant Administrator  
Vermont Agency of Transportation  
802-828-5750

*Duration:* October 2003 – January 2004

**Development of a Section 5311 Compliance Review Program, Oklahoma**

**Department of Transportation.** Mr. Wagner worked with the Oklahoma Department of Transportation to develop an on-site compliance program and, with state staff, conducted pilot on-site reviews of two systems to test the instrument and train state personnel in the conduct of reviews.

*Contact:*

Ken LaRue, Transit Programs Division Manager  
Oklahoma Department of Transportation  
405-521-2584

*Duration:* January 2004 – March 2004

**Development of a Section 5311 Performance and Compliance Program, Montana**

**Department of Transportation.** Mr. Wagner developed a Section 5311 best practices and compliance review program for the Montana Department of Transportation and trained state staff in use of the program. The review program is integrated into program management and feeds into the five-year transit development plan process and enables the state to more effectively oversee the effectiveness and efficiency of its transit systems.

*Contact:*

Mr. David Jacobs, Lead Transit Planner  
Montana Department of Transportation  
406-444-9192

*Duration:* August 2002 – December 2002

**Section 5311 Performance and Compliance Reviews, Texas Department of**

**Transportation.** Mr. Wagner conducted performance and compliance reviews of Section 5311 providers for the Texas Department of Transportation. He identified issues and developed constructive recommendations in the areas of policy and decision-making, organization and staffing, budgeting and cost allocation, financial management, human resources, risk management, reporting procedures, technology and information systems, and procurement, transportation operations, fleet and facility characteristics and condition, fleet and facility maintenance, services to persons with disabilities, training, service planning/evaluation, ridership and budget projections, public involvement, complaint processing procedures, marketing and public information, coordination, and fare structure.

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## *Contact*

Ms. Karen Dunlap  
Texas Department of Transportation  
512-416-2830

*Duration:* April 2001 – May 2002

**Training in Section 5311 Program Requirements.** Mr. Wagner provided training to subrecipients in Section 5311 program and other federal requirements for the states of West Virginia, Alaska, Maryland, North Carolina, South Carolina, Texas, and Vermont.

## *Contacts:*

Ms. Susan O'Connell, Director, West Virginia Division of Public Transit, 304-558-0428

Mr. David Jacobs, Lead Transit Planner, Montana Department of Transportation, 406-444-9192

Ms. Lavern Glover, Program Manager, South Carolina Department of Transportation, 803-737-0670

Ms. Krista Chadwick, Public Transit Assistant Administrator, Vermont Agency of Transportation, 802-828-5750

Mr. Lenny Howard, Chief, Regional Planning, Maryland Transit Administration, 410-767-0029

**Development and Implementation of the State Management Review Program, Federal Transit Administration.** Mr. Wagner assisted the FTA Office of Program Management in developing and implementing the state management review program. Mr. Wagner researched FTA requirements in several program areas, developed program guidance and questions, led reviews, developed training material, and served as a program instructor.

## *Contact*

Mr. Ken Mackel, Former Program Manager  
State Management Review Program  
U.S. DOT Federal Transit Administration  
202-366-1618

*Duration:* October 1995 – September 2001

## **MANAGEMENT AND TECHNICAL QUALIFICATIONS**

Wagner Associates has the management and technical qualifications to perform all the required tasks. Mr. Wagner, as an independent consultant, will serve as the project manager and staff on all tasks. As such, he will implement the project, develop and maintain the project schedule, and ensure the quality of all deliverables. Before the kick-off meeting, he will contact the Division to discuss the tasks planned for the next year and the time frames for completion. He will develop and present at the kick-off meeting

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a detailed schedule with milestones and a work plan for review and approval by the Division. Once approved, Mr. Wagner will schedule his time to meet the agreed upon milestones. Over the past three years working for the Division, he met all deadlines.

Mr. Wagner has 28 years of management consulting experience and is an experienced and skilled consultant. For the past three years, he has successfully conducted on-site compliance reviews for the Division and assisted it in the implementation of the Section 5311, 5316 and 5317 programs. He has 14 years experience with the Section 5311 program and has assisted six states—West Virginia, South Carolina, Vermont, Montana, Oklahoma, and Texas—in the development and conduct of Section 5311 on-site compliance reviews. He has provided training in Section 5311 program requirements to subrecipients in West Virginia, Alaska, Maryland, North Carolina, South Carolina and Texas. Currently, Mr. Wagner is providing program support to the FTA for the State Management Review program, including developing the new Section 5311, 5316, and 5317 guidance for the program. From 1997 through 2001, he also provided program support to the FTA for the State Management Review program. His resume is attached.

### **DETAILED PROJECT SCOPE AND OBJECTIVES**

**2.1.1. Conduct desk reviews.** Mr. Wagner will conduct desk reviews at least six weeks prior to any site visit to ensure that subrecipients have enough time to complete the workbook and assemble materials in preparation for the site visit. During the desk review, he will complete as much of the Compliance Review Workbook as possible based on the information available in the Division's offices. During the desk review, he will work with the Division and the subrecipients to schedule the site visits. He will group the site visits to minimize travel expenses and to facilitate attendance by Division staff. He will interview Division staff, review submitted reports, and gather policies and procedures that are on file with the Division. He will enter his findings into the workbook. After the desk review is complete, he will email the partially completed workbooks, including a list of requested documents, to the subrecipients. He will give subrecipients at least four weeks to complete the workbooks and assemble and send requested materials.

**2.1.2. Conduct on-site visits.** Mr. Wagner will conduct on-site visits of subrecipients. The site visits should take no more than one day. However, if the answers to the questions in the workbook and the submitted documents indicate that the site visit will take longer, he will discuss revising the schedule with the Division. To prepare for the on-site visits, he will review answers to all the questions in the workbooks and review all submitted materials before the on-site visit.

**2.1.3. Prepare report of findings and recommendations.** Mr. Wagner will record his notes into the workbooks and prepare the table of findings and recommendations. Each finding will include a timeframe for implementation. He will submit the table of findings and recommendations to the Division for review and approval before emailing it to the subrecipient. He will email the completed workbook to the Division and the subrecipient. The subrecipient will have seven days to review the workbook to make any changes or corrections. The report of the on-site findings and recommendations will be

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produced and submitted to the Division and the subrecipient within 30 days of the on-site visit.

**2.1.4 Refine compliance review workbook.** Mr. Wagner will assist the Division by proposing refinements to the workbook based on issues that arise during on-site visits and will recommend additions, deletions, or changes required as a result of the reauthorization of SAFETEA-LU. With all our recommendations, he will keep in mind the Division's goal of one-day site visits.

**2.1.5. Provide technical assistance to subrecipients.** Mr. Wagner will provide technical assistance to individual subrecipients to bring them into compliance with FTA and State requirements. Technical assistance may be provided by phone, mail, email, on-site or at meetings. For new grantees, Mr. Wagner proposes face-to-face meetings to discuss each section and question in the Compliance Review Workbook. This approach proved successful with County Roads Transit and the Divisions' two new Section 5316 subrecipients. To facilitate implementation of corrective actions, he will provide samples and will refer subrecipients to peers in the state that have compliant policies and procedures. As part of the technical assistance efforts, he will work with the Division to review procedures to ensure compliance with FTA and Division requirements. He will update the workbook to document subrecipient responses and to close findings. When all findings are closed, the workbooks will document the review from start to finish. After the reviews are closed, he will submit the review files to the Division.

**2.1.6. Provide technical assistance to the Division.** Mr. Wagner will assist the Division in ensuring that any new subrecipients or current subrecipients or programs resulting from the reauthorization of SAFETEA-LU are in compliance with FTA regulations. It is understood that the technical assistance may go beyond the 5311, 5316 and 5317 programs as there may be significant changes to the FTA programs as a result of the reauthorization. Mr. Wagner is uniquely qualified to provide this assistance as he will develop the guidance for any changed or new programs for the FTA State Management Review program.

**2.1.7. Revise program guide.** The Division publishes a comprehensive program guide addressing FTA and State requirements. Mr. Wagner will assist in revising the guide to ensure that it complies with the SAFETEA-LU reauthorization.

**2.2. Maintain an email address and an 800 number.** Mr. Wagner will maintain an email address for transit systems to use to contact him to provide information and assistance with any policy changes and program oversight and to provide guidance on the 5311, 5316 and 5317 grant programs. He will copy the Division on all email responses and will notify the Division of all telephone calls. All responses will be made within 24 hours.

**2.3.1. Assist in preparation for the state management review.** Mr. Wagner will assist the Division in preparing answers and assembling documents for the FTA State Management Review. This work will be performed on site at the Division's offices. He will also assist in developing a response to FTA regarding the review and resolving any

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findings. Mr. Wagner helped the Division prepare for its last review. The reviewers reported to the Division that the response was the best they had yet received. The FTA State Management Review found no deficiencies with the Division's program

**2.3.2. Provide miscellaneous administrative assistance** Mr. Wagner will be available to provide any additional assistance relating to compliance issues that should arise relating to any FTA program and the reauthorization of SAFETEA-LU.

**2.4. Meet with the Division.** Mr. Wagner will participate in the kick-off meeting at the Division's offices. The meeting will take place at the same time as the first desk reviews.

**2.6. Conduct Workshops.** Mr. Wagner will develop and conduct a workshop that address the findings resulting from the on-site reviews, provide refresher training in requirements in problem areas, share best practices, and present new requirements that result from reauthorization of SAFETEA-LU. The content of the workshop will be mutually agree upon beforehand. He will be responsible for:

- The cost of audio visual equipment, workshop materials, and supplies, including all hand outs.
- Delivery of materials to the workshop site.
- Registration the day of the workshop.

He will present all materials to the Division for review and approval prior to the workshop. No registration fees will be charged.

## SCHEDULE AND LEVEL OF EFFORT

Mr. Wagner is prepared to start work October 15 and to complete the projects within 12 months.

The following table presents a proposed project time schedule based on the required completion date. Based on past experience, the schedule assumes that site visits will be begin next calendar year and that three will be conducted before the end of the state fiscal year and three will be conducted after the start of the new fiscal year.

Proposed Task for Year One	Proposed Dates	Estimated Level of Effort
Provide technical assistance to Division and subrecipients in meeting FTA requirements	October 2008 – October 2009	32 hours per month
Revise Compliance Review Workbook based on 2008 experience	Complete by December 31, 2008	16 hours
Attend kick-off meeting and conduct desk reviews for six subrecipients	January 2009	40 hours
Prepare for and conduct first set of three on-site visits	May 2009	56 hours

# Wagner Associates

<b>Proposed Task for Year One</b>	<b>Proposed Dates</b>	<b>Estimated Level of Effort</b>
Prepare report of on-site findings and recommendations for first set of on-site visits	June 2009	24 hours
Prepare for and conduct second set of three on-site visits	August 2009	56 hours
Prepare report of on-site findings and recommendations for second set of on-site visits	September 2009	24 hours
Revise Compliance Review Workbook based on 2009 experience	October 2009	16 hours
Develop and conduct workshop in results of on-site visits or new/revised FTA requirements	October 2009	40 hours

## **EEO STATEMENT**

Mr. Wagner is an independent consultant and as such has no staff. He is committed to nondiscriminatory behavior in his dealings with others.



**APPENDIX A: RESUME**

# Wagner Associates

## **DANIEL W. WAGNER**

Principal, Wagner Associates

For the past 28 years, Daniel Wagner has served as a management consultant specializing in management and performance reviews, compliance reviews, program evaluation, project planning, organization analysis, and financial analysis.

Mr. Wagner has developed transit performance and compliance review programs and conducted reviews for West Virginia, South Carolina, Vermont, Montana, Oklahoma, and Texas. For South Carolina, he served as the lead compliance and performance consultant for reviews of the state's 24 public transit providers. For Vermont, he directed the study of managerial capability, financial capacity, and compliance of 12 rural transit providers, reviewed six of the providers, and developed program and policy recommendations for management of the Section 5310 and 5311 programs. He conducted a management and compliance review of the Rhode Island Public Transit Authority's (RIPTA) ADA transportation program and assisted in the evaluation and development of a training program for paratransit operators for RIPTA.

Also for Vermont, he assisted two Section 5311 subrecipients in developing procedures for implementing the new coordinated service delivery model, including developing cost allocation plans that allow the providers to more easily bill programs for services. He led the effort to assist eight other Vermont transit providers in developing cost allocation plans. He served as an instructor for three Rural Transit Assistance Program (RTAP) training seminars—route and service analysis, ADA compliance, and bus procurement

Mr. Wagner has presented on federal requirements for Section 5311 providers at state transit conferences in West Virginia, North Carolina, South Carolina and Alaska and conducted training in Section 5311 requirements for subrecipients for Texas.

Since 1994, Mr. Wagner has provided support to the FTA Office of Oversight in the development of oversight programs and conduct of compliance reviews. Currently, he is supporting the development and implementation of the revised and expanded State Management Review program. The new program addresses the new requirements of SAFETEA-LU and the Section 5316 and 5317 programs. Responsibilities include developing program guidance and the training seminar, training state program managers, and conducting reviews. He was a lead consultant on the team that developed the original State Management Review program. He also conducts review of urban transit systems for FTA. He has conducted reviews of some of the FTA's largest grantees, including New York City Transit, New Jersey Transit, and Los Angeles County Metropolitan Transportation Authority.

Prior to working with FTA, Mr. Wagner was a manager with Eva Klein & Associates where he consulted to colleges and universities regarding university-related research parks, technology transfer, technology incubators, management, and organization and staffing. He served as staff to the North Carolina Government Performance Audit

## **Wagner Associates**

Committee, a blue-ribbon commission of legislators, private citizens, and community leaders charged with restructuring North Carolina's state government operations.

Mr. Wagner was a senior consultant and consultant with Bearing Point (formerly KPMG Consulting), working in the government services and transportation consulting practices. He conducted program evaluations, management studies, organization and staffing analyses, cost analyses, and systems requirements analyses. He served as staff to the Commission on Budget and Financial Priorities of the District of Columbia (Rivlin Commission), a blue-ribbon panel appointed by the mayor to recommend actions to address the city's projected long-term budget deficit, where he conducted staffing and management analyses and analyzed transportation financing alternatives. He served as a cost analyst on a year-long study of Medicare claims process for the Health Care Financing Administration.

Mr. Wagner was graduated Phi Beta Kappa from The Catholic University of America and received a Bachelor of Arts in economics, summa cum laude.

# Wagner Associates

## APPENDIX B: REQUIRED BID FORMS

Bid Forms 1 – 6

Purchasing Affidavit

Employment History Disclosure Statement

**BID FORM #1**  
**Cost Proposal**

For all work tasks as outlined in the proposal

Base Price: \$ 103 per hour  
(Quote in whole dollars)

Vendor Name: Wagner Associates

Vendor Address: 5528 24TH Street North

Arlington, VA 22205-3113

Date: 10/6/2008

Signature: Daniel H Wagner

**BID FORM #2**  
**CERTIFICATION OF RESTRICTIONS ON LOBBYING**

The undersigned [Vendor, Contractor] certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions [as amended by "Government Wide Guidance for New Restrictions on Lobbying," 61 Fed Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. [Note: Pursuant to 31 U.S.C. § 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.]

The Vendor, Wagner Associates, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

10/6/08                      Daniel H. Wagner  
Date                                      Authorized Signature

Principal  
Title

**BID FORM #3**

**CERTIFICATION OF PRIMARY PARTICIPANT REGARDING  
DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

The Primary Participant (applicant for an FTA grant or cooperative agreement, or potential contractor for a major third party contract),

Wagner Associates (COMPANY NAME) certifies to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statement, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default

(If the primary participation (applicant for an FTA grant, or cooperative agreement, or potential third party contractor) is unable to certify to any statements in this certification, the participant shall attach an explanation tot his certification.)

THE PRIMARY PARTICIPANT (APPLICANT FOR AN FTA GRANT OR COOPERATIVE AGREEMENT, OR POTENTIAL CONTRACTOR FOR A MAJOR THIRD PARTY CONTRACT),

Wagner Associates, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET SEQ. ARE APPLICABLE THERETO.

Daniel H Wagner, Principal  
Signature and Title of Authorized Official

**BID FORM #4**

Wagner Associates hereby certifies that it  IS or  IS NOT (check the appropriate box) included on the U.S. Comptroller General's Consolidated List of Persons or Firms Currently Debarred for violations of Various Public Contracts Incorporating Labor Standards Provisions.

10/6/2008  
Date

Samuel H. Wagner  
Authorized Signature

Principal  
Title

Wagner Associates  
Company Name



**BID FORM #5**  
**VENDOR'S CERIFICATION OF UNDERSTAING AND ACCEPTANCE**

The Contractor hereby certifies that all Technical Specifications and Contract Terms and Conditions have been carefully reviewed, are fully understood and shall be adhered to in the performance and completion of any contract resulting from this bid.

10/6/2008  
Date \_\_\_\_\_  
Daniel W Wagner  
Authorized Signature \_\_\_\_\_  
Principal  
Title \_\_\_\_\_  
Wagner Associates  
Company Name \_\_\_\_\_

**BID FORM #6  
ADDENDUM ACKNOWLEDGMENT**

I hereby acknowledge receipt of the following checked addendum(s) and have made the necessary revisions to my proposal, plans and/or specification, etc.

Addendum No.'s

No 1 10/1/08

No 2 \_\_\_\_\_

No 3 \_\_\_\_\_

No 4 \_\_\_\_\_

No 5 \_\_\_\_\_

I understand that failure to confirm the receipt of the addendum(s) is cause for rejection of bids

If no addendums are issued, please check this box and sign this form.

Samuel H. Wagner

Signature

Wagner Associates

Company

10/6/08  
Date

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:**

**West Virginia Code §21-1D-5** provides that: Any solicitation for a public improvement construction contract shall require each vendor that submits a bid for the work to submit at the same time an affidavit that the vendor has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the West Virginia Code. A 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. Vendors should visit [www.state.wv.us/admin/purchase/privacy](http://www.state.wv.us/admin/purchase/privacy) for the Notice of Agency Confidentiality Policies.

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

Vendor's Name: Wagner Associates  
Authorized Signature: Samuel H. Wagner Date: 10/6/08



State of West Virginia  
Department of Administration  
Purchasing Division

## EMPLOYMENT HISTORY DISCLOSURE STATEMENT

Vendor shall identify any other work, similar or otherwise currently being performed for any agency, institution, educational facility, city, county, municipality or political subdivision of the State of West Virginia. The State of West Virginia is concerned that current work could logically prevent the vendor from responsibly completing the referenced contract.

The state of West Virginia reserves the sole and exclusive right to reject the bid of any vendor when the state believes any current work could logically prevent the vendor from successfully completing the bid/contract in question. Failure to provide or disclose the required information listed shall be grounds for immediate disqualification/cancellation of the contract.

Below, the vendor shall provide the agency name, effective dates, value, general description and time required to fulfill the duties of each contract.

Agency Name	Effective Dates	Value	General Description	Time Required Per Week

Check here if additional sheets are attached

I certify that the statements made above are true and accurate.

Daniel W Wagner  
Printed Name  
Daniel W Wagner  
Signature

10/6/08  
Date

**EMPLOYMENT HISTORY DISCLOSURE STATEMENT**

<b>Agency Name</b>	<b>Effective Dates</b>	<b>Value</b>	<b>General Description</b>	<b>Time Required Per Week</b>
Federal Transit Administration	Through 12/31/2012	\$88,200 per year	Provide support to the State Management and Triennial Review Programs	24 hours
South Carolina Department of Transportation	Through 12/31/08	\$14,700 for 2008	Conduct on-site reviews of Section 5311 subrecipients	4 hours