




The following documentation is an electronically-submitted vendor response to an advertised solicitation from the *West Virginia Purchasing Bulletin* within the Vendor Self-Service portal at ***wvOASIS.gov***. As part of the State of West Virginia's procurement process, and to maintain the transparency of the bid-opening process, this documentation submitted online is publicly posted by the West Virginia Purchasing Division at ***WVPurchasing.gov*** with any other vendor responses to this solicitation submitted to the Purchasing Division in hard copy format.

## Header 2

 List View

## General Information

Contact

Default Values

Discount

Document Information

Procurement Folder: 374637

SO Doc Code: CRFQ

Procurement Type: Central Master Agreement

SO Dept: 0926

Vendor ID: VS0000010638 

SO Doc ID: PSC1800000003

Legal Name: DAVID J ELLIS

Published Date: 10/26/17

Alias/DBA:

Close Date: 11/8/17

Total Bid: \$63,375.00

Close Time: 13:30

Response Date: 11/07/2017 

Status: Closed

Response Time: 13:33

Solicitation Description: Consultant 

Total of Header Attachments: 2

Total of All Attachments: 2



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

**State of West Virginia**  
**Solicitation Response**

**Proc Folder :** 374637  
**Solicitation Description :** Consultant  
**Proc Type :** Central Master Agreement

Date issued	Solicitation Closes	Solicitation Response	Version
	2017-11-08 13:30:00	SR 0926 ESR11041700000001985	1

<b>VENDOR</b>
VS0000010638  DAVID J ELLIS

**Solicitation Number:** CRFQ 0926 PSC1800000003

**Total Bid :** \$63,375.00      **Response Date:** 2017-11-07      **Response Time:** 13:33:19

**Comments:** Qualifications Summary. See Attachments for more detailed description. Bidder is qualified to provide the consulting services sought by the PSC as described in State of West Virginia Request for Quotation, Solicitation Number CRFQ 0926 PSC1800000003 (RFQ). Bidder has extensive experience as described in the RFQ. Bidder has performed numerous audits of water, sewer, electric, natural gas and motor carrier public utilities in connection with formal applications before the PSC for rate increases and Certificates of Convenience and Necessity filed by those utilities. Bidder's work also involved formal and informal proceedings at the Federal Energy Regulatory Commission (FERC) where I presented comments and questions regarding issues raised in those proceedings, testified, and participated in settlement discussions. Bidder's work experience at the PSC and United States International Trade Commission included supervisory work as a Division Director of PSC Staff from 1977 to 2004 and from 2010 to 2016 and as Chief of Staff for Commissioner Lane at the United States International Trade Commission from 2004 to 2009. Bidder was the longest serving member of the Staff Subcommittee on Electricity of the National Association of Regulatory Utility Commissioners. Bidder worked on many Regional regulatory projects, including electricity transmission projects of the National Governors Association, DOE, FERC, and NARUC.

**FOR INFORMATION CONTACT THE BUYER**  
 Jessica S Chambers  
 (304) 558-0246  
 jessica.s.chambers@wv.gov

<b>Signature on File</b>	<b>FEIN #</b>	<b>DATE</b>
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All offers subject to all terms and conditions contained in this solicitation

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
1	Consultant - hourly fee	750.00000	HOUR	\$84.500000	\$63,375.00

Comm Code	Manufacturer	Specification	Model #
81101516			

<b>Extended Description :</b>	Consultant - hourly fee
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Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

State of West Virginia  
 Request for Quotation  
 10 – Consulting

Proc Folder: 374637

Doc Description: Consultant

Proc Type: Central Master Agreement

Date Issued	Solicitation Closes	Solicitation No	Version
2017-10-25	2017-11-08 13:30:00	CRFQ 0926 PSC1800000003	1

**BID RECEIVING LOCATION**

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

**VENDOR**

Vendor Name, Address and Telephone Number:  
 David J. Ellis  
 301 Hunters Ridge Road  
 Charleston, WV  
 304-545-7982

**FOR INFORMATION CONTACT THE BUYER**

Jessica S Chambers  
 (304) 558-0246  
 jessica.s.chambers@wv.gov

Signature X *David J Ellis* FEIN # 232-68-9304 DATE 11/07/2017

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

**ADDITIONAL INFORMATION:**

: The West Virginia Purchasing Division is soliciting bids on behalf of THE Public Service Commission (Agency) to establish an open-end contract for a consultant to assist the Agency with a wide variety of issues; including utility finance, utility accounting, revenue requirements, cost of service, rate design, regional and federal utility issues in order to aid the Agency's decision making in complex cases and participation in regional bodies and Federal regulatory bodies per the specifications and terms and conditions as attached.

INVOICE TO		SHIP TO	
ADMINISTRATION PUBLIC SERVICE COMMISSION 201 BROOKS ST		ADMINISTRATION PUBLIC SERVICE COMMISSION 201 BROOKS ST	
CHARLESTON	WV25301	CHARLESTON	WV 25301
US		US	

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Total Price
1	Consultant - hourly fee	750.00000	HOUR		

Comm Code	Manufacturer	Specification	Model #
81101516			

**Extended Description :**

Consultant - hourly fee

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**SPECIFICATIONS**

1. **PURPOSE AND SCOPE:** The West Virginia Purchasing Division is soliciting bids on behalf of The Public Service Commission (Agency) to establish an open-end contract for a consultant to assist the Agency with a wide variety of issues; including utility finance, utility accounting, revenue requirements, cost of service, rate design, regional and federal utility issues in order to aid the Agency's decision making in complex cases and participation in regional bodies and Federal regulatory bodies.
  
2. **DEFINITIONS:** The terms listed below shall have the meanings assigned to them below. Additional definitions can be found in section 2 of the General Terms and Conditions.
  - 2.1 **"Contract Services"** means a consultant to assist the Agency with a wide variety of issues, including utility, finance, utility accounting, revenue requirements, cost of service, rate design and regional issues to aid the Agency decision making in complex cases and participation in regional bodies and Federal regulatory bodies, as more fully described in these specifications.
  
  - 2.2 **"Pricing Page"** means the pages, contained in wvOASIS or attached hereto as Exhibit A, upon which Vendor should list its proposed price for the Contract Services.
  
  - 2.3 **"Solicitation"** means the official notice of an opportunity to supply the State with goods or services that is published by the Purchasing Division.
  
  - 2.4 **"FERC"** means Federal Energy Regulatory Commission.
  
  - 2.5 **"FCC"** means Federal Communications Commission.
  
3. **QUALIFICATIONS:** Vendor, or Vendor's staff if requirements are inherently limited to individuals rather than corporate entities, shall have the following minimum qualifications:
  - 3.1. **Training:** Graduation from an accredited four year college or university with a major or minor in accounting, finance, economics, business administration, management or admission to the practice of law in West Virginia.
  
  - 3.2. **Substitution for training:** Experience as described in 3.3 may be substituted for the required training on the basis of two years of experience for each year of academic training required.

**3.3. Experience:** Ten years of full time or equivalent paid part time professional experience doing comparable work for a regulated public utility, utility regulatory agency, or firm performing utility regulatory consulting; five years of which must have been in an administrative or supervisory capacity. Vendor must have experience in working with the Federal Energy Regulatory Commission (FERC) and have served on federal and regional regulatory panels, committees and subcommittees which worked on projects involving regional utility issues.

**3.4. Compliance with experience requirements** will be determined prior to contract award through references provided by the Vendor with its bid; or upon request, through knowledge or documentation of the Vendor's past projects, or some other method that the State determines to be acceptable. Vendor should provide a current resume which includes information regarding the number of years of qualification, professional certificates, experience and training, and relevant professional education for each individual that will be assigned to this project. Vendor must provide any documentation requested by the State to assist in confirmation of compliance with this provision. References, documentation, or other information to confirm compliance with this experience requirement are preferred with the bid submission, but may be requested after bid opening and prior to contract award.

#### **4. MANDATORY REQUIREMENTS:**

**4.1 Mandatory Contract Services Requirements and Deliverables:** Contract Services must meet or exceed the mandatory requirements listed below. Vendor shall provide Agency with the Contract Items listed below on an open-end and continuing basis.

##### **4.1.1 Consultant**

**4.1.1.1** Vendor will be required to evaluate complex case issues that must be processed by the Agency.

**4.1.1.2** Vendor must have knowledge of Agency policy, rules and regulations and case history for all utility cases processed by the Agency. Cases processed by the Agency include gas, electric, water, sewer, telephone and motor carrier utilities.



REQUEST FOR QUOTATION  
CONSULTANT

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- 4.1.1.3** Vendor 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 Agency. Working knowledge of case history going back as far as 25 years will be required in order to be familiar with current and past cases, cite policy and decisions on related issues in prior cases, and efficiently check Agency precedents in those cases.
- 4.1.1.4** Vendor must have knowledge of theories, principles and practices in the area of assignment to provide expert consultation and policy recommendation to the Agency.
- 4.1.1.5** Vendor must be able to compare and contrast current recommendations on current issues to similar issues that have come before the Agency.
- 4.1.1.6** Vendor must have a working knowledge of Agency Staff policy, and an understanding of historic policies and positions taken by Agency Staff and other parties in various cases or other forums.
- 4.1.1.7** Vendor must have a working knowledge of issues pending or decided by FERC, the Federal Communications Commission (FCC) 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.
- 4.1.1.8** Vendor will be required to attend Agency decision meetings and assist the Agency in reaching decisions on cases and advising on policy issues.
- 4.1.1.9** Vendor must have an understanding and be prepared to discuss telecommunications issues with regard to Enhanced 9-1-1 services, Telephone Relay Services in West Virginia, FCC policies, Federal Universal Service Fund and West Virginia's Tel-Assistance program.

**4.1.1.10** Vendor must be prepared to discuss Motor Carrier issues in cases pending before the Agency including cases related to rates and practices of Solid Waste Facilities and regulated Motor Carriers of good and passengers.

**4.1.1.11** Reviewing cases before the Agency will require research into operational issues pertaining to proposed water and sewer projects and the WV Infrastructure & Jobs Development Council.

**4.1.1.12** Vendor will keep accurate time records of hours worked on projects and will be compensated on an hourly basis for actual hours of performance on projects requested by the Agency.

**4.1.1.12.1** Vendor will submit to the Agency a monthly statement, detailing work performed and hours worked.

**4.1.1.12.2** Actual hours worked will vary per week or month. Under no circumstances will Vendor's work hours be allowed or approved to exceed 40 hours per week. Payment will be made for the actual number of hours worked per month as shown on vendor's monthly statement and vendor's submitted weekly Time Sheets.

**5 Independent Contractor Status:** The purpose of this contract is to obtain temporary services that are provided by individuals or entities as independent contractors and not as employees of the State of West Virginia. The distinction between an independent contractor and an employee is complex and can require an analysis of 20 or more factors relating to the circumstances of each contract. The Internal Revenue Service and the U.S. Department of Labor have provided guidance on this issue at:

IRS – <http://www.irs.gov/pub/irs-pdf/p15a.pdf>

IRS – <http://www.irs.gov/Businesses/Small-Businesses-&-Self-Employed/Independent-Contractor-Self-Employed-or-Employee>

DOL – <http://www.dol.gov/elaws/esa/flsa/docs/contractors.asp>

Prior to utilizing the services available under this contract, the agency and Vendor must ensure that factors relating to the broad categories of behavioral control, financial control, and the type of relationship between the state and the temporary worker will not cause the independent contractor relationship to be construed as an employee/employer relationship. Items that must

be considered, include but are not limited to, the degree of control exercised by the State over the temporary worker relating to performance of the job and the degree to which the temporary worker is integrated into the State's system. The Purchasing Division recommends that the agency and Vendor review the IRS and DOL publications found at the links above and obtain further assurance from their respective internal legal counsel to maintain the independent contractor status of individuals and entities hired under this

**6. CONTRACT AWARD:**

**6.1 Contract Award:** The Contract is intended to provide Agency with a purchase price for the Contract Services. The Contract shall be awarded to the Vendor that provides the Contract Services meeting the required specifications for the lowest overall total cost as shown on the Pricing Pages.

**6.2 Pricing Page:** Vendor should complete the Pricing Page by providing an hourly rate (unit cost) and multiplying by the estimated quantity to calculate a TOTAL BID AMOUNT for the contract services requested in this RFQ and submit it as part of the bid response. Vendor should complete the Pricing Page in full as failure to complete the Pricing Page in its entirety may result in Vendor's bid being disqualified.

The Pricing Page contains a list of the Contract Items and estimated hours. The estimated hours for each item represent the approximate volume of anticipated hours only. No future use of the Contract or any individual item is guaranteed or implied.

Vendor should type or electronically enter the information into the Pricing Pages through wvOASIS, if available, or as an electronic document. In most cases, the Vendor can request an electronic copy of the Pricing Pages for bid purposes by sending an email request to the following address: [Jessica.S.Chambers@wv.gov](mailto:Jessica.S.Chambers@wv.gov)

**6.3 Hourly Rates:** Hourly rate listed on the Pricing Page shall remain firm. Hourly rates are inclusive of all expenses (costs of materials, supplies, equipment, administrative and overhead costs) required to perform the services covered by the Contract and meet all deliverables. No additional charge may be billed by the vendor, nor will they be paid by the Agency under any circumstances.

**7. PERFORMANCE:** Vendor and Agency shall agree upon a schedule for performance of Contract Services and Contract Services Deliverables, unless such a schedule is already included herein by Agency. In the event that this Contract is designated as an open-end contract, Vendor shall perform in accordance with the release orders that may be issued against this Contract.

REQUEST FOR QUOTATION  
CONSULTANT

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8. **PAYMENT:** Agency shall pay the hourly rate, as shown on the Pricing Pages, for all Contract Services performed and accepted under this Contract. Vendor shall accept payment in accordance with the payment procedures of the State of West Virginia.
9. **TRAVEL:** Vendor shall be responsible for all mileage and travel costs, including travel time, associated with performance of this Contract. Any anticipated mileage or travel costs may be included in the flat fee or hourly rate listed on Vendor's bid, but such costs will not be paid by the Agency separately.
10. **FACILITIES ACCESS:** Performance of Contract Services may require access cards and/or keys to gain entrance to Agency's facilities. In the event that access cards and/or keys are required:
  - 10.1. Vendor must identify principal service personnel which will be issued access cards and/or keys to perform service.
  - 10.2. Vendor will be responsible for controlling cards and keys and will pay replacement fee, if the cards or keys become lost or stolen.
  - 10.3. Vendor shall notify Agency immediately of any lost, stolen, or missing card or key.
  - 10.4. Anyone performing under this Contract will be subject to Agency's security protocol and procedures.
  - 10.5. Vendor shall inform all staff of Agency's security protocol and procedures.
11. **VENDOR DEFAULT:**
  - 11.1. The following shall be considered a vendor default under this Contract.
    - 11.1.1. Failure to perform Contract Services in accordance with the requirements contained herein.
    - 11.1.2. Failure to comply with other specifications and requirements contained herein.
    - 11.1.3. Failure to comply with any laws, rules, and ordinances applicable to the Contract Services provided under this Contract.
    - 11.1.4. Failure to remedy deficient performance upon request.
  - 11.2. The following remedies shall be available to Agency upon default.

REQUEST FOR QUOTATION  
CONSULTANT

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- 11.2.1. Immediate cancellation of the Contract.
- 11.2.2. Immediate cancellation of one or more release orders issued under this Contract.
- 11.2.3. Any other remedies available in law or equity.

**12. MISCELLANEOUS:**

**12.1. Contract Manager:** During its performance of this Contract, Vendor must designate and maintain a primary contract manager responsible for overseeing Vendor's responsibilities under this Contract. The Contract manager must be available during normal business hours to address any customer service or other issues related to this Contract. Vendor should list its Contract manager and his or her contact information below.

**Contract Manager:** \_\_\_\_\_ David J. Ellis \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_ 304-545-7982 \_\_\_\_\_

**Fax Number:** \_\_\_\_\_ (No fax) \_\_\_\_\_

**Email Address:** \_\_\_\_\_ djeconsulting@aol.com \_\_\_\_\_

Bidder believes that this affidavit is not applicable. If it is determined to be applicable, bidder avers that he is not in default of any monetary obligations as defined herein. Bidder is submitting this bid through wvOASIS, so a notarized signed form is not submitted. Bidder will supply such a signed form if required and requested.

STATE OF WEST VIRGINIA  
Purchasing Division

**PURCHASING AFFIDAVIT**

**CONSTRUCTION CONTRACTS:** Under W. Va. Code § 5-22-1(i), the contracting public entity shall not award a construction contract to any bidder that is known to be in default on any monetary obligation owed to the state or a political subdivision of the state, including, but not limited to, obligations related to payroll taxes, property taxes, sales and use taxes, fire service fees, or other fines or fees.

**ALL OTHER CONTRACTS:** Under W. Va. Code §5A-3-10a, 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: (1) the debt owed is an amount greater than one thousand dollars in the aggregate; or (2) the debtor is in employer default.

**EXCEPTION:** The prohibition listed above does not apply where a vendor has contested any tax administered pursuant to chapter eleven of the W. Va. Code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

**DEFINITIONS:**

**"Debt"** means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.

**"Employer default"** means having an outstanding balance or liability to the old fund or to the uninsured employers' fund or being in policy default, as defined in W. Va. Code § 23-2c-2, failure to maintain mandatory workers' compensation coverage, or failure to fully meet its obligations as a workers' compensation self-insured employer. An employer is not in employer default if it has entered into a repayment agreement with the Insurance Commissioner and remains in compliance with the obligations under the repayment agreement.

**"Related party"** means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceeds five percent of the total contract amount.

**AFFIRMATION:** By signing this form, the vendor's authorized signer affirms and acknowledges under penalty of law for false swearing (*W. Va. Code §61-5-3*) 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, that neither vendor nor any related party owe a debt as defined above and that neither vendor nor any related party are in employer default as defined above, unless the debt or employer default is permitted under the exception above.

**WITNESS THE FOLLOWING SIGNATURE:**

Vendor's Name: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_, to-wit:

Taken, subscribed, and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission expires \_\_\_\_\_, 20\_\_.

**AFFIX SEAL HERE**

**NOTARY PUBLIC** \_\_\_\_\_

WV-10  
Approved / Revised  
09/15/17

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 Vendor Preference, if applicable.

**1. Application is made for 2.5% vendor preference for the reason checked:**

Bidder is an individual resident vendor and has resided continuously in West Virginia, 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,

Bidder is a resident vendor partnership, association, or corporation with at least eighty percent of ownership interest of bidder held by another entity that meets the applicable four year residency requirement; 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% vendor preference for the reason checked:**

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% vendor preference for the reason checked:**

Bidder is a nonresident vendor that employs a minimum of one hundred state residents, or a nonresident vendor which has an affiliate or subsidiary which maintains its headquarters or principal place of business within West Virginia and employs a minimum of one hundred state residents, and for purposes of producing or distributing the commodities or completing the project which is the subject of the bidder's bid and continuously over the entire term of the project, on average at least seventy-five percent of the bidder's employees or the bidder's affiliate's or subsidiary's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years and the vendor's bid; or,

**4. Application is made for 5% 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% 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% 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.

**7. Application is made for preference as a non-resident small, women- and minority-owned business, in accordance with *West Virginia Code* §5A-3-59 and *West Virginia Code of State Rules*.**

Bidder has been or expects to be approved prior to contract award by the Purchasing Division as a certified small, women- and minority-owned business.

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) rescind the contract or purchase order; 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.

**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 (Submitted through wvOASIS)

Date: November 7, 2017 Title: Individual

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

## West Virginia Ethics Commission



### Disclosure of Interested Parties to Contracts

Pursuant to *W. Va. Code* § 6D-1-2, a state agency may not enter into a contract, or a series of related contracts, that has/have an actual or estimated value of \$100,000 or more until the business entity submits to the contracting state agency a Disclosure of Interested Parties to the applicable contract. In addition, the business entity awarded a contract is obligated to submit a supplemental Disclosure of Interested Parties reflecting any new or differing interested parties to the contract within 30 days following the completion or termination of the applicable contract.

For purposes of complying with these requirements, the following definitions apply:

*"Business entity"* means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership or corporation.

*"Interested party"* or *"Interested parties"* means:

- (1) A business entity performing work or service pursuant to, or in furtherance of, the applicable contract, including specifically sub-contractors;
- (2) the person(s) who have an ownership interest equal to or greater than 25% in the business entity performing work or service pursuant to, or in furtherance of, the applicable contract. (This subdivision does not apply to a publicly traded company); and
- (3) the person or business entity, if any, that served as a compensated broker or intermediary to actively facilitate the applicable contract or negotiated the terms of the applicable contract with the state agency. (This subdivision does not apply to persons or business entities performing legal services related to the negotiation or drafting of the applicable contract.)

*"State agency"* means a board, commission, office, department or other agency in the executive, judicial or legislative branch of state government, including publicly funded institutions of higher education: Provided, that for purposes of *W. Va. Code* § 6D-1-2, the West Virginia Investment Management Board shall not be deemed a state agency nor subject to the requirements of that provision.

The contracting business entity must complete this form and submit it to the contracting state agency prior to contract award and to complete another form within 30 days of contract completion or termination.

*This form was created by the State of West Virginia Ethics Commission, 210 Brooks Street, Suite 300, Charleston, WV 25301-1804. Telephone: (304)558-0664; fax: (304)558-2169; e-mail: [ethics@wv.gov](mailto:ethics@wv.gov); website: [www.ethics.wv.gov](http://www.ethics.wv.gov).*



West Virginia Ethics Commission

Disclosure of Interested Parties to Contracts

(Required by W. Va. Code § 6D-1-2)

Contracting Business Entity: David J. Ellis Address: 301 Hunters Ridge Road Charleston, WV 25314

Authorized Agent: David J. Ellis Address: 301 Hunters Ridge Road, Charleston, WV 25314

Contract Number: Contract Description: Consulting

Governmental agency awarding contract: Public Service Commission of WV

Check here if this is a Supplemental Disclosure

List the Names of Interested Parties to the contract which are known or reasonably anticipated by the contracting business entity for each category below (attach additional pages if necessary):

1. Subcontractors or other entities performing work or service under the Contract

Check here if none, otherwise list entity/individual names below.

2. Any person or entity who owns 25% or more of contracting entity (not applicable to publicly traded entities)

Check here if none, otherwise list entity/individual names below.

3. Any person or entity that facilitated, or negotiated the terms of, the applicable contract (excluding legal services related to the negotiation or drafting of the applicable contract)

Check here if none, otherwise list entity/individual names below.

Signature: Date Signed:

Notary Verification

State of County of:

I, the authorized agent of the contracting business entity listed above, being duly sworn, acknowledge that the Disclosure herein is being made under oath and under the penalty of perjury.

Taken, sworn to and subscribed before me this day of

Notary Public's Signature

To be completed by State Agency:

Date Received by State Agency: Date submitted to Ethics Commission: Governmental agency submitting Disclosure:

**Exhibit A  
Consultant**

<b>Item No. &amp; Description</b>	<b>Unit of Measure</b>	<b>Unit Cost</b>	<b>*Estimated Quantity</b>	<b>Extended Cost</b>
4.1.1 Consultant	Per Hour	<b>\$84.50</b>	750	<b>\$63,375.00</b>
<b>TOTAL BID AMOUNT</b>				<b>\$63,375.00</b>

\*The Pricing Pages contain a list of the Contract Items and estimated hours. The estimated hours for each item represents the approximate volume of anticipated hours only. No future use of the Contract or any individual item is guaranteed or implied.

Vendor should not alter pricing page and should fill out pricing page as is. Any additions or alterations to the pricing page and/or addition of commodities other than those listed on the pricing page online or as an attachment, will result in disqualification of bid submittal.

### 3. QUALIFICATIONS:

David J. Ellis (Bidder or I) is an individual that is qualified to provide the consulting services sought by the Public Service Commission of West Virginia (PSC) as described in State of West Virginia Request for Quotation, Solicitation Number CRFQ 0926 PSC1800000003 (RFQ).

Bidder attended West Virginia University and West Virginia State College, majoring in Business Administration, focused on Accounting. Bidder finished two years of accounting courses.

Bidder has extensive experience as described in the RFQ. I was employed by the PSC continuously from June, 1963 to March 2004. During that time, I worked as a Statistician, Auditor, Rate Analyst, and Division Director. I was employed by the United States International Trade Commission (USITC) as Chief of Staff for a Commissioner from March, 2004 to June, 2009. I returned to the PSC in 2010 as the Director of Quality Assurance. I retired from that position in November, 2016.

Bidder has performed numerous audits of water, sewer, electric, natural gas and motor carrier public utilities in connection with formal applications for rate increases and Certificates of Convenience and Necessity filed by those utilities. I prepared audit reports which presented test year and proforma financial statements and allocated costs between jurisdictions to determine West Virginia revenue requirements. I also prepared recommendations based on allocated costs between customer classes to determine individual class cost of service and to design rates to produce class revenue requirements. My case work with the PSC included direct testimony, rebuttal testimony, and assistance to Staff Attorneys' preparations of cross-examination, briefs, and court documents.

Bidder's work also involved formal and informal proceedings at the Federal Energy Regulatory Commission (FERC) where I presented comments and questions regarding issues raised in those proceedings, testified, and participated in settlement discussions.

I had experience working on telephone matters, including cases before the Federal Communication Commission (FCC). This work included extensive work on telephone competition at the time of the breakup of the Bell System.

Bidder was the longest serving member of the Staff Subcommittee on Electricity of the National Association of Regulatory Utility Commissioners (NARUC), where I served as Chairman for one term. I participated in meetings with the NARUC Staff Subcommittee on Accounts and helped prepare Regulatory Accounting Rules and responsive Interpretations of Accounting Requirements based on the NARUC water and sewer utility Uniform Systems of Accounts. I served as Special Assistant to the Chairman of the NARUC Water Committee and

was an instructor at the Eastern Utility Rate School for over thirty years. I was also a lecturer and guest speaker at numerous regulatory training programs, meetings, seminars and symposia.

Bidder chaired the staff workgroup for the National Governor's Association 1985 study of electricity transmission and participated in two later studies of regional electricity transmission infrastructure and regional electricity markets. I participated in the early development of extended Regional Transmission Organizations.

Bidder's work experience at the PSC and United States International Trade Commission included supervisory work as a Division Director of PSC Staff from 1977 to 2004 and from 2010 to 2016 and as Chief of Staff for Commissioner Lane at the United States International Trade Commission from 2004 to 2009.

#### 4.0 MANDATORY REQUIREMENTS:

4.1.1.1 Bidder has over fifty years experience evaluating and making recommendations regarding complex regulatory issues.

4.1.1.2 Bidder is thoroughly familiar with the policies and rules of the PSC. I redrafted the PSC Tariff Rules in 1977, and have been involved in every Commission Rulemaking since 1977. I have testified and made recommendations on the derivation, reasoning and interpretation of PSC rules.

4.1.1.3 Bidder has extensively researched Commission cases from the 1950's and 60's, and has been directly involved in PSC cases since 1963, including in a supervisory capacity since 1977. I have an in depth knowledge of PSC precedent and decisions of the Federal Energy Regulatory Commission affecting West Virginia, regional markets and national markets. My direct knowledge of PSC case history goes back more than fifty years. I have experience in developing internal procedures and procedures to maximize efficiency and have direct quality control experience, including my work as director of Quality Assurance at the PSC, and Chief of commissioner Staff at the United States International Trade Commission.

4.1.1.4 Bidder has hands on experience in developing and teaching regulatory theories and practices. I also have hands on experience of business practices, international trade, protection of domestic businesses and business supply chains. This experience will allow me to evaluate issues and make recommendations to the Commission quickly, but completely, with minimum research time.

4.1.1.5 Bidder has extensive experience looking at multiple sides of regulatory issues. I have direct work experience in ascertaining and explaining the strengths and weaknesses of competing positions taken by parties in cases before the Commission, including nuance of

seemingly similar positions that might have different impacts on West Virginia customers depending on PSC decisions on other issues or pending decisions in other States and at the federal level.

4.1.1.6 Because of Bidder's long-term experience with the PSC, I am thoroughly familiar with current policies of PSC staff and staff in other state and federal regulatory agencies. I also have first-hand knowledge of the evolution of staff policy and procedures and the underlying objectives that drove policy changes over the last fifty years. I have worked extensively with customers and other parties that have an interest in PSC cases, and have similarly worked with these parties in FERC and FCC cases and investigations.

4.1.1.7 Bidder has worked regularly with the FERC and parties interested in current and evolving regulation of electric and gas utilities by FERC. I have personal contacts with state commission staff in most surrounding states, and have had regular input into development of regional positions taken by the Organization of PJM States. Historically, I worked with FCC staff, other states and other interested parties on telecommunication issues.

4.1.1.8 If selected as an independent consultant, Bidder will review cases and technical issues currently before the Commission and advise the Commission of the historical import, customer impact and current regional implications of the issues. I will develop explanatory materials, evaluation of testimony and exhibit, summaries of PSC precedent and other materials to be presented to the PSC.

4.1.1.9 Bidder was directly involved in the evolution of statutory and administrative requirements of many current telecommunication structures and policies. I helped develop the original PSC telephone relay service (TRS) certification rules and am familiar with the changes in West Virginia located and out-of-state TRS. I am familiar with state E-911 requirements and rules and differences in provision of local and county E-911 service across the state. I periodically review federal Universal Service Fund calculations and decisions and West Virginia Department of Human Service administration of Tel-Assistance and Low-Income Energy Assistance Programs (LIEAP).

4.1.1.10 Bidder has worked on many Motor Cases, both directly as a staff Rate Analyst, and as an administrator. I am familiar with the changes that have taken place in the regulation of intra-state motor carriers due to changes in federal law, federal preemption of state authority, and changes in state law. I have prepared studies and testified in federal court cases involving West Virginia Motor Carrier regulation and have been qualified as an expert witness to be deposed and testify on West Virginia Motor Carrier regulation.

4.1.1.11 Bidder is familiar with operations and funding of water and sewer projects. I have an understanding of the procedures of the West Virginia Infrastructure and Jobs Development Council. I have researched publically owned water and sewer utility bond transcripts and am

familiar with the structure and requirements of both public and private funding bond indentures and other debt documents typical for water and sewer project financing.

4.1.1.12 Bidder understands the importance and requirements for accurate and explanatory records and billing. Bidder agrees to submit weekly summaries of work performed and billable hours under the contract and a monthly aggregate billing statement detailing work performed and contract billable hours for the month.