



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  
**EDD327891**

PAGE  
**1**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
**SHELLY MURRAY**  
**304-558-8801**

RFQ COPY

**DeepNines Technologies**  
**14643 Dallas Parkway Suite 150**  
**Dallas TX 75254-8801**

**DEPARTMENT OF EDUCATION**  
**BUILDING 6**  
**1900 KANAWHA BOULEVARD, EAST**  
**CHARLESTON, WV**  
**25305-0330**

|                                   |               |          |        |               |
|-----------------------------------|---------------|----------|--------|---------------|
| DATE PRINTED<br><b>04/05/2010</b> | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
|-----------------------------------|---------------|----------|--------|---------------|

BID OPENING DATE: **05/13/2010** BID OPENING TIME **01:30PM**

| LINE   | QUANTITY | UOP | CAT. NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
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| 0001   | 1        | LS  |          | 920-45      |            |        |
| <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF EDUCATION, IS SOLICITING BIDS FOR AN INTERNET FILTERING AND REPORTING SOLUTION PER THE ATTACHED SPECIFICATIONS.</p> <p>TECHNICAL QUESTIONS MUST BE SUBMITTED IN WRITING TO SHELLY MURRAY IN THE WEST VIRGINIA PURCHASING DIVISION VIA MAIL AT THE ADDRESS SHOWN AT THE TOP OF THIS RFQ, VIA FAX AT 304-558-4115, OR VIA E-MAIL AT SHELLY.L.MURRAY@WV.GOV. DEADLINE FOR ALL TECHNICAL QUESTIONS IS 04/27/2010 AT THE CLOSE OF BUSINESS. ALL TECHNICAL QUESTIONS RECEIVED, IF ANY, WILL BE ADDRESSED BY ADDENDUM AFTER THE DEADLINE.</p> <p>INTERNET FILTERING AND REPORTING SOLUTION</p> <p>EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE UPON AWARD 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> |          |     |          |             |            |        |

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**2010 MAY 19 A 10:28**

PURCHASING DIVISION  
 STATE OF WV

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE TELEPHONE **24273-6996** DATE **5/17/10**

TITLE **VP of Sales** FEIN **75-2868886** 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. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
  4. 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.
  5. Payment may only be made after the delivery and acceptance of goods or services.
  6. Interest may be paid for late payment in accordance with the *West Virginia Code*.
  7. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
  8. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
  9. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
  10. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern the purchasing process.
  11. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
  12. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, the State may deem this contract null and void, and terminate such contract without further order.
  13. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, is available online at [www.state.wv.us/admin/purchase/vrc/hipaa.htm](http://www.state.wv.us/admin/purchase/vrc/hipaa.htm) and 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.
  14. **CONFIDENTIALITY:** The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures, and rules. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.
  15. **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, and the West Virginia Insurance Commission. 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.
  16. **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 material, 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.

**INSTRUCTIONS TO BIDDERS**

1. Use the quotation forms provided by the Purchasing Division. Complete all sections of the quotation form.
2. 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. Unit prices shall prevail in case of discrepancy. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
4. 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
5. Communication during the solicitation, bid, evaluation or award periods, except through the Purchasing Division, is strictly prohibited (W.Va. C.S.R. §148-1-6.6).



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 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
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PAGE  
**2**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
**SHELLY MURRAY  
 304-558-8801**

VENDOR

RFQ COPY  
 TYPE NAME/ADDRESS HERE

SHIP TO

DEPARTMENT OF EDUCATION  
 BUILDING 6  
 1900 KANAWHA BOULEVARD, EAST  
 CHARLESTON, WV  
 25305-0330

| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
|--------------|---------------|----------|--------|---------------|
| 04/05/2010   |               |          |        |               |

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UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.

RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS.

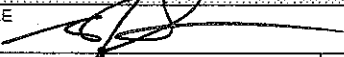
CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.

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.)

BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THE STATE MAY DEEM THE CONTRACT NULL AND VOID, AND TERMINATE SUCH CONTRACT WITHOUT FURTHER ORDER.

THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE  TELEPHONE **214-273-6996** DATE **5/17/10**

TITLE **VP of Sales** FEIN **75-2868886** ADDRESS CHANGES TO BE NOTED ABOVE

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**3**

ADDRESS CORRESPONDENCE TO ATTENTION OF:  
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 304-558-8801**

RFQ COPY  
 TYPE NAME/ADDRESS HERE

VENDOR

SHIP TO

DEPARTMENT OF EDUCATION  
 BUILDING 6  
 1900 KANAWHA BOULEVARD, EAST  
 CHARLESTON, WV  
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|              |               |          |        |               |
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| DATE PRINTED | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
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| <p>DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM.</p> <p>NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p>DEPARTMENT OF ADMINISTRATION<br/>           PURCHASING DIVISION<br/>           BUILDING 15<br/>           2019 WASHINGTON STREET, EAST<br/>           CHARLESTON, WV 25305-0130</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER: SHELLY MURRAY</p> <p>RFQ. NO.: EDD327891</p> <p>BID OPENING DATE: 05/13/2010</p> <p>BID OPENING TIME: 1:30 PM</p> <p>PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: <b>(204)273-6997</b></p> |          |     |        |             |            |        |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

|           |           |      |
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| SIGNATURE | TELEPHONE | DATE |
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CONTACT PERSON (PLEASE PRINT CLEARLY):

REGIONAL MANAGER

Dane Ryan  
(214) 273-6996 x224  
dryan@deepines.com

VP OF TECHNICAL SERVICES

Greg Jackson  
(214) 273-6996 x231  
gjackson@deepines.com

\*\*\*\*\* THIS IS THE END OF RFQ EDD327891 \*\*\*\*\* TOTAL: \_\_\_\_\_

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

|           |           |      |
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| SIGNATURE | TELEPHONE | DATE |
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# West Virginia Department of Education REQUEST FOR QUOTATION EDD327891

## Introduction

The West Virginia Department of Education (WVDE) is soliciting quotations for an **Internet filtering and reporting solution** that consists of software, licensing, software upgrades/updates, database updates and technical support. The vendor has the option to include servers or appliances and associated costs in the quotation if the vendor's software will not meet the requirements of this RFQ when installed on WVDE owned servers which are described in Section I-Current Environment.

Throughout this Request for Quotation (RFQ) the term "filtering solution" is used to refer to all vendor provided software and hardware used to perform Internet filtering and reporting functions, including but not limited to application software, operating system and database software.

The terms "server" and "servers" are used to refer to the hardware or appliances on which any component of the filtering solution is installed.

Every statement of this RFQ that includes the word "must" or "shall" is a mandatory requirement. A vendor should not submit a bid if the filtering solution cannot meet every mandatory requirement.

The products and services that are bid **must** be capable of providing a level of service appropriate for Internet Service Provider (ISP) facilities with 3 gigabits of Internet bandwidth. School based or district based filtering solutions are not an acceptable response to this RFQ.

The WVDE currently has two independent Internet connections for the K-12 public schools. Internet filtering solutions **must** be installed at both Points of Presence (POP). Because of the diverse needs of schools, the WVDE **must** have selective filtering levels and capabilities for delegated administration of tailored filtering policies or profiles for different subnets. Updates to the filtering solution **must** be provided at least once each day to ensure that the filtering database is up-to-date using multiple methods and resources for the review of content on Internet sites. The Internet filtering **must** meet the requirements of the E-rate program (refer to <http://www.sl.universalservice.org/>) and the West Virginia Board of Education Policy 2460 that is available online at <http://wvde.state.wv.us/policies/p2460.html>. Information relevant to the Children's Internet Protection Act (CIPA) and the Federal requirement to implement Internet filtering is detailed at the URL <http://www.fcc.gov/cgb/consumerfacts/cipa.html>.

The Children's' Online Privacy Protection Act (COPPA) **must** not be violated by any requirements of the filtering solution to collect personal information about students. Refer to <http://www.ftc.gov/coppa/> for information about COPPA.

## Section I – Current Environment

Approximately 700 public schools in 57 school districts of West Virginia are connected with a privately addressed TCP/IP statewide network. The network uses the private Class A range of 10.0.0.0 IP addresses. The POPs are equipped with Cisco 6513 switches that contain Cisco router and Cisco PIX firewall modules that route and translate the private IP addresses to our Class B 168.216.0.0 public network IP addresses. A Packeteer appliance is used to manage bandwidth. The Internet filtering **shall** be done at the two POPs where the K-12 network is routed to the ISP. The POPs are located in the WVNET facilities in Morgantown, WV and in the IS&C facilities at Building 6 of the State Capitol Complex at Charleston, WV. Each one of the two POPs connects approximately 70,000 unique computers to the Internet with 3 gigabits/second of bandwidth.

**POP Site #1 Charleston, WV, is equipped with the following WVDE owned servers on which the filtering solution may be installed.**

8 (eight) Dell 2850 servers with following specifications:  
3 GHz XEON Processor with 2 MB cache, 2 GB DDR2 dimm, dual 73GB scsi drives in mirrored RAID, dual onboard gigabit copper ethernet NICs.

1 (one) Dell 2850 servers with following specifications:  
3 GHz XEON Processor with 2 MB cache, 2 GB DDR2 dimm, dual 73GB scsi drives in mirrored RAID, dual onboard gigabit copper ethernet NICs, and one 1 TB storage for reports and log files.

**POP Site #2 Morgantown, WV, is equipped with the following WVDE owned servers on which the filtering solution may be installed:**

8 (eight) Dell 2850 servers with following specifications:  
3 GHz XEON Processor with 2 MB cache, 2 GB DDR2 dimm, dual 73GB scsi drives in mirrored RAID, dual onboard gigabit copper ethernet NICs.

1 (one) Dell 2850 servers with following specifications:  
3 GHz XEON Processor with 2 MB cache, 2 GB DDR2 dimm, dual 73GB scsi drives in mirrored RAID, dual onboard gigabit copper ethernet NICs, and one 1 TB storage for reports and log files.

If the servers described above are not adequate to support the vendor's filtering solution, the vendor **must** include appropriate servers or appliances and associated costs in the response to this RFQ.

The total number of computers to be filtered is approximately 140,000 computers. The Internet filtering **must** occur at the point in the network after which the K-12 core routers consolidate Internet traffic but before the firewall dynamically changes the private IP addresses to public IP addresses as shown in the diagram on attachment A. The filtering servers and reporting servers **must** operate within the scope of the K-12 private network so that filtering control and reporting will reflect the private IP addresses of the client computers. In the event that portable computers are connected to residential, public, or other

networks, an option **must** be available to provide continued filtering of Internet web sites. No caching appliances are currently in use; however the Internet filtering solution **must** support the option for the WVDE to install caching appliances.

## Section II - Technical Requirements

### General

The vendor bid **must** provide an Internet filtering solution capable of filtering 140,000 total computers in a network consisting of two POPs. The solution **must** be configured to support 70,000 client computers using 3 gigabits/sec of bandwidth at each POP.

The vendor **must** provide evidence of at least one current, successful installation of the Internet filtering solution in a network configuration servicing 70,000 computers with 3 gigabits/second of Internet bandwidth.

The filtering solution **must** be a POP based installation; a filtering solution which involves the installation of filtering software or hardware school districts or individual schools is not acceptable.

The vendor **must** provide Internet filtering and reporting application software and all necessary supporting software including, but not limited to, operating system and database software.

The Internet filtering solution **must** meet the requirements of this RFQ using servers/appliances provided by the vendor or when installed on the WVDE owned equipment identified in Section I – Current Environment.

The WVDE will provide server hardware, equipment racks, networking components and cabling as specified in Section I – Current Environment.

The filtering solution **must** support gigabit speed, copper based, Ethernet network interfaces.

The filtering solution **must** not exceed a total of 12 servers or appliances at each POP.

The total of all hardware components of the filtering solution for each POP **must** be rack mountable and not occupy more than 24 units of rack space (about 48”) at each POP site. The equipment **must** operate on 110-120 Volts AC power.

In the event the winning bid does not meet the requirements of this RFQ when installed on vendor provided server/appliances or on the existing equipment identified in Section I- Current Environment, the vendor **must** provide additional servers and any other associated installation, shipping, labor and configuration expenses at no cost to the WVDE or the contract will be immediately terminated.

There **must** be no requirement for any configuration changes of any networking equipment or computers that are connected to the private WV K-12 network at the school districts or individual schools



The filtering solution **must** provide client software which can be installed on mobile computers that will enforce the same filtering parameters whether a mobile computer is connected to the WV K-12 network or connected by wired or wireless networking to the Internet via any other Internet service provider. The client software **must** not be a VPN (virtual private networking) or similar type of client and **must** not rely on a web browser setting such as a proxy server configuration.

The filtering solution **must** have the capability to filter based on the IP address of the client computer and not require user authentication.

The filtering solution **must** have the capability to be integrated with unified authentication systems such as LDAP and Active Directory service.

The Internet filtering solution **must** be engineered and operate with redundancy such that the failure of one server or appliance at a POP will not reduce the capability to provide filtering for 70,000 computers at 3 gigabits/sec of throughput.

The vendor **must** begin installation no later than 30 days after receipt of the purchase order and must be completed within 60 days of receipt of the purchase order.

### **Internet Filtering**

The filtering solution **must** provide a web based interface for all management and configuration tasks which can be performed by WVDE.

The filtering solution **must** have the capability to be configured to block Internet access in the event of the failure of the filtering solution at a POP so that unfiltered Internet access is prevented.

The Internet filtering provided as a result of this RFQ **must** be verified by the vendor to meet the requirements of the Children's Internet Protection Act (CIPA) (refer to <http://www.fcc.gov/cgb/consumerfacts/cipa.html>) and the West Virginia Board of Education Policy 2460 that is available online at <http://wvde.state.wv.us/policies/p2460.html>.

The filtering solution **must** be verified by the vendor to comply with the Children's Online Privacy Protection Act (COPPA). The filtering process **must** not require the collection of any personal information from any users under the age of 13.

The filtering solution **must** provide the capability for the WVDE to selectively enable filtering of content based on categories of web sites or individual web sites using the http and https protocols.

The vendor **must** include all categories that the vendor offers on the product. The vendor **must** not offer a reduced number of categories in an attempt to reduce costs by providing only the categories that are identified in this RFQ.

The vendor **must** provide, but is not limited to, the pre-populated categories of the following classifications or equivalent classifications of content on web sites:

- Pornography
- Obscenity
- Dating (including sites for the purpose of establishing personal relationships)
- Gambling
- Criminal Activities (sites that condone or provide instructions for criminal activity)
- Illegal Drugs (sites that condone or provide instructions for illegal drug use, manufacturing and distribution)
- Anonymous Proxies (anonymizers to bypass filtering or hide the true source of Internet activity)
- Computer crimes, cracking and hacking (sites that condone or provide instructions for these activities)
- Malicious code (sites that contain, distribute, or execute malicious code such as malware, viruses, root kits, bots, etc or retrieve information from computers that are infected with malicious code)
- Instant messaging sites
- Peer to Peer (P2P sites)
- Phishing (fraudulent sites that imitate authentic sites, often to lure people into submitting personal or financial information.)
- Hate, racism, discrimination (sites that condone or encourage violence against or suppression of any minorities or grouping based on race, religion, sexual orientation, ethnicity or any other social grouping characteristic)

The filtering solution **must** have the capability to allow or deny access to any individual web site, URL, or IP address whether or not it is included in any vendor provided category.

The filtering solution **must** have the capability to permit the WVDE to create unlimited additional custom categories.

The filtering solution **must** have the capability to permit the use of “regular expressions” (includes wild-card characters and other variables to specify complex text strings) when creating custom allow or deny lists of URL web addresses or search terms.

The filtering solution **must** have the capability to block traffic related to peer-to-peer file sharing protocols.

The filtering solution **must** have the capability to enforce the "safe searching" mode of Google, Bing and Yahoo search engines, regardless of the settings chosen by an end user that is using those search engines.

The filtering solution **must** provide capabilities to create manageable client groups based on IP address ranges and assign names to those groups.

The capability **must** exist to delegate management of groups by creating additional administrators with restricted rights who can be assigned to manage filtering parameters for specific groups.

The filtering solution **must** provide for customizable, granular permissions so that additional administrator/user accounts can be tailored on a user by user basis to match the rights of a user to the tasks that a user needs to perform.

The filtering solution **must** have the capability to selectively display WVDE customized "site blocked" pages based on the client group and/or the categorization of the blocked web site.

The filtering solution **must** have the capability to selectively display WVDE customized "informational" pages based on the client group and/or the categorization of web sites to which access is allowed.

The filtering solution **must** have the capability to be configured to only perform filtering of outgoing requests and to perform no filtering of incoming traffic.

The product offered by the vendor **must** perform Internet filtering primarily by comparing outgoing requests to a database of categorized URLs and IP addresses to determine whether an attempt to access a site on the Internet is to be blocked or permitted.

Any other Internet filtering methods of the filtering solution, such as "on the fly" evaluation of incoming content, **must** be able to be selectively disabled at the option of the WVDE.

The filtering solution **must** provide a web based display of status and performance graphs for all components of the filtering solution.

The filtering solution **must** have the capability for the WVDE to set customized filtering policies based on the time of day and the day of the week for individual IP addresses and/or groups of client IP addresses.

The Internet filtering solution **must** not masquerade, spoof or change the source IP address of the computers on the K-12 network. The source IP address of the client computer **must** be passed to the PIX firewall.

The Internet filtering and reporting servers **must** operate on and report on the 10.0.0.0 private network IP addresses of the WVDE K-12 network.

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The filtering solution **must** have a synchronization capability. Synchronization means that when the WVDE makes a filtering configuration change using the web management tool, that change will be distributed to all of the filtering servers at both POPs. That change distribution **must** take effect automatically within 5 minutes after the act of saving of the configuration change, or be accomplished manually with no more than 5 mouse clicks after the configuration change is saved.

### Internet Use Reporting

The filtering solution **must** provide a web-based reporting application and a minimum of one terabyte of log file storage at each POP.

The filtering solution **must** provide a method for the WVDE to download log files in a generic text format for analysis and archival storage.

Complete details of web browsing activity **must** be stored in log files and **must** include, at a minimum, the complete URL, date and time and IP address of the client computer.

All end user functions of the reporting application **must** be accessible via a web interface.

The reporting solution **must** provide the capability to create reports based on specific IP address, web site address, date and time of day.

The reporting capabilities **must** include the ability to schedule aggregate reports of web site accesses by categories, ranges of IP addresses and time periods.

The reporting capabilities **must** include the ability to create "on demand" custom reports on selected client IP addresses, specific URLs and time periods.

### Section III - Contract Terms

The contract that results from this RFQ will remain in effect for one (1) year from the date of award, with an option to renew for two (2) additional one (1) year periods.

The costs for software and the annual licensing for Internet filtering can be invoiced upon delivery and acceptance by the WVDE. The technical support costs are payable in arrears and **shall** be invoiced not more often than on a monthly basis.

Any terms and conditions **must** be submitted with the bid. After award, no changes will be allowed which modify and terms and conditions. Award will not be made until all terms and conditions are agreed to by the State.

The vendor is solely responsible for all work performed under the contract and for all services offered and products to be delivered under the terms of this contract.

If the successful vendor is not the direct source, the vendor **must** provide documentation of being an authorized reseller to provide the equipment, filtering updates, maintenance and technical support.

#### Section IV - Service Requirements

The vendor **must** provide modification or replacement of software that fails to perform according to the specifications. The vendor also **must** provide any software upgrades, at no cost to the State, that are necessary during the term of the contract in order to continue to meet the Internet filtering capabilities specified. This requirement includes replacement, at no cost to the State, which may be necessary due to possible end-of-life designation by the manufacturer.

The WVDE network staff will provide and maintain WVDE provided servers, associated networking hardware and wiring. The WVDE network engineers will be responsible for load balancing network traffic to the servers of the filtering solution. The WVDE will be responsible for purchasing additional servers and network hardware when necessary to accommodate increases in bandwidth the number of clients to be filtered.

The filtering solution installation, configuration and testing at both the Charleston and Morgantown sites **must** be completed by the vendor within 30 days after the award of the contract. The vendor is responsible for any transportation and lodging costs of the installer.

The Internet filtering **must** support the bandwidth requirements of 3 gigabits/sec and 70,000 client computers at each one of the two POPs as identified in the specifications in Section II- Technical Requirements.

The vendor understands that technical support includes verifying that all hardware and/or software remains operational in the event of WVDE modification, replacement or upgrade of any servers or network configurations that impact the functioning of the filtering solution. These costs are to be included in the line item for technical support on the cost page.

Toll-free telephone and e-mail technical support **must** be available 7:00 AM to 5:00 PM Monday through Friday, Eastern Time (GMT -0500) for designated WVDE networking staff. Any costs associated with this requirement are to be included in the line item for technical support on the cost page.

The vendor **must** provide a function that permits any user of the WV K-12 network to submit a web site to be reviewed and appropriately categorized by the vendor. This function allows the vendor to receive feedback with the intent of improving delivery of services or product functionality.

#### Section V - Vendor Response

The vendor is to complete the Cost Worksheet.

The vendor **must** provide evidence of at least one current, successful installation of the Internet filtering solution in a network configuration servicing 70,000 or more computers

with 3 gigabits/second or more of Internet bandwidth. Use the following table.

| Project Name                  | # of computers filtered | Internet bandwidth |
|-------------------------------|-------------------------|--------------------|
| Educational Service Unit 3+19 | ≈ 70,000                | ≈ 500 MB           |
| Oakland County ISD            | ≈ 70,000                | ≈ 500 MB 1-site    |

If the vendor fails to identify any costs that are required to meet the terms, requirements and conditions of this Quotation, it shall be the responsibility of the successful vendor to pay those costs and such costs will not be passed on to the WVDE or the State of West Virginia.

Pricing **must** be stated on the basis of one-year contracts.

The actual number of licenses purchased may vary from year to year. The quantities of computers listed on the Cost Worksheets are estimates only. The actual quantity to be purchased will be specified in a purchase order.

Filtering licensing prices **must** be quoted based on the number of computers filtered annually so that the WVDE can determine the basis of the pricing submitted in the quote.

Software updates/upgrades and technical support **must** be priced on an annual basis and this item is reflected as such on the cost page.

The vendor is responsible for any costs due to product end of life that will require replacement or upgrading of the vendor provided software or hardware during the term of the contract.

### Section VI – Cost Evaluation

All quotes **shall** be all inclusive. No separate reimbursements will be made for travel or any other expense.

The State intends to award the bid to the vendor with the lowest grand total costs to provide a complete Internet filtering solution, including software, filtering updates, licensing, technical support and maintenance according to the specifications. As previously explained, the vendor may also include servers in the bid if the filtering solution cannot meet the requirements of this RFQ when installed on the WVDE equipment identified in Section I – Current Environment.

The WVDE reserves the right to purchase in part or in whole any products and services offered by the vendor in the response to this RFQ. The actual number of licenses purchased each year will be based on a count of computers, provided by the WVDE, on the date of the annual contract renewals.

### Cost Worksheet

| Item   | Vendor Description                                      | Quantity | Unit Cost   | Total Cost                    |
|--|---|----------|-------------|-------------------------------|
| Annual software cost for Filtering Servers.*                             | Hardware, Software; Support                             | 1        | \$27,807.60 | \$27,807.60                   |
| Annual software cost for Reporting Servers.*                             | Software Support  | 1        | \$9,648.00  | \$9,648.00                    |
| Annual License for filtering of client computers on K-12 network.        | Subscription  | 130,000  | \$1.21      | \$157,576.40                  |
| Annual License for mobile computers.<br>(see note 1 below.)              | iTrustAgent-per client                                  | 10,000   | \$0.65      | \$6,480.00                    |
| Technical support and upgrades/updates for filtering solution            | Termination Servers (2) Hardware<br>Support Maintenance | 1 year   | N/A         | N/A<br>(Included)             |
| One Day onsite training, 6 hours.<br>Charleston WV<br>(see note 2 below) | Onsite training   | 1 day    | N/A         | N/A<br>(Included)             |
| Onsite installation, Charleston and Morgantown, WV<br>(see note 2 below) | Onsite installation                                     | 4 days   | N/A         | N/A<br>(Included)             |
| Filtering Servers (if required)*   | Hardware  | 4        | \$12,686.00 | \$50,744.00                   |
| Reporting Servers (if required)*   | Hardware  | 2        | \$12,686.00 | \$25,372.00                   |
| Other Hardware (if required)*  | Hardware  | (2) HA   | \$12,686.00 | \$25,372.00 (HA)              |
|  |   | (2) VSS  | \$41,500.00 | \$83,000 (VSS)                |
| Hourly rate for custom system modifications                              | Included with onsite installation                       | 20 hours | N/A         | N/A<br>(Included)             |
| <b>Total Costs</b>   |   |          |             | <b>\$386,000<sup>00</sup></b> |

**Note 1:** A mobile computer requires special client software that will force the computer to be filtered even when it is disconnected from the K-12 network and connected to any other network which provides Internet access. If there is no price difference for mobile computers, enter the same unit cost as for computers on the K-12 network.

**Note 2:** Costs for training and installation, configuration and testing **must** inclusive of all incidental costs. Travel expenses, training materials and other reimbursable expenses will not be paid separately. The distance between Charleston and Morgantown WV is approximately 180 miles.

**Item Pricing:**

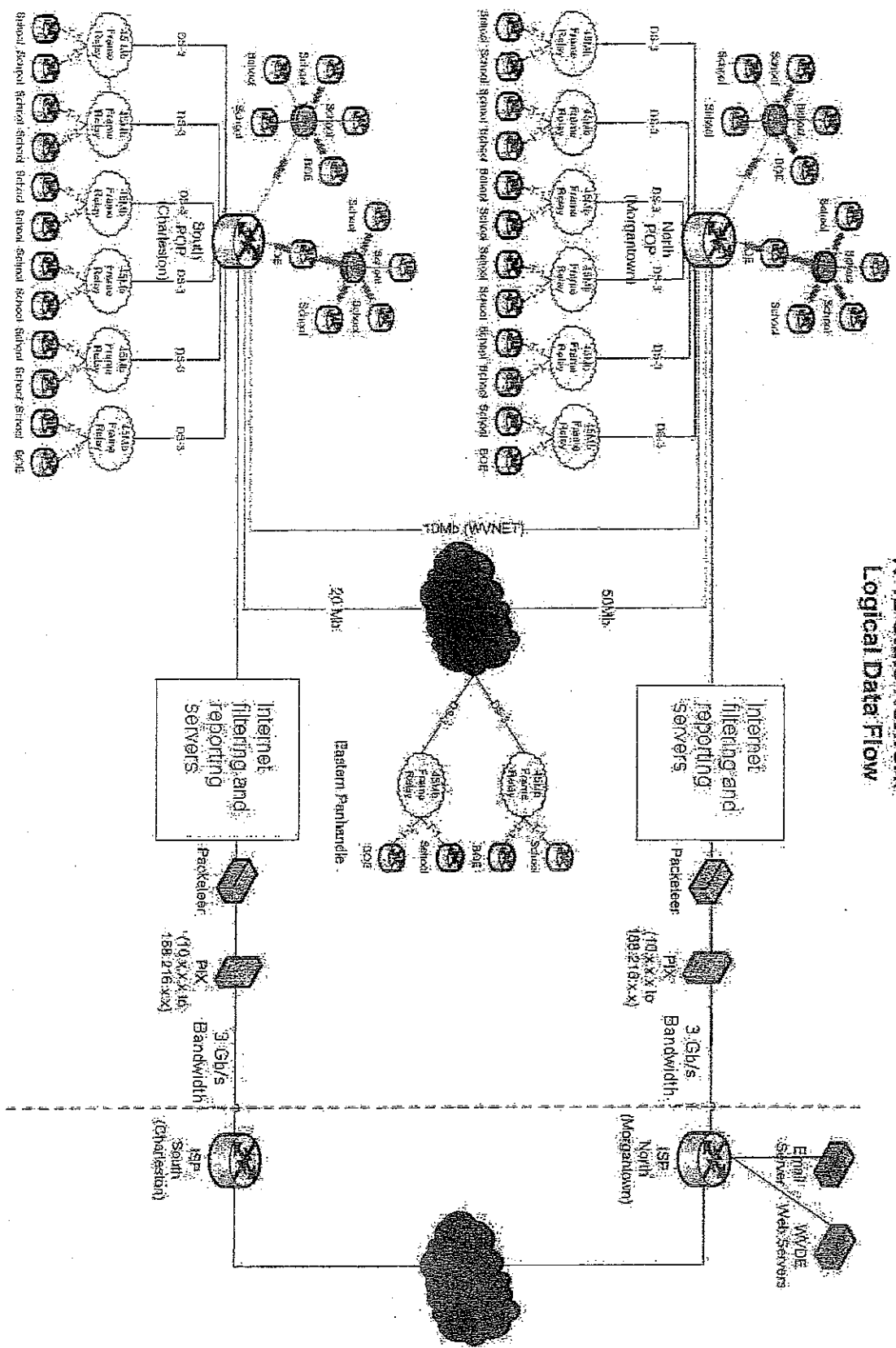
This worksheet is for vendors to identify items, quantities and provide prices. The vendor should indicate "No Cost" or "N/A" in the appropriate cells or blanks of the cost worksheet for which there are no separate or applicable costs. Any cost area that is left blank will be assumed to be "No Cost." The vendor may add notes to explain or clarify the bid.

\* Vendor is encouraged to provide unit pricing for each of these items. However, it shall be the responsibility of the vendor to determine sufficient quantities needed for the scope of work outlined in the RFQ. For example, the quantity of servers needed to provide coverage for the WVDE's network may be set at one for vendor A, but be determined to be 5 by vendor B, due to design efficiencies.



# Attachment A

## West Virginia Department of Education K-12 State Network Logical Data Flow





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  
**EDD327891**

PAGE  
**1**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
**SHELLY MURRAY**  
**304-558-8801**

VENDOR

**DEEPNINES TECHNOLOGIES**  
**14643 DALLAS PARKWAY SUITE 150**  
**DALLAS TX 75254-8801**

SHIP TO

**DEPARTMENT OF EDUCATION**  
**BUILDING 6**  
**1900 KANAWHA BOULEVARD, EAST**  
**CHARLESTON, WV**  
**25305-0330**

|                                   |               |          |     |               |
|-----------------------------------|---------------|----------|-----|---------------|
| DATE PRINTED<br><b>05/04/2010</b> | TERMS OF SALE | SHIP VIA | FOB | FREIGHT TERMS |
|-----------------------------------|---------------|----------|-----|---------------|

BID OPENING DATE:

**05/19/2010**

BID OPENING TIME **01:30PM**

| LINE  | QUANTITY | UOP | CAT NO | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|--------|-------------|------------|--------|
| ADDENDUM NO. 1  |          |     |        |             |            |        |
| <p>THIS ADDENDUM IS ISSUED TO ADDRESS THE QUESTIONS RECEIVED PRIOR TO THE QUESTION SUBMISSION DEADLINE OF 04/27/2010.</p> <p>THE BID OPENING DATE IS EXTENDED:</p> <p>FROM: 05/13/2010<br/>           TO : 05/19/2010</p> |          |     |        |             |            |        |
| 0001  | 1        | LS  |        | 920-45      |            |        |
| INTERNET FILTERING AND REPORTING SOLUTION   |          |     |        |             |            |        |
| EXHIBIT 10  |          |     |        |             |            |        |
| REQUISITION NO.: EDD327891  |          |     |        |             |            |        |
| ADDENDUM ACKNOWLEDGEMENT  |          |     |        |             |            |        |
| 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 <i>[Signature]</i>  |          |     |        |             |            |        |
| NO. 2   |          |     |        |             |            |        |
| NO. 3   |          |     |        |             |            |        |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

|                                 |                                  |                                   |
|---------------------------------|----------------------------------|-----------------------------------|
| SIGNATURE<br><i>[Signature]</i> | TELEPHONE<br><b>204-273-6996</b> | DATE<br><b>5/17/10</b>            |
| TITLE<br><b>VP OF SALES</b>     | FEIN<br><b>75-2868886</b>        | ADDRESS CHANGES TO BE NOTED ABOVE |

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



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  
 EDD327891

PAGE  
 2

ADDRESS CORRESPONDENCE TO ATTENTION OF  
 SHELLY MURRAY  
 304-558-8801

RFQ COPY

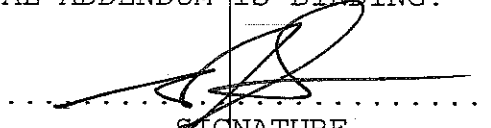
TYPE NAME/ADDRESS HERE

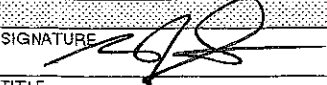
RFQ COPY

DEPARTMENT OF EDUCATION  
 BUILDING 6  
 1900 KANAWHA BOULEVARD, EAST  
 CHARLESTON, WV  
 25305-0330

| DATE PRINTED | TERMS OF SALE | SHIP VIA | FOB | FREIGHT TERMS |
|--------------|---------------|----------|-----|---------------|
| 05/04/2010   |               |          |     |               |

BID OPENING DATE: 05/19/2010 BID OPENING TIME 01:30PM

| LINE  | QUANTITY | UOP | CAT. NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
|---|----------|-----|----------|-------------|------------|--------|
| NO. 4   |          |     |          |             |            |        |
| NO. 5   |          |     |          |             |            |        |
| <p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</p> <p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p style="text-align: center;"> <br/>           SIGNATURE<br/> <i>Deep Nines Technologies</i><br/>           COMPANY<br/>           5/17/2010<br/>           DATE         </p> <p>NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.</p> <p style="text-align: center;">----- END OF ADDENDUM NO. 1 -----</p> |          |     |          |             |            |        |

|  |                        |                                   |
|--|------------------------|-----------------------------------|
| SEE REVERSE SIDE FOR TERMS AND CONDITIONS  |                        |                                   |
| SIGNATURE  | TELEPHONE 214-273-6926 | DATE 5/17/10                      |
| TITLE 1/10   | FEIN 75-28168826       | ADDRESS CHANGES TO BE NOTED ABOVE |

EDD327891

Addendum No. 1

**Question #1:** On average or ballpark, considering 140,000 machines, about how many are truly online on a given day?

**Response:** The solution must be designed to accommodate peaks of 70,000 computers at each one of the two POPs.

**Question #2:** What is the average bandwidth used of the 3.0 Gigs internet connection?

**Response:** The solution must be designed to accommodate peak bandwidth use of 3.0 Gb/s at each one of the two POPs.

**Question #3:** While understanding 12 servers at each location is ideal, would it be possible to have 13 servers at one location and 11 servers at the other?

**Response:** The WVDE is amenable to changing this specification to the following:

**Specification now reads:** The filtering solution **must** not exceed a total of 12 servers or appliances at each POP.

**Specification is changed to:** The filtering solution **must** not exceed a total of 24 servers or appliances configured between or amongst the two POPs.

**Question #4:** Is the ideal situation to have all the reporting in one log database or one at each site? Considering a consolidated approach would provide a single interface for all logging but the log traffic would need to be sent through the network to that single site.

**Response:** The solution must provide a web-based reporting application and a minimum of one TB of log file storage at each POP. This may be in the form of identical reporting and storage capabilities at each location for redundancy or it may be independent reporting and storage capabilities at each POP with no transfer of log files between the two POPs.

**Questions #5:** Does WV have available SPAN or Mirrored ports? Or would WV consider the use of an in-line trap?

**Response:** We can configure SPAN ports. We currently have our filters in-line to prevent unfiltered Internet access in the event of failure of a filtering server.

**Questions #6:** Can you provide hardware specs (processors, etc) of your Dell 2850's?

**Response:** The specifications of the existing Dell 2850 servers in included in **Section I – Current Environment.**

**Question #7:** Is WVDOE willing to consider a multi-year agreement up-front or is a 12 month agreement the only option at present time?

**Response:** Generally, the term of RFQs such as this one are one year upon award, with renewal clauses for two additional one year periods, yielding a total term of three years.

**Question #8:** Can you verify whether the end user for this RFQ will be solely the schools of West Virginia, or if there will be other agencies included as an end user?

**Response:** The contract that results from the RFQ will provide Internet filtering for any device connected to the K-12 private network and those which are "off network" but have a mobile client installed that enforces Internet filtering. This includes computers owned by the public school districts and related administrative and support entities/organizations such as the WVDE and RESAs (Regional Education Service Agencies).

**Question #9:** Each POP is drawn with one PIX firewall. Are there two firewalls at each POP or just one? If there is more than one firewall, are they active/passive or active/active?

**Response:** There are two pix firewall switch blades at each POP that run in active/passive mode.

**Question #10:** Section 1, first paragraph says that the PIX firewalls are modules in the 6513. However, your diagram shows the Packeteer in-line between the 6513 and the PIX. Are there additional PIX firewalls? Or how is this done? If they are modules in the 6513, are there two 6513s at each POP?

**Response:** The PIX firewalls are modules in the 6513 chassis. VLANs force the data to leave the 6513 chassis and then return to the chassis after it is checked by the packeteer.

**Question #11:** How is traffic load balanced from your network across the two POPs?

**Response:** There is no load balancing between POPs. The network is split roughly in two halves. All traffic in one half is routed to the ISP via one POP and traffic in the other half is routed to the other ISP location via the other POP.

**Question #12:** Are there 3x 1Gb/s circuits at each POP?

**Response:** A channelized Ethernet connection exists between the WVDE and the ISP which functions as a single 3 Gb/s connection.

**Question #13:** How are the circuits load balanced at each POP out to the Internet?

**Response:** The WVDE traffic is passed to the ISP via a 3Gb/s Etherchannel connection. It is the responsibility of the ISP to manage load balancing to its telecommunications providers.

**Question #14:** Where and how are those circuits terminated?

**Response:** The WVDE statewide private network is located in same facilities as our ISP. We connect to the ISP via Ethernetchannel using multiple Category-6 copper.

**Question #15:** Which LDAP systems are in use other than Windows AD?

**Response:** Currently, the WVDE is using only LDAP and Windows Active Directory.

**Question #16:** What OS will be required support by the mobile client software?

**Response:** Microsoft Windows XP and newer version of the Microsoft Windows operating systems. In your response, please include any other operating systems your mobile client can support.

**Question #17:** How many mobile users will be supported?

**Response:** As the Cost Worksheet indicates, 10,000 mobile users are anticipated initially. The actual number of mobile users in subsequent years will be determined by the various school districts.

**Question #18:** Does the customer utilize Cisco products in the POP networking infrastructure? If so, what are these products?

**Response:** We use Cisco 6513 chassis at each POP.

**Question #19:** What filtering products perform similar functions in the DOE network today?

**Response:** The WVDE uses only one product to perform filtering functions. Some schools or districts may have installed other filtering at the local level; however, the WVDE is neither involved with those decisions, nor necessarily

aware of those solutions. Currently the WVDE's filtering solution is provided by Netsweeper.

**Question #20:** Please define the needs for the 'informational page' as per page 6. (When is this page to be accessible, how is it accessed, what needs to be displayed, etc)

**Response:** In the **Internet Filtering** section, the intention of an "informational page" is to provide warnings or reminders to users as they access particular categories of web sites, even though the web site is not blocked. Another use is to periodically provide all users of one or more client groups with custom reminders about Internet safety tailored to the group.

**Question #21:** What methodology will be used by WVDE networking staff to load balance traffic to the filtering appliances?

**Response:** EIGRP protocol is currently used to round-robin load balance traffic across the Internet filtering servers.

**Question #22:** I see the vendor preference certificate. Can you supply the breakdown percentage of other factors totaling 100% on how the RFQ will be judged? I.e. cost, vendor pref, services, etc...

**Response:** RFQ's are awarded to the lowest responsible bidder. If a vendor utilized the resident vendor preference, the percentage that vendor is utilizing is added to the out of state vendor's cost.

**Question #23:** Regarding the following requirement: "The filtering solution **must** provide for customizable, granular permissions so that additional administrator/user accounts can be tailored on a user by user basis to match the rights of a user to the tasks that a user needs to perform." How granular must delegation be?

**Response:** Granularity of rights for those that can login to the filtering management and reporting system should be similar to those consistent with typical network servers. For example, the system admin can create accounts, change all system settings, define roles, client groups, reports, schedules, create custom categories, assign filtering rules etc. An assistant admin may have most of those rights, but not permission to change system setting or set client groups. Other users may be considered group level admins and may only be able to set schedules, create reports, assign filtering rules, etc for the client groups of which they are a member. Others, at their group level, may only view the filtering rules, view reports, and be limited to only add or delete URLs to a group ALLOW or DENY list and not have rights to change the assignment of categories that are denied to the group. Others may only have rights to view reports for activity of clients in their group. This is not a comprehensive list of the possible degree of

granularity. There will be a wide range of desired levels of involvement by regional or district admins and access should be limited to functions they need to use and what they are trained to use.

**Question #24:** Regarding the following requirement: "The filtering solution **must** provide for customizable, granular permissions so that additional administrator/user accounts can be tailored on a user by user basis to match the rights of a user to the tasks that a user needs to perform." Is delegated administration per custom category sufficient?

**Response:** Please see the response to question 23.

**Question #25:** What is the FTE. For WV. ?

**Response:** The current number of students enrolled in the public schools in West Virginia is 282,977.

**Question #26:** If one of the two major POP's was to ever fail, would the other POP designed to handle the full load of the entire state and if so, should the designed content filtering solution do so as well ? Basically, should the proposed solution be able to handle the full 140,000 workstation work load in case of a failure?

**Response:** No. The network is not designed to route all network traffic to the Internet via one POP.

**Question #27:** Would WV like a reporting server at just one POP or one at each POP?

**Response:** Please see the response to question #4.

**Question #28:** Will anyone be available from WV in order to transfer knowledge about your existing architecture and how the winning solution will integrate into WV. ?

**Response:** The network engineers at the POPs and the Internet filtering manager will be available during the planning and implementation phases of the winning solution.

**Question #29:** How many delegated Administrators will WV want to give access to on the entire network?

**Response:** 128 delegated managers

**Question #30:** How long of a time frame will WV be looking to hold onto log files?



**Response:** Ninety days of log files will be stored on the system in order to query for reports. The WVDE also requires that the solution provide a method to download log files for archival storage.

**Question #31:** Our solution will utilize the WCCP protocol on your existing Cisco routers. How many physical ports are available on your core routers today?

**Response:** We anticipate that 12 copper ports will be available on the core routers, but very few fiber ports.

# State of West Virginia VENDOR PREFERENCE CERTIFICATE

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

1. Application is made for 2.5% resident vendor preference for the reason checked:  
 Bidder is an individual resident vendor and has resided continuously in West Virginia for four (4) years immediately preceding the date of this certification; or,  
 Bidder is a partnership, association or corporation resident vendor and has maintained its headquarters or principal place of business continuously in West Virginia for four (4) years immediately preceding the date of this certification; or 80% of the ownership interest of Bidder is held by another individual, partnership, association or corporation resident vendor who has maintained its headquarters or principal place of business continuously in West Virginia for four (4) years immediately preceding the date of this certification; or,  
 Bidder is a nonresident vendor which has an affiliate or subsidiary which employs a minimum of one hundred state residents and which has maintained its headquarters or principal place of business within West Virginia continuously for the four (4) years immediately preceding the date of this certification; or,
2. Application is made for 2.5% resident vendor preference for the reason checked:  
 Bidder is a resident vendor who certifies that, during the life of the contract, on average at least 75% of the employees working on the project being bid are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; or,
3. Application is made for 2.5% resident vendor preference for the reason checked:  
 Bidder is a nonresident vendor employing a minimum of one hundred state residents or is a nonresident vendor with an affiliate or subsidiary which maintains its headquarters or principal place of business within West Virginia employing a minimum of one hundred state residents who certifies that, during the life of the contract, on average at least 75% of the employees or Bidder's affiliate's or subsidiary's employees are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; or,
4. Application is made for 5% resident vendor preference for the reason checked:  
 Bidder meets either the requirement of both subdivisions (1) and (2) or subdivision (1) and (3) as stated above; or,
5. Application is made for 3.5% resident vendor preference who is a veteran for the reason checked:  
 Bidder is an individual resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted; or,
6. Application is made for 3.5% resident vendor preference who is a veteran for the reason checked:  
 Bidder is a resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years.

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

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

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

Bidder: DEEP/INETS Technologies      Signed: [Signature]  
 Date: 5/12/2010      Title: VP of Sales & Technical Services

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

RFQ No. EDD 327891

STATE OF WEST VIRGINIA  
Purchasing Division

**PURCHASING AFFIDAVIT**

West Virginia Code §5A-3-10a states: 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.

**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.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions. "Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities. "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 exceed five percent of the total contract amount.

**EXCEPTION:** The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this 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.

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

**WITNESS THE FOLLOWING SIGNATURE**

Vendor's Name: DEEP NINES Technologies

Authorized Signature: [Signature] Date: 5/17/10

State of Texas

County of Dallas, to-wit:

Taken, subscribed, and sworn to before me this 17th day of May, 2010

My Commission expires March 18, 2012

AFFIX SEAL HERE

NOTARY PUBLIC Ashley M. Jeans

