

Proposal to Serve

West Virginia Public Defender Services

June 30, 2011

Buyer: Krista Ferrell-File 21
RFQ Number: PDS201110
Bid Opening Date: April 28, 2011
Bid Opening Time: 1:30 pm
Firm Name: Gibbons & Kawash, CPAs
Address: 300 Chase Tower
707 Virginia St., East
Charleston, WV 25301
Telephone: 304-345-8400
Fax: 304-345-8451
Contacts: John D. Galloway
Robert R. Denyer
Timothy J. Gibbons

By: *Robert R. Denyer*
Date: *April 28, 2011*

RECEIVED

2011 APR 28 AM 8:34

WV PURCHASING
DIVISION

April 27, 2011

West Virginia Public Defender Services
1900 Kanawha Boulevard, East
Building 3, Room 330
Charleston, WV 25305-0730

We are pleased to present our credentials to provide professional auditing services to the West Virginia Public Defender Services. Gibbons & Kawash is a leader in providing services to state and local governments in West Virginia. As a client of our firm, you can be sure of our total commitment to provide timely, responsive and quality service.

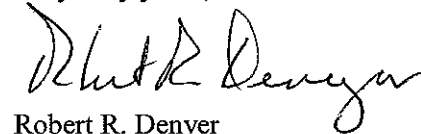
We will perform audits of the financial statements for each of the seventeen Public Defender Corporations (the PDCs) as of and for the year ended June 30, 2011, with the option of two additional one year renewals. Our audits will be performed in accordance with U.S. generally accepted auditing standards and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Providing audit services to state government entities and nonprofit organizations is an important part of our practice and one in which we have extensive expertise. Our experience during the past five years includes 41 audits of 15 State of West Virginia component units. These component units individually range in size up to \$3 billion in assets and \$1.6 billion in revenue. Should we be appointed to serve as auditors, the PDCs will receive high quality professional services from auditors that will plan, conduct, and report on the audits with competence, integrity, objectivity, and that are independent of the PDCs in all respects.

Gibbons & Kawash (G&K) is one of only four auditing firms in West Virginia to have provided technical assistance and consulting services to State of West Virginia entities for the successful submission of a Comprehensive Annual Financial Report to receive the Certificate of Achievement for Excellence in Financial Reporting. We have assisted six component units with 43 successful submissions for the Certificate.

We have structured this proposal to communicate Gibbons & Kawash's experience and qualifications to effectively and efficiently respond to the requirements and expectations of the West Virginia Public Defender Services, and have made every effort to completely respond to all matters identified in your request for quotation. We would be pleased to meet with you and formally present our proposal upon your request. If you have any questions, please do not hesitate to contact me or John Galloway at 345-8400.

Very truly yours,



Robert R. Denyer
Partner

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PROFILE OF GIBBONS & KAWASH

OVERVIEW

The audits of the 17 Public Defender Corporations (the PDCs) requires experience in serving government entities and 501(c)(3) organizations to properly respond to your needs. Our experience auditing 21 State of West Virginia component units and over 25 nonprofit organizations each year will enable us to effectively and efficiently meet the PDCs' needs for quality and timely audit services.

GIBBONS & KAWASH'S PRACTICE

Gibbons & Kawash is a professional accounting firm which provides a full range of accounting and auditing, tax, and management consulting services to clients throughout West Virginia, and is a leading firm in providing services to governmental and nonprofit 501(c)(3) clients. Our Firm has many years of experience in providing competent, high quality audit services to governmental entities and nonprofit organizations throughout West Virginia.

AN INDEPENDENT MEMBER OF THE  BDO SEIDMAN ALLIANCE.

Gibbons & Kawash is an independent member of the BDO Seidman Alliance, a nationwide association of local and regional accounting and consulting firms. Membership enables us to access a level of expertise in specialties which are usually available only from large national and international CPA firms, without the high overhead costs.

As a member, we have access to vast resources and technical expertise, outstanding audit, tax and consulting professionals, and the specialty niche expertise of BDO USA, LLP. BDO USA, LLP, one of the nation's leading accounting and consulting firms, serves clients through 39 offices and more than 400 alliance firm locations across the United States.

As an independent member of the BDO Seidman Alliance, we offer the resources of a national firm, yet we remain autonomous so you are assured of a local presence of highly trained and knowledgeable experts with your needs in the forefront.

COMMITMENT TO QUALITY

Gibbons & Kawash's foremost goal is to provide superior quality service. Everything else is secondary to that goal. Our approach to client service incorporates the necessity to meet client needs as the primary focus of service. We strive to identify, understand and satisfy client needs and expectations. This approach has helped Gibbons & Kawash build its extensive governmental and nonprofit organization practice.

The *Government Auditing Standards* issued by the Comptroller General of the United States outlines requirements that must be met by certified public accounting firms that perform audits of governmental units and nonprofit organizations that receive federal awards and grants. Three of these requirements are:

- Individual CPAs and CPA firms must be independent in fact and appearance from personal, external, and organizational impairments to independence.
- CPAs performing audits of governmental units and nonprofit organizations that receive federal awards and grants should have continuing professional education in programs directly related to government auditing and accounting.

PROFILE OF GIBBONS & KAWASH

- CPAs performing audits of governmental units and 501(c)(3) organizations that receive federal grants must establish an internal quality control review program and participate in an external peer review program for audits performed under *Government Auditing Standards*.

Independence

The credibility of the audit results is critical for oversight of the PDCs, the State of West Virginia, and in meeting public expectations. Gibbons & Kawash carefully evaluates all services provided to audit clients to ensure that the very detailed requirements for independence of *Government Auditing Standards* applicable to individual auditors and audit firms are satisfied. We are independent with respect to each public defender corporation, the Division, and the State of West Virginia in all respects, and will carefully guard and maintain our independence during the course of any audit services provided to the PDCs and the State of West Virginia.

External Quality Control Review

Gibbons & Kawash is a member of the American Institute of Certified Public Accountants' Peer Review Program. The Program has established a self-regulatory process which includes requirements for peer review of the member firms every three years. These reviews, which are performed by knowledgeable independent CPAs from other firms, periodically evaluate and test systems of quality control of member firms. Our system of quality control provides assurance that we maintain, on a continuing basis, the highest professional standards to which we are committed. Our most recent external quality control review, which was completed on May 12, 2009, was performed by Rea & Associates, Inc. Their opinion, which was "pass" (the highest possible rating under the new peer review standards), is on file with the AICPA and is included as **Appendix D**. This quality control review included governmental audit engagements.

There have been no field reviews of any Gibbons & Kawash audits by federal or state agencies during the past three years. All audits for which desk reviews have been completed have been accepted.

Continuing Professional Education

One of the best measures of a firm's commitment to its audit practice is the depth of specialized training provided to its professionals. As part of our quality control program, Gibbons & Kawash requires a minimum of forty (40) hours of continuing professional education credits annually for each professional. In addition, Gibbons & Kawash provides internal and external training on governmental accounting, auditing, reporting and operations in excess of the GAO requirements.

Professional Licensure

The Firm of Gibbons & Kawash and all certified professionals are licensed to practice in the State of West Virginia, by the Board of Accountancy. Gibbons & Kawash is in good standing with the Unemployment Compensation Division.

PROFILE OF GIBBONS & KAWASH

Governmental Audit Quality Center

Gibbons & Kawash is a member of the three audit quality centers including the Governmental Audit Quality Center established by the American Institute of Certified Public Accountants. This Center has established increased continuing education and quality control requirements for its voluntary membership to enhance the quality of governmental audits.



Regulatory Registration

Gibbons & Kawash is a registered firm with the Public Company Accounting Oversight Board (PCAOB) to conduct audits of public companies. The PCAOB is a nonprofit corporation established by Congress to oversee the audits of public companies in order to protect the interest of investors and further the public interest in the preparation of informative, accurate and independent audit reports.

Litigation And Insurance

Gibbons & Kawash has had no litigation directed against it since its inception and has no pending or threatened litigation or regulatory complaints against the firm. We evaluate our level of insurance coverage annually and maintain a prudent amount of coverage, which is available upon request.

EXPERTISE IN COMPUTERIZED SYSTEMS

Computerizing the Audit

At Gibbons & Kawash, we embrace technology as a collection of tools for maximizing audit efficiency and effectiveness, not as a substitute for the skill and professional judgment of an experienced audit team. We provide our auditors with state-of-the-art technological resources and training to ensure their primary focus is on in-depth research, analysis, and judgment matters, and to minimize the time spent "number crunching." Our investment in paperless engagement management technology has allowed our auditors to achieve unprecedented levels of efficiency, while remote access to our online library provides our auditors with the advanced research capabilities they need to resolve any accounting or auditing issue which might arise from any location. Our vast array of software and on-line resources includes:




Prosystemfx Engagement - Electronic Audit Documentation software utilized to prepare, review, store, and maintain the resulting audit documentation. The use of this audit process allows the audit team to concentrate on evaluating audit evidence opposed to the traditional clerical tasks that are inherent in a paper based documentation environment.


Checkpoint **Checkpoint** - Our subscription to this on-line service provides our professionals the most current accounting and auditing literature, including instant access to *Government Auditing Standards*, federal regulations, and all accounting pronouncements issued by the Governmental Accounting Standards Board.

Single Audit Compliance Program Creator - Our auditors can generate a customized single audit compliance program for any client in a matter of seconds using this valuable on-line resource.

PROFILE OF GIBBONS & KAWASH

Audit Sampling - Software used to implement a statistical sampling method which is highly efficient and relatively easy to apply.

RIA  **RIA Checkpoint - Tax Research** - Our subscription to this on-line service allows instance access to federal and state tax codes, regulations, publications, and court cases.

 **IDEA Data Analysis Software** - Our powerful data extraction and analysis tool that allows us to extend our auditing capabilities. This software allows us to quickly identify significant or unusual transactions in a large population or allow us to analyze 100% of a population in an effective and efficient manner.

Statistical Auditing Techniques

Gibbons & Kawash utilizes an easy-to-use approach to statistical sampling in auditing that has been thoroughly field-tested and adapted for use on all audits. We will use statistically valid sampling techniques whenever it is considered to be cost-effective.

Encryption

All data on Gibbons & Kawash computers, including our workpapers in our computerized audit documentation management system, is encrypted using a 256-bit algorithm. The data encryption ensures that in the unlikely event that one of our computers were to be lost or stolen, all data including our workpapers would be unreadable to anyone other than Gibbons & Kawash personnel.

QUALIFICATIONS AND EXPERIENCE

ENGAGEMENT TEAM

The ultimate success and quality of our professional services to the PDCs depends on our ability to provide an experienced and capable client service team. The personnel assigned to your audit bring to the table a wealth of knowledge and experience in serving governmental entities and nonprofit organizations. Their resumes are presented in **Appendix B**.

Your client service team will include:

Engagement Partner - John D. Galloway, CPA, a partner with Gibbons & Kawash who has extensive governmental and nonprofit entity experience, will serve as the lead partner on your engagement. In this role, John will assume primary responsibility for the successful completion of the engagement and will maintain contact with senior management of the PDCs throughout the engagement to ensure that services and resources are provided to the PDCs in a timely manner. John will also provide technical expertise to the audit team and perform review and supervision procedures.

Engagement Quality Control Review Partner - Robert R. Denyer, CPA, a partner with Gibbons & Kawash who has extensive governmental and nonprofit entity experience will serve as engagement quality control review partner for the engagement. The role of the engagement quality control review partner is an essential element of Gibbons & Kawash's quality control program over the delivery of audit services. Bob will be available to consult with the audit team on accounting, auditing and reporting matters and provide technical expertise. Bob will be charged with the final review of the financial statements to evaluate the following criteria: clarity of presentation; adequacy of disclosures required by generally accepted accounting principles; and appropriateness of the auditors' report.

Audit Manager - Robert Henson, CPA is an audit manager in Gibbons & Kawash's audit practice with many years of specialized experience with governmental entities and nonprofit organizations. Rob will be responsible for developing the engagement plan, supervising and coordinating the efforts of the engagement team, identifying and researching technical issues, and administrative matters. Rob will be in contact with you on a regular basis to ensure your needs and deadlines are met. Rob will be in charge of the daily field work to ensure the efficient and effective execution of the engagement plan by the audit staff.

GOVERNMENTAL AND NONPROFIT PRACTICES

Gibbons & Kawash has a long tradition of providing the highest quality professional services to governmental and nonprofit clients. Our governmental and nonprofit practice is managed by a core team of 10 professionals, including 5 partners and a manager. Over 50% of our audit department staff are CPAs. The team's public sector experience includes counties, cities, authorities, State of West Virginia agencies, and nonprofit organizations. The team has assisted clients in earning and maintaining Certificates of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA), in addition to conducting general purpose audits and audits conducted under the Single Audit Act and OMB Circular A-133.

Gibbons & Kawash is a member of the Governmental Audit Quality Center of the American Institute of Certified Public Accountants. This Center has established increased continuing education and quality control requirements for its voluntary memberships to enhance the quality of governmental audits and audits of nonprofit organizations performed under *Government Auditing Standards*.

QUALIFICATIONS AND EXPERIENCE

We currently serve 15 State of West Virginia entities and over 25 nonprofit organizations. Our 501(c)(3) nonprofit clients include colleges and universities, foundations, healthcare entities, and other public benefit corporations. A partial listing of governmental clients served by Gibbons & Kawash during the last five years includes the following:

State of West Virginia Agencies

- West Virginia Department of Transportation, Division of Highways
- West Virginia Department of Transportation
 - Division of Motor Vehicles
 - Division of Public Transit
 - Aeronautics Commission
 - Public Port Authority
- West Virginia Alcohol Beverage Control Administration
- West Virginia Board of Treasury Investments
- West Virginia Consolidated Public Retirement Board
- West Virginia Drinking Water Treatment Revolving Loan Fund
- West Virginia Housing Development Fund
- West Virginia Infrastructure and Jobs Development Council
- West Virginia Jobs Investment Trust
- West Virginia Parkways Authority
- West Virginia Lottery
- West Virginia Regional Jail and Correctional Facility Authority
- School Building Authority of West Virginia
- West Virginia State Rail Authority
- West Virginia Solid Waste Management Board
- West Virginia Tobacco Settlement Finance Authority
- West Virginia Water Development Authority
- West Virginia Water Pollution Control Revolving Fund

Other Governmental Entities

- Central West Virginia Regional Airport Authority
- Kanawha County Commission
- Kanawha County Parks and Recreation Commission
- Kanawha Valley Regional Transportation Authority

QUALIFICATIONS AND EXPERIENCE

GFOA'S CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

Obtaining a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA) is a goal for many governmental entities. Gibbons & Kawash is well qualified to assist governments in obtaining and maintaining these certificates.

Gibbons & Kawash has provided technical assistance to the following state agencies in connection with obtaining the GFOA Certificate of Achievement for Excellence in Financial Reporting:

- West Virginia Board of Treasury Investments (5)
- West Virginia Department of Transportation, Division of Highways (10)
- West Virginia Parkways, Economic Development and Tourism Authority (10)
- West Virginia Lottery (11)
- West Virginia Prepaid College Tuition Fund (1)
- West Virginia Housing Development Fund (6)



OTHER SPECIALIZED SERVICES

In addition to providing traditional audits in accordance with U.S. generally accepted auditing standards, some of the additional services we offer include the following:

- Compliance audits in accordance with OMB Circular A-133
- Preparation and examination of indirect cost rate proposals
- Financial forecasts and projections
- Capital financing/financial feasibility studies
- Exempt entity tax planning and compliance, including evaluation of UBTI issues
- Employee benefit plan auditing and IRS/DOL compliance
- Recruitment of financial personnel
- Design and evaluation of internal controls
- Software evaluations and consultations
- Benchmarking and ratio analysis

SERVICE APPROACH

OUR UNDERSTANDING OF YOUR REQUIREMENTS

From your request for quotation, we have obtained an understanding of your expectations for the public accounting firm with whom you will work in the future. Key among these are that your accounting firm should:

- Present a diversity of audit experience which demonstrates that the firm can meet your service needs.
- Have an experienced team of professionals with a proven record of providing high quality audit services and who will work closely with management. We would expect this experienced team of professionals to be utilized on a consistent basis from year-to-year.
- Have an audit approach that addresses areas of highest risk, concentrates its efforts in areas of most concern, and results in a smooth and efficient audit.
- Provide an analysis of your operations by producing timely management letters, as applicable, which make specific, creative and practical suggestions, not only to strengthen internal controls, but also to improve operating performance and effectiveness.
- Provide ongoing communications with management regarding any accounting or financial reporting developments which may affect the PDCs.

Draft financial statements for the year ending June 30, 2011, will be delivered to the Financial Accounting and Reporting Section of the Department of Administration (FARS) by September 8, 2011. The final audited financial statements for the year ending June 30, 2011, will be issued no later than October 7, 2011.

SCHEDULE

Our primary goal in scheduling is to ensure that the engagement is thoroughly planned, that field work is scheduled at times which are compatible with the schedules of the PDCs' accounting staff, and that the audits are completed well in advance of the deadline to allow management adequate time to review our draft reports. *We will establish the audit schedule, coordinating with the management and staff of the PDCs, to ensure that all deadlines established by FARS are met.*

COST PROPOSAL

Breakdown by Circuit:

Brooke, Hancock & Ohio	\$ 6,300
Marshall, Tyler & Wetzel	5,400
Calhoun, Jackson, Mason & Roane	4,700
Cabell & Wayne	6,900
Logan	5,100
McDowell	5,200
Mercer	5,900
Raleigh	5,300
Greenbrier & Pocahontas	5,800
Fayette	5,050
Kanawha	7,900
Harrison	6,400
Preston	5,000
Berkeley, Jefferson & Morgan	6,900
Boone & Lincoln	5,050
Nicholas	5,600
Mingo	<u>6,200</u>
 Total all-inclusive fee for all Circuits	 <u>\$ 98,700</u>

The prices quoted in this proposal will not be subject to any increase and will be considered firm for the life of the contract.

Gibbons & Kawash will submit invoices, in arrears, to the West Virginia Public Defender Services at the address on the face of the purchase order labeled "invoice to." If acceptable to the West Virginia Public Defender Services, we would expect to submit invoices for progress payments each month on the basis of percentage of work completed during the month, in arrears, subject to a minimum 10% retainage until final deliverable is accepted.

Please see Appendix A for a signed copy of the Request for Quotation.

APPENDIX A

REQUEST FOR QUOTATION



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
PDS201110

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
KRISTA FERRELL 304-558-2596

VENDOR

*909132501 304-345-8400
 GIBBONS & KAWASH
 300 BANK ONE CENTER
 707 VIRGINIA STREET EAST
 CHARLESTON WV 25301

SHIP TO

PUBLIC DEFENDER SERVICES
 BUILDING 3, ROOM 330
 1900 KANAWHA BOULEVARD, EAST
 CHARLESTON, WV
 25305-0730 558-3905

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
03/23/2011				

BID OPENING DATE: **04/28/2011** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		946-20		\$98,700
<p>AUDITING SERVICES FOR 17 PUBLIC DEFENDER CORPS</p> <p>REQUEST FOR QUOTATION (RFQ)</p> <p>THE WEST VIRGINIA STATE PURCHASING DIVISION FOR THE AGENCY, WEST VIRGINIA PUBLIC DEFENDER SERVICES, IS SOLICITING BIDS TO PROVIDE THE AGENCY WITH AUDITING SERVICES FOR THE FINANCIAL AND COMPLIANCE AUDIT OF SEVENTEEN (17) PUBLIC DEFENDER CORPORATIONS LOCATED THROUGHOUT THE STATE OF WEST VIRGINIA PER THE ATTACHED SPECIFICATIONS.</p> <p>TECHNICAL QUESTIONS CONCERNING THIS RFQ MUST BE SUBMITTED IN WRITING TO KRISTA FERRELL IN THE WEST VIRGINIA STATE PURCHASING DIVISION VIA MAIL AT THE ADDRESS SHOWN IN THE BODY OF THIS RFQ, VIA FAX AT 304-558-4115, OR VIA EMAIL AT KRISTA.S.FERRELL@WV.GOV. VENDORS SHOULD LIST THE RFQ NUMBER ON ALL INQUIRIES. IF SUBMITTING INQUIRIES VIA EMAIL, PLEASE LIST THE RFQ NUMBER IN THE SUBJECT LINE OF THE EMAIL.</p> <p>DEADLINE FOR ALL TECHNICAL QUESTIONS IS 04/08/2011 AT THE CLOSE OF BUSINESS. ANY TECHNICAL QUESTIONS RECEIVED WILL BE ANSWERED BY FORMAL ADDENDUM TO BE ISSUED BY THE PURCHASING DIVISION AFTER THE DEADLINE HAS LAPSED.</p> <p>VERBAL COMMUNICATION: ANY VERBAL COMMUNICATION BETWEEN THE VENDOR AND ANY STATE PERSONNEL IS NOT BINDING.</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
<i>Shareholder</i>	304-345-8400	04/28/2011
TITLE	FEDIN	ADDRESS CHANGES TO BE NOTED ABOVE
Shareholder	55-0738985	

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



State of West Virginia
 Department of Administration
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 Post Office Box 50130
 Charleston, WV 25305-0130

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VENDOR

*909132501 304-345-8400
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 300 BANK ONE CENTER
 707 VIRGINIA STREET EAST
 CHARLESTON WV 25301

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LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>ONLY INFORMATION ISSUED IN WRITING AND ADDED TO THE RFQ SPECIFICATIONS BY AN FORMAL WRITTEN ADDENDUM IS BINDING.</p> <p>NO CONTACT BETWEEN THE VENDOR AND THE AGENCY IS PERMITTED WITHOUT THE EXPRESS WRITTEN CONSENT OF THE STATE BUYER. VIOLATION MAY RESULT IN REJECTION OF THE BID. THE STATE BUYER NAMED ABOVE IS THE SOLE CONTACT FOR ANY ALL INQUIRIES AFTER THIS RFQ HAS BEEN RELEASED.</p> <p>EXHIBIT 10</p> <p style="text-align: center;">REQUISITION NO.: ..PDS.201110..</p> <p>ADDENDUM ACKNOWLEDGEMENT</p> <p>I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.</p> <p>ADDENDUM NO.'S:</p> <p>NO. 1 X</p> <p>NO. 2</p> <p>NO. 3</p> <p>NO. 4</p> <p>NO. 5</p> <p>I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.</p>						

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SIGNATURE	TELEPHONE	DATE	
<i>[Signature]</i>	304-345-8400	04/28/2011	
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE	
Shareholder	55-0738985		

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REVISION

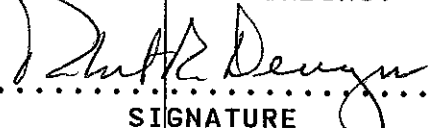
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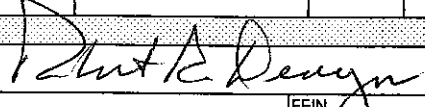
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<p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p style="text-align: center;">  SIGNATURE Gibbons & Kawash, A.C. COMPANY April 28, 2011 DATE </p> <p>NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.</p> <p>REV. 09/21/2009</p> <p>EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON 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> <p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE</p>						

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	304-345-8400	04/28/2011	
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE	
Shareholder	55-0738985		

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BID OPENING DATE: 04/28/2011 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.</p> <p>RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p> <p>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.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED</p>						

SIGNATURE <i>Paul R. Deeryn</i>				SEE REVERSE SIDE FOR TERMS AND CONDITIONS	
TITLE Shareholder		FEIN 55-0738985		TELEPHONE 304-345-8400	DATE 04/28/2011
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
PDS201110

PAGE
5

ADDRESS CORRESPONDENCE TO ATTENTION OF:
**KRISTA FERRELL
 304-558-2596**

***909132501 304-345-8400**
GIBBONS & KAWASH
300 BANK ONE CENTER
707 VIRGINIA STREET EAST
CHARLESTON WV 25301

PUBLIC DEFENDER SERVICES
BUILDING 3, ROOM 330
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV
25305-0730 558-3905

DATE PRINTED 03/23/2011	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
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BID OPENING DATE: **04/28/2011** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
				DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM. REV. 05/26/2009 NOTICE A SIGNED BID MUST BE SUBMITTED TO: DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130 THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED: SEALED BID BUYER: KRISTA FERRELL-FILE 21 RFQ. NO.: PDS201110 BID OPENING DATE: 04/28/2011 BID OPENING TIME: 1:30 PM PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY		

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE: *[Signature]* TELEPHONE: **304-345-8400** DATE: **04/28/2011**

TITLE: **Shareholder** FAX: **55-0738985** 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
PDS201110

PAGE
6

ADDRESS CORRESPONDENCE TO ATTENTION OF
**KRISTA FERRELL
 304-558-2596**

VENDOR

*909132501 304-345-8400
**GIBBONS & KAWASH
 300 BANK ONE CENTER
 707 VIRGINIA STREET EAST
 CHARLESTON WV 25301**

SHIP TO

**PUBLIC DEFENDER SERVICES
 BUILDING 3, ROOM 330
 1900 KANAWHA BOULEVARD, EAST
 CHARLESTON, WV
 25305-0730 558-3905**

DATE PRINTED 03/23/2011	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
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BID OPENING DATE: **04/28/2011** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p>TO CONTACT YOU REGARDING YOUR BID: ----- Fax: 304-345-8451 -----</p> <p>CONTACT PERSON (PLEASE PRINT CLEARLY): ----- John D. Galloway -----</p>						
<p>***** THIS IS THE END OF RFQ PDS201110 ***** TOTAL:</p>						<p>\$98,700</p>

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Robert K. Deegan</i>	TELEPHONE 304-345-8400	DATE 04/28/2011
TITLE Shareholder	FAX 55-0738985	ADDRESS CHANGES TO BE NOTED ABOVE

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

REQUEST FOR QUOTATION

Division of WV Public Defender Services

The Acquisition and Contract Administration Section of the Purchasing Division, on behalf of the Division of WV Public Defender Services, is soliciting quotations for a firm of certified public accountants to conduct a financial and compliance audit of each of the seventeen Public Defender corporations for the fiscal year ending June 30, 2011.

The Public Defender Corporations are component units which will be blended as a special revenue fund for the State of West Virginia in its Comprehensive Annual Financial Report for the fiscal year ending June 30, 2011. The West Virginia Public Defender Services serves as the over-sight agency responsible for the Public Defender Corporations. Draft financial statements must be submitted to the Financial Accounting and Reporting Section of the Department of Administration no later than September 8, 2011 and final audited financial statements must be issued no later than October 7, 2011.

The audits must be performed in accordance with Government Auditing Standards issued by the Comptroller General of the United States and with the Procedures Manual for Procuring Division of the State Auditor's Office. The successful bidder must be an independent accounting firm who can demonstrate that 50 percent of their auditing staff are duly licensed to practice as certified public accountants in the state of West Virginia and can demonstrate that the firm has experience in auditing other component units of the State of West Virginia's Comprehensive Annual Financial Reports as well as experience with the reporting requirements of 501 (c) (3) non-profit corporations.

According to State Code Section §29021-11, Public Defender Corporation may apply to the executive director of the WV Public Defender Services for state financial assistance. The amount of state funding for the fiscal year ending June 30, 2011, for each Public Defender Corporation is currently contracted as follows:

1 st Judicial Circuit	Brook, Hancock, & Ohio	\$ 1,244,020
2 nd Judicial Circuit	Marshall, Tyler, & Wetzel	\$ 577,174
5 th Judicial Circuit	Calhoun, Jackson, Mason, & Roane	\$ 790,902
6 th & 24 th Judicial Circuit	Cabell & Wayne	\$ 1,919,055
7 th Judicial Circuit	Logan	\$ 690,333
8 th Judicial Circuit	McDowell	\$ 469,434
9 th Judicial Circuit	Mercer	\$ 1,036,292
10 th Judicial Circuit	Raleigh	\$ 1,135,974
11 th Judicial Circuit	Greenbrier & Pocahontas	\$ 665,145
12 th Judicial Circuit	Fayette	\$ 593,462
13 th Judicial Circuit	Kanawha	\$ 4,171,843
15 th Judicial Circuit	Harrison	\$ 1,210,253
18 th Judicial Circuit	Preston	\$ 479,094
23 rd Judicial Circuit	Berkeley, Jefferson, & Morgan	\$ 2,836,546
25 th Judicial Circuit	Boone & Lincoln	\$ 793,014
28 th Judicial Circuit	Nicholas	\$ 378,973
30 th Judicial Circuit	Mingo	\$ 606,944

Vendor Relationship:

The relationship of the Vendor to the State shall strictly be that of an independent contractor. The Vendor shall be exclusively responsible for the payment to his/her employees and contractors of all wages and salaries, taxes, withholding payments, penalties, fees, fringe benefits, professional liability insurance premiums, contributions to insurance and pension or other deferred compensation plans, and licensing fees, etc. and the filing of all necessary documents, forms, and returns pertinent to all of the foregoing.

Hold Harmless:

Vendor shall not bring, shall hold harmless, and shall provide the State and Agency with a defense against any and all claims that the State is held responsible for, including but not limited to the foregoing payments, withholdings, contributions, taxes, social security taxes and employer income tax returns.

Assignment/Subcontracting:

The Vendor shall not assign, convey, transfer, subcontract, or delegate any of its responsibilities and obligations under this contract to any person, corporation, partnership, association or entity without expressed written consent of the Agency.

Governing Law:

This contract shall be governed by the laws of the State of West Virginia. The Vendor further agrees to comply with the Civil Rights Act of 1964 and all other applicable Federal, State, and local Government regulations.

Record Retention & Confidentiality:

Vendor shall comply with all applicable Federal and State of West Virginia rules and regulations, and requirements governing the maintenance of documentation to verify any cost of services or commodities rendered under this contract by Vendor. The Vendor shall maintain such records minimum of five (5) years and make available all records to Agency personnel at Vendor's location during normal business hours upon written request by Agency.

Vendor shall have access to private and confidential data maintained by the Public Defender Corporations and the Agency to the extent required for the successful Vendor to carry out the duties and responsibilities defined in this contract. Vendor agrees to maintain confidentiality and security of the data made available and shall indemnify and hold harmless the State and Agency against any and all claims brought by any party attributed to actions of breach of confidentiality by the Vendor, subcontractors, or individuals permitted access by Vendor.

COST PROPOSAL:

Breakdown by Circuit:

Brooke, Hancock & Ohio	\$ 6,300
Marshall, Tyler & Wetzel	\$ 5,400
Calhoun, Jackson, Mason, & Roane	\$ 4,700
Cabell & Wayne	\$ 6,900
Logan	\$ 5,100
McDowell	\$ 5,200
Mercer	\$ 5,900
Raleigh	\$ 5,300
Greenbrier & Pocahontas	\$ 5,800
Fayette	\$ 5,050
Kanawha	\$ 7,900
Harrison	\$ 6,400
Preston	\$ 5,000
Berkley, Jefferson, & Morgan	\$ 6,900
Boone & Lincoln	\$ 5,050
Nicholas	\$ 5,600
Mingo	\$ 6,200
Total all-inclusive fee for all circuits.....	\$ 98,700

The price(s) quoted in the bidder's proposal will not be subject to any increase and will be considered firm for the life of the contract.

Invoicing, Progress Payments, & Retainage:

The Vendor shall submit invoices, in arrears, to the Agency at the address of the face of the purchase order labeled "Invoice To" pursuant to the terms of the contract. Progress payments may be made at the option of the Agency on the basis of percentage of work completed if so defined in the final contract. Any provision for progress payments must also include language for a minimum 10% retainage until the final deliverable is accepted.

APPENDIX B

PARTNER, SUPERVISORY AND STAFF QUALIFICATIONS AND EXPERIENCE

APPENDIX B



John D. Galloway, CPA

PARTNER

304-345-8400 ph
304-345-8451 fax
jgalloway@gandkcpas.com

Engagement Responsibilities

The role of the engagement quality control review partner is an essential element of Gibbons & Kawash's quality control program over the delivery of services to a client. He will consult with the engagement team on accounting, auditing, and reporting matters including planning and risk assessment and provide technical expertise. He will be charged with reviewing the final report to evaluate the following criteria: clarity of presentation; adequacy of disclosures; and appropriateness of the accountant's report.

Experience

John has 16 years of professional experience. He has been responsible for review of accounting systems, review and evaluation of internal controls and consulting with clients regarding management and systems problems. He has supervised and managed audits of many privately-owned commercial companies, as well as large governmental entities, and nonprofit organizations. His governmental and nonprofit experience includes the following:

- Central West Virginia Regional Airport Authority
- Kanawha County, West Virginia
- Kanawha County Parks and Recreation Commission
- Public Service Commission of West Virginia
- Region I Planning and Development Council
- Region VI Planning and Development Council
- School Building Authority of West Virginia
- West Virginia Alcohol Beverage Control Administration
- West Virginia Board of Treasury Investments
- West Virginia Consolidated Public Retirement Board
- West Virginia Department of Transportation
- West Virginia Educational Broadcasting Authority
- West Virginia Housing Development Fund
- West Virginia Infrastructure and Jobs Development Council
- West Virginia Jobs Investment Trust
- West Virginia Parkways, Economic Development, and Tourism Authority
- West Virginia Racing Commission
- West Virginia Regional Jail and Correctional Facility Authority
- West Virginia Tobacco Settlement Financing Authority
- West Virginia Water Development Authority

Professional Activities

John is a member of the American Institute of CPAs, the West Virginia Society of CPAs, and is past-president and member of the Charleston Chapter of the West Virginia Society of CPAs.

Education

John graduated from the University of Charleston with a bachelor of science degree in business administration.

Continuing Professional Education

John is in compliance with all applicable CPE requirements.

APPENDIX B



Robert R. Denyer, CPA

PARTNER

304-345-8400 ph
304-345-8451 fax
rdenyer@gandkcpas.com

Engagement Responsibilities

The engagement partner is the primary decision-maker with respect to a particular engagement. He has the ultimate responsibility for the planning, execution, and review of the engagement.

Specifically, the engagement partner directs the examination and is concerned with staffing, client involvement, field review, report preparation, and presentation of financial statements and other communications to management and the governing board.

Experience

Bob has more than 30 years of experience in providing audit, tax, and consulting services to public sector entities, state agencies, nonprofit organizations, and local governments. His in-depth industry knowledge includes such areas as federal grant compliance, indirect cost reimbursement, employee benefit plan issues, and internal control and operational matters. His service to governmental and nonprofit entities includes the following:

- Charleston Area Alliance
- Eastridge Health Systems
- Kanawha County, West Virginia
- Kanawha Valley Regional Transportation Authority
- Logan-Mingo Area Mental Health, Inc.
- Nicholas Community Action Partnership, Inc.
- School Building Authority of West Virginia
- Seneca Health Services, Inc.
- Valley HealthCare System
- Upper Kanawha Valley Economic Development Corporation
- Westbrook Health Services, Inc.
- West Virginia Alcohol Beverage Control Administration
- West Virginia Board of Treasury Investments
- West Virginia Consolidated Public Retirement Board
- West Virginia Department of Transportation
- West Virginia Drinking Water Treatment Revolving Loan Fund
- West Virginia Housing Development Fund
- West Virginia Infrastructure and Jobs Development Council
- West Virginia Lottery Commission
- West Virginia Parkways, Economic Development and Tourism Authority
- West Virginia Solid Waste Management Board
- West Virginia Water Development Authority

Professional Activities

Bob is a member of the American Institute of Certified Public Accountants, West Virginia Society of Certified Public Accountants, and the Charleston Chapter of the West Virginia Society of CPAs. He is as a board member and past president of the South Charleston Rotary Club and a member of the South Charleston Chamber of Commerce.

Education

Bob graduated from West Virginia University with a Bachelor of Science degree in business administration.

Continuing Professional Education

Bob is in compliance with all applicable CPE requirements.

APPENDIX B



Robert Henson, CPA

MANAGER

304-345-8400 ph
304-345-8451 fax
rhenson@gandkcpas.com

Engagement Responsibilities

Rob will serve as audit manager responsible for, first and foremost, being present on-site throughout the course of the audit engagement; particularly in the audit planning process; ensuring that the day-to-day audit activities conform to our audit plan; coordinating and scheduling the activities of the audit team; and advising the engagement partner of the status of the engagement, including any accounting and auditing problems.

Experience

Rob's professional experience during the past six years has included significant responsibilities providing audit, tax, and consulting services to numerous public sector entities. Rob has supervised and managed audits of several large state governmental entities, local governments, and nonprofit organizations. His service to governmental and nonprofit organizations includes the following:

- Alderson-Broaddus College
- Center for Neighborhood Enterprises
- Center for Rural Health Development, Inc.
- Human Resource Development Foundation
- Kanawha Hospice Care, Inc.
- Logan Mingo Area Mental Health, Inc.
- Region VI Planning and Development Council
- Westbrook Health Services, Inc.
- West Virginia Advocates, Inc.
- West Virginia Affordable Housing Trust Fund
- West Virginia Drinking Water Treatment Revolving Loan Fund
- West Virginia Housing Development Fund
- West Virginia Infrastructure and Jobs Development Council
- West Virginia Jobs Investment Trust
- West Virginia Water Development Authority

Professional Activities

Rob is a member of the American Institute of Certified Public Accountants, the West Virginia Society of CPAs, and the Charleston Chapter of the West Virginia Society of CPAs.

Education

Rob graduated from Marshall University with a bachelor of science in business administration.

Continuing Professional Education

Rob is in compliance with all applicable CPE requirements.

APPENDIX C

PURCHASING AFFIDAVIT

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: Gibbons & Kawash, A.C.

Authorized Signature: *[Signature]* Date: April 28, 2011

State of West Virginia

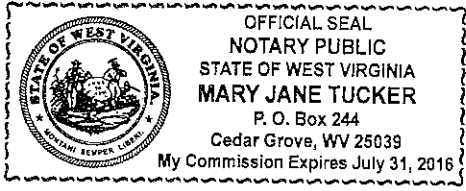
County of Kanawha, to-wit:

Taken, subscribed, and sworn to before me this 28 day of April, 2011.

My Commission expires July 31, 2016, 2016.

AFFIX SEAL HERE

NOTARY PUBLIC *[Signature]*



APPENDIX D

PEER REVIEW REPORT



Rea & Associates, Inc.

ACCOUNTANTS AND BUSINESS CONSULTANTS

Focused on Your Future.

System Review Report

May 12, 2009

To the Partners of Gibbons & Kawash CPAs
and the Peer Review Committee of the American Institute of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Gibbons and Kawash CPAs (the firm) applicable to non-SEC issuers in effect for the year ended February 28, 2009. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Gibbons & Kawash CPAs applicable to non-SEC issuers in effect for the year ended February 28, 2009, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Gibbons & Kawash CPAs has received a peer review rating of *pass*.

Rea & Associates, Inc.

APPENDIX E

VENDOR PREFERENCE CERTIFICATE

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: Gibbons & Kawash, A.C.

Signed: 

Date: April 28, 2011

Title: Shareholder

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

