



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  
**LOT445**

PAGE  
**1**

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

**RFQ COPY  
 TYPE NAME/ADDRESS HERE**

VENDOR

SHIP TO

**LOTTERY COMMISSION  
  
 312 MACCORKLE AVENUE, SE  
 CHARLESTON, WV  
 25314-1143 558-0500**

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
01/31/2008				

BID OPENING DATE: **03/11/2008** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	HR		946-10		
<p><b>REQUEST FOR QUOTATION</b></p> <p>THE PURCHASING DIVISION IS SOLICITING BIDS FOR THE WEST VIRGINIA LOTTERY TO PROVIDE QUALIFIED LICENSED CERTIFIED PUBLIC ACCOUNTING CONSULTING FIRMS FOR FINANCIAL REVIEW ANALYSIS AND CONSULTING.</p> <p>ATTACHMENT: SPECIFICATIONS PURCHASING AFFIDAVIT</p> <p>INQUIRES: WRITTEN QUESTIONS SHALL BE ACPTED THROUGH CLOSE OF BUSINESS ON 02/20/2008. QUESTIONS MAY BE SENT VIA USPS, FAX, COURIER, OR EMAIL. IN ORDER TO ASSURE NO VENDOR RECEIVES AN UNFAIR ADVANTAGE, NO SUBSTANTIVE QUESTIONS WILL BE ANSWERED ORALLY. IF POSSIBLE, EMAIL QUESTIONS ARE PREFERRED. ADDRESS INQUIRES TO:</p> <p>SHELLY MURRAY          DEPARTMENT OF ADMINISTRATION          PURCHASING DIVISION          2019 WASHINGTON STREET, EAST          CHARLESTON, WV 25311          FAX: 304-558-4115          EMAIL: SHELLY.L.MURRAY@WV.GOV</p>						
SEE REVERSE SIDE FOR TERMS AND CONDITIONS						

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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

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

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. All quotations are governed by the *West Virginia Code* and the *Legislative Rules* of the Purchasing Division.
4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125.00 registration fee.
5. All services performed or goods delivered under State Purchase Orders/Contracts are to be continued for the term of the Purchase Order/Contract, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
6. Payment may only be made after the delivery and acceptance of goods or services.
7. Interest may be paid for late payment in accordance with the *West Virginia Code*.
8. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
9. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
11. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
12. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
13. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, this Contract may be deemed null and void, and terminated without further order.
14. **HIPAA Business Associate Addendum** - The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (<http://www.state.wv.us/admin/purchase/vrc/hipaa.htm>) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Covered Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.

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**INSTRUCTIONS TO BIDDERS**

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

**SIGNED BID TO:**

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



State of West Virginia  
 Department of Administration  
 Purchasing Division  
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**2**

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RFQ COPY

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SHIP TO

**LOTTERY COMMISSION**

**312 MACCORKLE AVENUE, SE  
 CHARLESTON, WV  
 25314-1143 558-0500**

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
<b>01/31/2008</b>				

BID OPENING DATE: **03/11/2008** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
<p><b>EXHIBIT 3</b></p> <p><b>LIFE OF CONTRACT:</b> 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> <p><b>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.</b></p> <p><b>RENEWAL:</b> 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><b>CANCELLATION:</b> 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><b>OPEN MARKET CLAUSE:</b> 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</p>						

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<p>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, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM.</p> <p>VENDOR PREFERENCE CERTIFICATE</p> <p>CERTIFICATION AND APPLICATION* IS HEREBY MADE FOR PREFERENCE IN ACCORDANCE WITH WEST VIRGINIA CODE, 5A-3-37 (DOES NOT APPLY TO CONSTRUCTION CONTRACTS).</p> <p>A. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED:</p> <p>( ) 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</p> <p>( ) BIDDER IS A PARTNERSHIP, ASSOCIATION OR CORPORATION RESIDENT VENDOR AND HAS MAINTAINED ITS HEAD-QUARTERS 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,</p>						

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<p>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</p> <p>( ) BIDDER IS A CORPORATION 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.</p> <p>B. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED:</p> <p>( ) 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;</p> <p>OR</p> <p>( ) 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 BIDDERS' 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.</p>						

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**5**

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VENDOR

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<p>BIDDER UNDERSTANDS IF THE SECRETARY OF TAX &amp; REVENUE DETERMINES THAT A BIDDER RECEIVING PREFERENCE HAS FAILED TO CONTINUE TO MEET THE REQUIREMENTS FOR SUCH PREFERENCE, THE SECRETARY MAY ORDER THE DIRECTOR OF PURCHASING TO: (A) RESCIND THE CONTRACT OR PURCHASE ORDER ISSUED; 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.</p> <p>BY SUBMISSION OF THIS CERTIFICATE, BIDDER AGREES TO DISCLOSE ANY REASONABLY REQUESTED INFORMATION TO THE PURCHASING DIVISION AND AUTHORIZES THE DEPARTMENT OF TAX AND 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.</p> <p>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.</p> <p>BIDDER: -----</p> <p>DATE: -----</p>						

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PAGE  
**6**

ADDRESS CORRESPONDENCE TO ATTENTION OF  
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<p>SIGNED: -----</p> <p>TITLE: -----</p> <p>* CHECK ANY COMBINATION OF PREFERENCE CONSIDERATION(S) IN EITHER "A" OR "B", OR BOTH "A" AND "B" WHICH YOU ARE ENTITLED TO RECEIVE. YOU MAY REQUEST UP TO THE MAXIMUM 5% PREFERENCE FOR BOTH "A" AND "B". (REV. 12/00)</p> <p>NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p>DEPARTMENT OF ADMINISTRATION            PURCHASING DIVISION            BUILDING 15            2019 WASHINGTON STREET, EAST            CHARLESTON, WV 25305-0130</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER: <b>SHELLY MURRAY / FILE 31</b></p> <p>RFQ. NO.: <b>LOT445</b></p> <p>BID OPENING DATE: <b>03/11/2008</b></p>						

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PAGE  
**7**

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

**RFQ COPY  
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RECEIVED

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 312 MACCORKLE AVENUE, SE  
 CHARLESTON, WV  
 25314-1143 558-0500**

DATE PRINTED	TERMS OF SALE	SHIP VIA	FOB	FREIGHT TERMS
<b>01/31/2008</b>				

BID OPENING DATE: **03/11/2008** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
<b>BID OPENING TIME:</b>				<b>1:30 PM</b>		
<p>PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:</p> <p>-----</p> <p>CONTACT PERSON (PLEASE PRINT CLEARLY):</p> <p>-----</p>						
<p>***** THIS IS THE END OF RFQ</p>						<p>LOT445 ***** TOTAL: _____</p>

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An Agency of the  
Department of Revenue

## REQUEST FOR QUOTATIONS ["RFQ"] FOR CONSULTING ACCOUNTING FIRM

The West Virginia Lottery, an agency of the West Virginia Department of Revenue, is seeking quotations from qualified certified public accounting firms for financial review analysis and advice concerning video lottery terminal manufacturers, licensed racetracks and licensed operators, table games supply manufacturers or persons applying for licenses for these licenses or permits under the Racetrack Video Lottery Act [W.Va. Code §29-22A-1 et seq.], the Limited Video Lottery Act [W.Va. Code §29-22B-1 et seq.], the Racetrack Table Games Act [W.Va. Code §29-22C-1 et seq.], the Limited Gaming Facility [Casino] Act and/or other Acts that may be enacted prior to or during the term of the contract issued pursuant to their RFQ. The State Lottery Commission requires a consultant accounting firm that is able to provide calculations and analysis, and to give the Commission candid and unbiased advice, concerning the initial licensing and continuing re-licensing processes as well as intermediate financial transactions requiring the prior approval of the Commission.

### **"Qualified Certified Public Accounting Firm" defined**

Any firm submitting a quotation under this procurement shall bear the burden of proving that it meets or exceeds the minimum qualifications set forth in this RFQ. The vendor **must** provide affirmative statements for each of the following criteria. Those quotations not meeting the mandatory specifications will be eliminated from further consideration.

1. Except for the engagement being procured by this Request for Quotation, the firm has no accountant-client relationship with the State of West Virginia Department of Revenue and the West Virginia Lottery.
2. The firm has no conflict of interest with regard to any other work performed by the firm for the State of West Virginia.
3. The firm has no accountant-client relationship with any of the four pari-mutuel racetracks that are located in West Virginia and regulated by the State Lottery

- Commission. See Appendix A for listing of the four licensed racetracks.
4. The firm has no accountant-client relationship with any of the manufacturers of the video lottery machines that are now licensed by the West Virginia Lottery and that may hereafter become licensed or permitted. See Appendix A for listing of the licensed/permitted manufacturers.
  5. The firm has no accountant-client relationship with any of the limited video lottery operators that now hold West Virginia Lottery limited video lottery licenses or that may hereafter become licensed. See Appendix B for listing of limited video lottery licensees.
  6. The firm has no accountant-client relationship with any of the supply manufacturers for the table games that are now licensed by the West Virginia Lottery and that may hereafter become licensed. See Appendix C for listing of table games supply manufacturers.
  7. The one or more partners or members to be assigned to this contract are properly licensed to practice accountancy in the State of West Virginia and is (are) a certified public accountant who has (have) met all continuing professional education requirements within the preceding two years.
  8. The one or more partners or members to be assigned to this contract are experienced in the preparation and analysis of a variety of regulatory financial forms required by the United States Securities and Exchange Commission ("SEC").
  9. None of the partners or members shall have been convicted of any violation of security laws or of gambling laws.
  9. The firm agrees, by submission of its quotation, that the West Virginia Lottery reserves the right to engage other providers for this type service during the term of this contract.
  10. Firm has no un-appealed delinquencies with the State Tax Department, Workers' Compensation [BrickStreet] or Unemployment Compensation.

### **Scope of Services**

The firm awarded the contract as a result of this RFQ will assist the Director of the State Lottery Office and the seven-member Commission to review the financial condition of businesses licensed, permitted, or applying for licenses or permits as video lottery terminal manufacturers, licensed racetracks, limited video lottery licensed operators and table games supply manufacturers under the Racetrack Video Lottery Act [W.Va. Code §29-22A-1 et seq.], the Limited Video Lottery Act [W.Va. Code §29-22B-1 et seq.], the Racetrack Table Games Act [W.Va. Code §29-22C-1 et seq.] and by other Acts that may be enacted.

Services will include, but are not limited to, the review of year-end financial statements, (both audited and unaudited) of applicants. The review of applicants interim financial statements, business plan, financial projections, Federal and State tax returns as well as, when applicable, their filings with the SEC. Such services will also include the review of proposed and final loan documents. In addition, a review may be required of the personal financial statements of certain shareholders, officers and members of their board of directors

(or other group depending upon the business structure of the applicant) of the applicant as well as a review of personal federal and state income tax returns.

From time to time, the Commission will meet in other parts of West Virginia, usually at a racetrack location, and the firm will be expected to attend most of these meetings to present analysis at public meetings.

### **Term of resulting contract**

The resulting contract shall be for an initial term of one year. The Lottery reserves the option to renew the contract for one or two additional years. In the option years and at time of renewal only, the firm will have the option to propose an increase to the hourly fee based on the published increases in the Consumer Price Index since the beginning of the original contract term.

### **Bid Amount**

The amount of the bid submitted by each potential vendor shall be a fixed hourly rate for services rendered. This rate shall be the same regardless of which partner or member performs the services and shall be sufficient to cover any and all incidental expenses including but by no means limited to copy or computer research costs. Out of pocket travel expenses shall be billed in accordance with the State of West Virginia's Travel Rules as prescribed by the Travel Management Unit, Purchasing Division.

### **Issuing Office/Contact Point for this RFQ**

This RFQ is being issued by the Purchasing Division of the Department of Administration, on behalf of the West Virginia State Lottery. Inquiries about this RFQ, or requests for additional information, must be directed to:

Shelly Murray, Senior Buyer  
Purchasing Division  
2019 Washington Street East  
Charleston, West Virginia 25305-0130  
Telephone: (304) 558-8801  
Facsimile: (304) 558-4115  
Email: shelly.l.murray@wv.gov

No contact with West Virginia Lottery staff specifically concerning this RFQ is permitted following issuance of this RFQ. Any contact related to this RFQ may disqualify the Vendor who violates this requirement.

**Non-Responsive Quotations**

Quotations that do not meet all of the requirements of this RFQ, including but not limited to affirmative responses to mandatory requirements, will be rejected as non-responsive. The Purchasing Division reserves the right to determine which quotations meet the RFQ requirements, and to accept quotations which deviate from the RFQ requirements in a minor or technical fashion.

**Expenses Incurred**

The State of West Virginia and the West Virginia Lottery will not be liable for any expenses incurred by any Vendor in the preparation and submission of quotations for this RFQ

**Termination/Cancellation of this RFQ**

The Purchasing Division reserves the right to modify, withdraw, and/or cancel this RFQ at any time, even after the submission of responding quotations, if such withdrawal is to the benefit of the State of West Virginia or the West Virginia State Lottery. If this RFQ is withdrawn, no contract awards will be made pursuant to this RFQ.

**Assignment**

The relationship of the selected firm to the State of West Virginia, and to the West Virginia State Lottery, will be that of an independent contractor, with no principal-agent or employer-employee relationships created by the parties to any resultant agreement. The firm shall not assign, convey, transfer, or delegate any of its responsibilities or obligations under the resultant agreement without prior written approval of the State Lottery Commission. Such approval may be granted by the sole discretion of the State Lottery Commission. No assignments, if any are granted, shall release the vendor from its liability for the prompt and effective performance of the obligations hereunder.

**Governing Law**

The contract resulting from this RFQ will be governed by the laws of the State of West Virginia. The State of West Virginia asserts its Eleventh Amendment right not to be sued in any federal court.

**Taxes**

The State of West Virginia, and the West Virginia Lottery, are exempt from Federal Excise taxes, and from State and local sales and use taxes, on the services to be supplied as a result of any contracts resulting from this RFQ. Consequently, the State of West Virginia and the West Virginia State Lottery will have no responsibilities for the payment of any taxes that become payable by the successful firm.

## **Quotation Copies, Labeling, and Packaging**

As dictated by West Virginia Code §5A-3-11(g), a separately sealed bid envelope must be submitted in response to this RFQ by 1:30 pm Eastern Time on 03/11/2008. One bid package must be provided to the Purchasing Division using the following address:

Purchasing Division  
2019 Washington Street, East  
P.O. Box 50130  
Charleston, West Virginia 25305-0130  
RFQ #: LOT445  
Opening Date: 03/11/2008 at 1:30 p.m.

## **Acceptance Period for Quotations**

The quotations submitted in response to this RFQ shall remain fixed and valid for a period of six (6) months commencing on the date the quotations are due.

## **Firm Information**

Responding firms should include the following information with their bid proposal submittal. The Purchasing Division reserves the right to request this or any additional information at any time during the bid evaluation process prior to their award.

- (a) Name and address of the firm, or other type of business entity, submitting the quotation along with the federal employer identification number of the vendor.
- (b) Type of business entity. In addition, if the business is a corporation, the names and addresses of its officers and directors, and stockholders of 5% or more of the outstanding shares, must be supplied. In the case of stockholders of publicly held equity securities of a publicly traded corporation, only the names and addresses of those known to the corporation to own beneficially 5% or more of such securities need be disclosed. If the business is a partnership, the names of all of the partners must be identified, and their addresses supplied. If the entity is a professional limited liability company, the names and addresses of the members should be supplied.
- (c) Place(s) of incorporation and organization, if applicable.
- (d) Location of office that will or may be used in the performance of the work proposed as a result of this RFQ.

- (e) Name, address, and telephone number of the firm's primary representative for the resultant contract, including both contractual and/or technical matters.
- (f) The name(s) of all law firms representing the firm in the State of West Virginia, if any.
- (g) Date of registration to do business in the State of West Virginia. Foreign corporations and businesses do not need to register to do business in West Virginia to submit a quotation, but must do so before a contract can be issued.

# West Virginia Lottery

## REQUEST FOR QUOTATIONS ["RFQ"] FOR CONSULTING ACCOUNTING FIRM

### APPENDIX A

#### **LICENSED RACETRACKS:**

Charles Town Races & Slots

Mountaineer Casino Racetrack & Resort

Tri-State Racing & Gaming Center

Wheeling Island Hotel-Casino-Racetrack

#### **LICENSED VIDEO LOTTERY MANUFACTURERS:**

Aristocrat Technologies, Inc.

Bally Technologies

GTECH Corporation (Lottomatica)

GameTech International, Inc. (Summit Amusement & Distributing, LTD)

IGT

Konami Gaming, Inc.

Scientific Games Racing, LLC

WMS Industries, Inc.

# West Virginia Lottery

## REQUEST FOR QUOTATIONS ["RFQ"] FOR CONSULTING ACCOUNTING FIRM

### APPENDIX B

#### **LICENSED LIMITED VIDEO LOTTERY OPERATORS:**

A-1 Amusement, Inc.

Action Amusements, LLC

Action Gaming, Inc.

Advanced Lottery Technologies, LLC

Ajax Amusement Machines, Inc.

Al's Novelty & Coin Machine Company

Bat's, Inc.

Blue Diamond, LLC

Buck's, Inc.

Clay Music Corporation

Coin Op Vending Corporation

Derrick Video, LLC

Dustyn Enterprises, Inc.

Ellifritz Amusement, LLC

Game Room Amusement, Vending and Sales, Inc.

Jack's Enterprises, Inc.

K & K Music Company

LeeJay, Inc.



Mountaineer Music, LLC

Ohio River Amusement, LLC

Ohio Valley Amusement Company

Poke, Inc.

Progressive Video Lottery, Ltd.

Random World, Ltd.

S & B Gaming, LLC

Shaffer Amusements Company, LLC

Southern Amusement Company, Inc.

Trans-Allegheny Enterprises, LLC

Valley Coin Machine

Vast Vending, Inc.

Viking Vending Services, LLC

Viking Video & Music, Inc.

Warden Amusement, Inc.

Welch LVL Video Service, LLC

Wheeling Coin, LLC

Woodward Video, LLC

Worldwide Gaming, LLC

# West Virginia Lottery

## REQUEST FOR QUOTATIONS ["RFQ"] FOR CONSULTING ACCOUNTING FIRM

### APPENDIX C

#### **LICENSED TABLE GAMES SUPPLY MANUFACTURERS:**

Aware Digital, Inc.

Gaming Partners International

Genesis Gaming

IGT

JOM, Inc.

Masque Publishing

Midwest Game Supply Company

PokerTek, Inc.

Progressive Gaming

Shuffle Master, Inc.

Software Specialists, Inc.

TCS America, Inc.

Tech Art Manufacturing, Inc.

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.

**LICENSING:** Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, or any other state agencies or political subdivision. Furthermore, the vendor must provide all necessary releases to obtain information to enable the Director or spending unit to verify that the vendor is licensed and in good standing with the above entities.

**CONFIDENTIALITY:** The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures and rules. Vendors should visit [www.state.wv.us/admin/purchase/privacy](http://www.state.wv.us/admin/purchase/privacy) for the Notice of Agency Confidentiality Policies.

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

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

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