



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

# Request for Quotation

RFQ NUMBER  
 PTR09004

PAGE  
 1

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

VENDOR

RFQ COPY  
 TYPE NAME/ADDRESS HERE

SHIP TO

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

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
10/01/2008				

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

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	EA		961-74		
***** ADDENDUM NO. 1 ***** THIS ADDENDUM IS ISSUED TO PROVIDE THE ATTACHED VENDOR VENDOR QUESTIONS AND AGENCY RESPONSE. BID OPENING REMAINS 10/08/2008 AT 1:30 PM STATE MANAGEMENT REVIEW PROGRAM ***** THIS IS THE END OF RFQ PTR09004 ***** TOTAL: _____						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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

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

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. All quotations are governed by the *West Virginia Code* and the *Legislative Rules* of the Purchasing Division.
4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
5. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
6. Payment may only be made after the delivery and acceptance of goods or services.
7. Interest may be paid for late payment in accordance with the *West Virginia Code*.
8. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
9. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
11. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
12. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
13. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, this Contract may be deemed null and void, and terminated without further order.
14. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (<http://www.state.wv.us/admin/purchase/vrc/hipaa.htm>) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
15. **WEST VIRGINIA ALCOHOL & DRUG-FREE WORKPLACE ACT:** If this Contract constitutes a public improvement construction contract as set forth in Article 1D, Chapter 21 of the West Virginia Code ("The West Virginia Alcohol and Drug-Free Workplace Act"), then the following language shall hereby become part of this Contract: "The contractor and its subcontractors shall implement and maintain a written drug-free workplace policy in compliance with the West Virginia Alcohol and Drug-Free Workplace Act, as set forth in Article 1D, Chapter 21 of the West Virginia Code. The contractor and its subcontractors shall provide a sworn statement in writing, under the penalties of perjury, that they maintain a valid drug-free work place policy in compliance with the West Virginia and Drug-Free Workplace Act. It is understood and agreed that this Contract shall be cancelled by the awarding authority if the Contractor: 1) Fails to implement its drug-free workplace policy; 2) Fails to provide information regarding implementation of the contractor's drug-free workplace policy at the request of the public authority; or 3) Provides to the public authority false information regarding the contractor's drug-free workplace policy."

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### INSTRUCTIONS TO BIDDERS

1. Use the quotation forms provided by the Purchasing Division.
2. **SPECIFICATIONS:** Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Complete all sections of the quotation form.
4. Unit prices shall prevail in case of discrepancy.
5. All quotations are considered 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: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130

Question:

On page 6 of the RFQ, Section 1.2 Experience, Management and Technical Qualifications, the first paragraph indicates that bidders should have a minimum of 3 years experience with FTA circulars, regulations and guidance and request examples of this work. Further on in the third paragraph, the RFQ indicates that persons conducting on-site reviews shall be "... fully versed in the regulations, circulars and laws governing the 5311, 5316 and/or 5317 programs." The paragraph also request examples of work experience, but indicates that several types of FTA reviews/audits and experience with urban properties "... are NOT considered acceptable ... " as examples.

It would appear that not only is there a slight discrepancy between paragraphs one and three on page 6, but also that the State may be disregarding experience that may be relevant to the assignment. For example, recipient-subrecipient relationships at the urban level are not unlike State-subrecipient relationships under the 5311 program. Granted, there are requirements that are particular to States, however, many of these requirements not only apply in the 5311 program, but also in other programs that may be carried out at the state level (e.g., 5309 and in some states 5307). Furthermore, the State may be excluding some valuable experience as it relates to technical assistance and materials that would prove beneficial to the subrecipients (e.g., libraries of sample policies, procedures and best practices that potential vendors have developed for small urban systems over the years).

We request that the State consider striking the last sentence of paragraph 3 under Section 1.2 on page 6 of the RFQ which reads:

*"Examples of work experience which are NOT considered acceptable for this project include, but are not limited to, drug and alcohol reviews/audits; experience with urban transit properties; conducting triennial reviews (relates to urban transit systems only); route and schedule analysis; safety audits/reviews; and planning studies."*

Answer:

Our interpretation of Section 1.2 is that the bidders should have general knowledge of all Federal Transit Administration Circulars but shall have specific knowledge of the Circulars governing the Section 5311, 5316 and 5317 programs which are the programs that the Division administers. Under the 5311 program, the State is responsible for ensuring compliance with FTA regulations whereas under the 5307 program in West Virginia recipients answer directly to FTA who through triennial reviews is responsible for oversight responsibilities.

The Division declines to strike paragraph 3 under Section 1.2 on page of the RFQ which reads:

*"Examples of work experience which are not considered acceptable for this project include, but are not limited to drug and alcohol reviews/audits; experience with*

urban properties; conducting triennial reviews (relates to urban transit systems only) route and schedule analysis; safety audits/reviews; and planning studies”

Drug and alcohol reviews/audits are only one area of compliance under the FTA requirements and the Division conducts these reviews separate from its on-site monitoring for time and complexity reasons. Knowledge of this compliance area does not demonstrate knowledge of the approximately 18 other compliance areas.

Route and schedule analysis, planning studies and safety audits and reviews really do not address the FTA compliance areas. The ability to conduct these analysis, studies or audits does not demonstrate knowledge of the FTA compliance areas.

Furthermore, FTA requires the states to be responsible for developing their own monitoring tools whereas FTA hires a consultant to develop and perform the triennial reviews. In the Division’s opinion there are significant differences between the urban and rural programs. While experience with urban systems may be helpful, it does not replace experience with the rural or state administered programs. A bidder experienced with the rural programs would also have a library of sample policies, procedures and best practices which would not have to be modified for the rural recipients.