



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  
 DEP14971

PAGE  
 1

ADDRESS CORRESPONDENCE TO ATTENTION OF:  
 CHUCK BOWMAN  
 304-558-2157

VENDOR

RFQ COPY  
 TYPE NAME/ADDRESS HERE

SHIP TO

ENVIRONMENTAL PROTECTION  
 DEPARTMENT OF  
 OFFICE OF ADMINISTRATION  
 601 57TH STREET SE  
 CHARLESTON, WV  
 25304 304-926-0499

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
02/10/2010				

BID OPENING DATE: 03/04/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		964-04		
PROGRAM ADMINISTRATOR  THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, IS REQUESTING QUOTATIONS FROM REBATE FULFILLMENT COMPANIES TO DEVELOP, IMPLEMENT, AND FULLY EXECUTE THE WEST VIRGINIA ENERGY EFFICIENT APPLIANCE REBATE PROGRAM PER THE ATTACHED SPECIFICATIONS, BID REQUIREMENTS, AND TERMS & CONDITIONS.  QUESTIONS WILL BE ACCEPTED THROUGH THE END OF BUSINESS (5:00 PM EST.) ON FRIDAY, FEBRUARY 19, 2010. QUESTIONS ARE TO BE SUBMITTED IN WRITING TO THE ATTENTION OF THE BUYER, CHUCK BOWMAN, AND MAY BE SUBMITTED VIA THE U.S. POSTAL SERVICE TO: WEST VIRGINIA PURCHASING DIVISION 2019 WASHINGTON STREET EAST POST OFFICE BOX 50130 CHARLESTON, WV 25305-0130  BY FAX TO : 304.558.4115 BY EMAIL : CHARLES.A.BOWMANJR@WV.GOV  ALL QUESTIONS WILL BE ANSWERED VIA OFFICIAL ADDENDUM ISSUED BY THE BUYER AND SAID ADDENDUM IS TO BE ACKNOWLEDGED BY THE VENDOR AS INSTRUCTED BELOW.  EXHIBIT 10  ADDENDUM ACKNOWLEDGEMENT  I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
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TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
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WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

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

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
4. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods this Purchase Order/Contract becomes void and of no effect after June 30.
5. Payment may only be made after the delivery and acceptance of goods or services.
6. Interest may be paid for late payment in accordance with the *West Virginia Code*.
7. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
8. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
9. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
10. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern the purchasing process.
11. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
12. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, the State may deem this contract null and void, and terminate such contract without further order.
13. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, is available online at [www.state.wv.us/admin/purchase/vrc/hipaa.htm](http://www.state.wv.us/admin/purchase/vrc/hipaa.htm) and is hereby made part of the agreement. Provided that the Agency meets the definition of a Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
14. **CONFIDENTIALITY:** The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures, and rules. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.
15. **LICENSING:** Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, and the West Virginia Insurance Commission. The vendor must provide all necessary releases to obtain information to enable the director or spending unit to verify that the vendor is licensed and in good standing with the above entities.
16. **ANTITRUST:** In submitting a bid to any agency for the State of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the State of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the State of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the State of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership, or person or entity submitting a bid for the same material, supplies, equipment or services and is in all respects fair and without collusion or Fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.

**INSTRUCTIONS TO BIDDERS**

1. Use the quotation forms provided by the Purchasing Division. Complete all sections of the quotation form.
2. Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Unit prices shall prevail in case of discrepancy. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
4. All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130
5. Communication during the solicitation, bid, evaluation or award periods, except through the Purchasing Division, is strictly prohibited (W.Va. C.S.R. §148-1-6.6).



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<p>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 .....</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> <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>..... SIGNATURE</p> <p>..... COMPANY</p> <p>..... DATE</p>						

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<p>NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.</p> <p>REV. 09/21/2009</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>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: CB-23</p> <p>RFQ. NO.: DEP14971</p> <p>BID OPENING DATE: 03/04/2010</p> <p>BID OPENING TIME: 1:30 PM</p>						

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PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- CONTACT PERSON (PLEASE PRINT CLEARLY): ----- ***** THIS IS THE END OF RFQ DEP14971 ***** TOTAL: _____						

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**West Virginia Department of Environmental Protection**  
**American Reinvestment and Recovery Act**  
**West Virginia Energy Efficient Appliance Rebate Program RFQ**  
**DEP14971**

**Introduction**

The West Virginia Department of Environmental Protection (WVDEP) is requesting Quotations, through this Request For Quotation (RFQ), from potential third party program implementers/rebate fulfillment companies (Vendors) to develop, implement, and fully execute the West Virginia Energy Efficient Appliance Rebate Program.

The Vendor, working with the WVDEP, shall provide oversight and management of the Program for an individual residential consumer or non-commercial home or personal user (hereinafter referred to as "Consumer") by encouraging the replacement and recycling of used appliances with new ENERGY STAR<sup>®</sup> qualified appliances that save energy and stimulates West Virginia's economy and communities.

The Program shall provide financial incentives, in the form of rebates, to participating eligible Consumers that purchase an ENERGY STAR<sup>®</sup> qualified appliance as a replacement for their existing, less energy efficient used appliance.

WVDEP approved retailers, that meet the eligibility requirements to participate in the Program, shall fulfill the recycling requirement which shall include the removal of all used appliances collected during the Program from the grid; proper decommissioning and de-manufacturing; proper handling and disposal of refrigerants, mercury, oils, and polychlorinated biphenyls (hereinafter referred to as "PCBs") found in refrigerators, freezers, and room air conditioners; and proper recycling of all recoverable, durable materials, to the extent possible.

The Program is funded by the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5 (hereinafter referred to as "ARRA").

Congress authorized the State Energy Efficient Appliance Rebate Program through the Energy Policy Act of 2005 (Section 124), the Energy Independence and Security Act of 2007 amended the program to include high efficiency appliances for cold weather climates, and funding was provided through the ARRA. A total of \$296,000,000 has been allocated nationally using population formulas, resulting in \$1,741,100 for the Program. The WVDEP is the direct grantee for the program and has submitted the Comprehensive Grant Application for West Virginia to the United States Department of Energy (DOE).

The WVDEP shall use up to 50% of 25% of Federal funds awarded, up to \$217,625.00 to provide payment to the Vendor for the administrative costs to administer the Program. The WVDEP shall use the remaining balance of \$1,523,475.00, at a minimum, to provide rebates to Consumers.

The administrative costs, covered under this RFQ, shall include, but not be limited to, the specific costs necessary to develop, implement, and fully execute the Program. The administrative costs shall include, but not be limited to, accounting, processing, outreach, education, marketing, tracking, and reporting. Administrative costs shall be reported monthly, at a minimum.

The WVDEP has secured the cost sharing requirement of 50% of 25% of Federal funds awarded, up to \$217,625, for the administrative costs to support the Program.

The Program objectives shall include, but not be limited to, the following:

- 1) Make rebates available to Consumers;
- 2) Save energy by requiring replacement and recycling of used appliances;

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- 3) Enhance existing rebate programs by leveraging ENERGY STAR® national partner relationships and local program infrastructure;
- 4) Keep administrative costs low while adhering to monitoring and evaluation requirements;
- 5) Promote state and national tracking and accountability;
- 6) Provide outreach, education, and marketing to support the program;
- 7) Use existing ENERGY STAR® Consumer outreach, education, and marketing materials;
- 8) Provide overall rebate reservation, application, and claim submission processing, management, and payment through Prepaid Credit Cards with minimal WVDEP oversight day-to-day, ensuring accurate and timely delivery to Consumers within fifteen (15) business days (Monday through Friday excluding public holidays) of receiving all necessary and required information;
- 9) Develop a real-time, on demand, information and data collections and reporting system that shall accurately collect, aggregate, summarize, and deliver the required data to the WVDEP;
- 10) Avoid fraud and reduce the risk of any unsatisfactory outcomes of the Program; and,
- 11) Take into account other incentives (e.g., federal incentives, state sales tax exemption on ENERGY STAR® qualified appliances, etc.).

The Program shall include the following ENERGY STAR® qualified appliances and rebate levels:

<b>ENERGY STAR® Qualified Appliance</b>	<b>Rebate</b>	<b>Projected Rebates</b>	<b>Total Cost</b>
Clothes Washers (7/1/09 Criteria – MEF ≥ 1.8; WF ≤ 7.5)	\$50	5,485	\$274,250
Clothes Washers (1/1/11 Criteria – MEF ≥ 2.0; WF ≤ 6.0)	\$75	4,161	\$312,075
Dishwashers (8/11/09 Criteria – ≤ 324 kWh/year and ≤ 5.8 gallons per cycle)	\$50	3,700	\$185,000
Dishwashers (7/1/11 Criteria – ≤ 307 kWh/year and ≤ 5.0 gallons per cycle)	\$75	1,936	\$145,200
Refrigerators (20% better than Federal standard)	\$100	4,606	\$460,600
Freezers (10% better than Federal standard)	\$25	250	\$6,250
Room Air Conditioners (EER – 10% greater than Federal standard)	\$20	7,000	\$140,000
<b>Totals</b>		<b>27,138</b>	<b>\$1,523,375</b>

The WVDEP will enter into a Sub-Grant Agreement with the Vendor and issue a Sub-Grant Award to the Vendor to provide rebates to Consumers. The Vendor shall provide a Request for Funds to the WVDEP, on a weekly basis, at a maximum, to receive payments to provide rebates to Consumers. The rate of pay shall be determined by rebate claims processed, on a weekly basis, not to exceed \$1,523,375.00 for the entire term of the Contract and the Sub-Grant Agreement.

This RFQ shall result in one Contract with a Vendor that shall be responsible for the development, implementation, and full execution of the Program.

If the Vendor chooses to utilize contractors or sub-contractors, they shall not administer the majority of the budget. The WVDEP reserves the right to approve any contracts or sub-contracts.

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The WVDEP shall have the right at all times to inspect or otherwise evaluate all phases of performance under the Contract. The Vendor shall retain a copy of all Program-related activities for a minimum of five years from the date of the services rendered, and the WVDEP reserves the right to review and copy such documents upon written request (at the Vendor's or the WVDEP's expense).

Please carefully review the funding opportunity announcement, questions and answers, and other resources and tools at following Websites:

- 1) State Energy Efficient Appliance Rebate Program  
Funding Opportunity Announcement (DE-FOA-0000119)  
[www.fedconnect.net](http://www.fedconnect.net); and,
- 2) ENERGY STAR®  
[www.energystar.gov](http://www.energystar.gov).

The Program shall continue until funds are depleted, but no later than February 17, 2012.

### **Vendor Qualifications**

The Vendor must be experienced in the rebate reservation, application, and claim submission processing and data processing business and possess one of the industry's best rebate management platforms that marry all rebate reservation, application, and claim information, data, and call center activity together into one system.

The Vendor must:

- 1) Be a United States-based business including contractors, sub-contractors, etc.
- 2) Perform 100% of the business within the United States, including contractors, sub-contractors, etc.
- 3) Have experience and expertise in data entry, call center, data management, technology, accounting, and banking.
- 4) Have a rebate management platform.
- 5) Be able to manage high volumes of activity.
- 6) Be able to merge all rebate data and call center activity.
- 7) Be able to process rebate claims via United States Mail, facsimile, Toll Free telephone number, E-Mail, Website, etc.
- 8) Be able to provide a rebate reservation system.
- 9) Be able to validate rebate claims via United States Mail, facsimile, Toll Free telephone number, E-Mail, Website, etc.
- 10) Be able to track all rebate claims (i.e., total received and logged, approved, denied, payments undeliverable by the U.S. Postal Service, and paid and closed).



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- 11) Be able to customize database, Websites, reporting portals, etc.
- 12) Be able to ensure that all data and information meets quality assurance and quality control.
- 13) Have successfully administered three similar projects within the past three years and provide verification of such, including three references as indicated below.
- 14) Have experience working with Retailers, Retailer Associations, etc., and provide verification of such, including three references as indicated below.

At the time of bid, the Vendor must provide three references where similar rebate programs were performed including the name of the client, contact person and title, address of the client, and telephone number of the client contact person.

The Vendor shall provide a description of their organization including purpose, history, and organizational chart.

### **Vendor Specifications**

The primary goal for the Vendor is to create a successful Program for West Virginia Consumers by accurately communicating and processing all Program requirements, as well as Program limitations. The Vendor shall utilize a proprietary operating system (Rebate Management System) built and maintained in-house by a team of experienced database managers and programming professionals. The Vendor shall ensure that the operating system is built to accommodate all of the nuances inherent with the Program while merging all Consumer, WVDEP, Retailer, Manufacturer, and employee interfaces. The Vendor shall make the operating system available 24 hours per day and 7 days per week and ensure that all rebate reservation, application, and claim data is communicated via a real-time Website-based system. The vendor shall process rebate reservations, applications, and claims received via United States Mail, facsimile, Website, or Toll Free telephone number when funds are available. The Vendor shall validate all rebate reservations, applications, and claim submissions and maintain all records electronically in a multi-level, customized database specifically designed for the Program.

#### **1. Implementation Strategy.**

- 1.1. The Vendor shall perform each of the Program Elements that shall include, but not be limited to, the following:
  - 1.1.1. Consumers shall have access to a Website, Toll Free telephone number, and an E-Mail address with live operator support that offers Consumer service and support throughout the life of the Program. All Consumer inquiries shall be managed with the absolute goal of approving as many Consumers as possible within the rules of the Program to ensure the best possible experience for West Virginia Consumers.

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- 1.1.2. Consumers shall have access to a rebate reservation system and be able to reserve the rebate in advance of shopping to ensure they do not buy an appliance only to find out the rebate pool has run out. Rebate reservations can be made online via the Internet through a fully custom Website portal and through a Toll Free telephone number via an integrated voice response unit. These methods ensure Consumers know in advance if funds are still available for rebates.
  - 1.1.2.1. Rebate reservations are subject to household limits (e.g., Only 1 ENERGY STAR<sup>®</sup> qualified appliance per each appliance category is eligible for a rebate, with the exception of room air conditioners, and the total shall not exceed 5 ENERGY STAR<sup>®</sup> qualified appliance rebates per household) utilizing state-of-the-art de-duplication technology ensuring Consumers do not buy in mass and sell on eBay or other outlet.
  - 1.1.2.2. Rebate reservations are valid for a short duration [minimum of forty eight (48) hours and maximum of ninety (90) days] so that unused reservations can go back into the rebate pool of available funds.
- 1.1.3. Consumers shall have access to a rebate application system and be able to apply for the rebate to ensure they do not buy an appliance only to find out the rebate pool has run out. Rebate applications can be made online via the Internet through a fully custom Website portal and through a Toll Free telephone number via an integrated voice response unit. These methods ensure Consumers know in advance if funds are still available for rebates.
- 1.1.4. Consumers shall have access to a rebate claim submission system and be able to claim the rebate. Rebate claim submissions can be made online via the Internet through a fully custom Website portal and through a Toll Free telephone number via an integrated voice response unit. These methods ensure Consumers know in advance if funds are still available for rebates.
  - 1.1.4.1. Rebate claim submissions shall be handled via mail-in forms and through an online paperless system with the appropriate validation that minimizes or eliminates fraud. All Consumers shall be required to submit their rebate claim and other required documentation via United States Mail, or other courier service, in order to receive their rebate.
- 1.1.5. Rebates shall be sent out via branded Prepaid Credit Cards that shall incorporate, at a minimum, the ARRA and WVDEP logos. The Prepaid Credit Cards could also incorporate other specific branding such as the name of the Governor, the name of the Vendor, and others, and incorporate a “green” or “energy efficiency” message. Sending rebates out on Prepaid Credit Cards provide Consumers with the most convenient form of payment,

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provides branding opportunities and stimulates West Virginia's economy based on Consumers' propensity to spend their rebate versus save it.

- 1.1.6. Separate Website portals shall be made available to the WVDEP and all other Partners to track progress, to get up to date information on cumulative rebates reserved and processed, to monitor the environmental benefits, etc.
  - 1.1.7. Consumers shall be able to receive the rebate funds back within fifteen (15) business days (Monday through Friday excluding public holidays) from the time the Vendor receives and processes completed required Program information.
- 1.2. The Vendor shall ensure that each of the Consumer rebate claim submission requirements are met, and shall include, but not be limited to, the following:
- 1.2.1. The Consumer shall provide their Full Name and Address and verify, with 2 types of identification (i.e., a copy of a West Virginia issued Identification or Drivers License and a copy of a recent Utility Bill), that they are a West Virginia resident and an individual residential consumer or non-commercial home or personal user.
  - 1.2.2. The Consumer shall provide evidence that a qualifying ENERGY STAR<sup>®</sup> appliance was purchased during the Program timeframe as indicated by an Original Sales Receipt from a Participating Retailer including the Product Retailer, Manufacturer, Model Number, Purchase Price, and Purchase Date.
  - 1.2.3. The Consumer shall provide a Replacement and Recycling Verification to verify that the Retailer fulfilled the replacement and recycling of the used appliance.
  - 1.2.4. The Consumer shall purchase only 1 ENERGY STAR<sup>®</sup> qualified appliance per each appliance category eligible for a rebate, with the exception of room air conditioners, and the total shall not exceed 5 ENERGY STAR<sup>®</sup> qualified appliance rebates per Consumer.
  - 1.2.5. The Consumer shall provide an original sales receipt showing proof that West Virginia sales tax was paid, except from September 1 through November 30, 2010 during the West Virginia Sales Tax Holiday.
  - 1.2.6. The Consumer shall purchase only ENERGY STAR<sup>®</sup> qualified appliances eligible for rebates that are sold within the state of West Virginia and that the West Virginia sales tax was paid.
  - 1.2.7. The Consumer may purchase an ENERGY STAR<sup>®</sup> qualified appliance online, while this is acceptable, the Retailer shall provide the Consumer with verification that the appliance purchased online came from a Retailer within the state of West Virginia and that West Virginia sales tax was paid except from September 1 through November 30, 2010.

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- 1.2.8. The Consumer may purchase an ENERGY STAR<sup>®</sup> qualified appliance and may elect to be responsible for returning the used appliance to the Retailer, while this is acceptable, the Retailer shall provide the Consumer with Replacement and Recycling Verification.
- 1.3. The Vendor shall create a rebate reservation system that shall include, but not be limited to, the following:
  - 1.3.1. The Vendor shall create two different ways for Consumers to participate in the Program:
    - 1.3.1.1. Website; and,
    - 1.3.1.2. Consumer Service Toll Free telephone number.
  - 1.3.2. The Vendor shall provide the Consumer and the Retailer with access to a Website and Toll Free telephone number that accurately communicates the balance of remaining rebate funds to the Consumer, WVDEP, Retailers, Manufacturers, and other partners. The Vendor shall accomplish this using an online, real-time “Rebate Funds Monitor” that illustrates the number of rebate funds remaining and the estimated number of days until rebate funds are depleted. The Vendor shall also make this information available via a Consumer message greeting with a Toll Free telephone number prior to speaking to a live operator.
  - 1.3.3. The Website and the Toll Free telephone number must have two (2) to three (3) phases.
    - 1.3.3.1. Phase 1 – Funds Available – Rebate Claims Accepted
      - 1.3.3.1.1. The Vendor shall provide a rebate reservation system, via a Website and Toll Free telephone number, for Retailers and Consumers to ensure the availability of a rebate prior to making a purchase, effectively guaranteeing the Consumer the rebate funds for the selected ENERGY STAR<sup>®</sup> qualified appliances. Note: If the Vendor does not recommend this, due to the fact that there are many Consumer exceptions and failure points that can occur with this model, the Vendor shall provide justification.
      - 1.3.3.1.2. The Consumer and the Retailer can confirm the availability of remaining rebate funds by checking the Website or calling the Toll Free telephone number. The Toll Free telephone number shall have a daily recording advising callers of the estimated rebate funds available and the approximate numbers of days remaining until

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rebate funds are depleted.

1.3.3.2. Phase 2 – Funds Depleted – Contingency Rebate Claims Accepted (Optional)

1.3.3.2.1. The Vendor shall provide the Consumer and the Retailer with access to a Website and Toll Free telephone number communicating that rebate funds have been depleted, however submission is possible in the event that additional rebate funds become available due to previously approved rebate claims becoming denied or expired.

1.3.3.3. Phase 3 – Funds Depleted – Program Closed, No Rebate Claims Accepted

1.3.3.3.1. The Vendor shall provide the Consumer and the Retailer with access to a Website and Toll Free telephone number communicating that rebate funds have been depleted and no rebate claims are being accepted, for at least ninety (90) days after the Program is closed.

1.4. The Vendor shall create a rebate application and claim submission system that shall include, but not be limited to, the following:

1.4.1. The Vendor shall provide the Consumer access to a Website to apply for and claim the rebate.

1.4.1.1. The Consumer shall enter their Full Name and Address; Original Sales Receipt information; Product Retailer, Manufacturer, and Model Number; and Replacement and Recycling Verification information.

1.4.1.2. The Consumer shall print and mail the rebate form to the address listed on the form with an Original Sales Receipt, and Replacement and Recycling Verification.

1.4.2. The Vendor shall provide the Consumer with no Internet access with access to a Toll Free telephone number to apply for and claim the rebate via a Consumer Service Representative.

1.4.2.1. The Consumer Service Representative shall accept the rebate claim and then mail the completed rebate form to the Consumer to mail the rebate form, Original Sales Receipt, and Replacement and Recycling Verification to the proper address noted on the rebate form.

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- 1.5. The Vendor shall ensure the rebate claim shall be processed and in the mail within fifteen (15) business days (Monday through Friday excluding public holidays) that shall include, but not be limited to, the following:
  - 1.5.1. Once the rebate claim is physically received by the Vendor and the Original Sales Receipt, and Replacement and Recycling Verification is validated, the Consumer's rebate is approved and payment mailed within fifteen (15) business days (Monday through Friday excluding public holidays).
  - 1.5.2. Log, record, store, and accurately track all rebate materials and information, including rebate status (i.e., total received and logged, approved, denied, payments undeliverable by U.S. Postal Service, paid and closed).
  - 1.5.3. Consumers that have rebate claims rejected, or rebate claims missing a valid Original Sales Receipt, and/or Replacement and Recycling Verification, shall receive a rejection letter explaining why the rebate claim was denied and what the Consumer can do to correct the rebate claim.
  - 1.5.4. The Vendor shall be able to place an outbound telephone call to the Consumer that works through the resubmission process.
- 1.6. The Vendor shall process extreme volume variations on a daily and weekly basis that shall include, but not be limited to, the following:
  - 1.6.1. The Vendor shall be able to process extreme volume variations on a daily and weekly basis as it pertains to rebate claims resulting in a flexible processing channel designed to accommodate extreme spikes in rebates claims and call center volumes.
- 1.7. The Vendor shall staff the Toll Free telephone number and E-Mail inquiries for Consumers with questions about rebate claim status, including how to handle non English speaking Consumers that shall include, but not be limited to, the following:
  - 1.7.1. The Vendor shall support the Program and dedicate a certain number of Consumer Service Representatives and Supervisors to the Toll Free telephone number and E-Mail Response Team from Monday through Friday, 7:00 a.m. to 6:00 p.m. ET. Additional hours shall be added as needed.
  - 1.7.2. The Vendor shall be able to manage overflow by adding additional Consumer Service Representatives.
  - 1.7.3. The Vendor shall be able to assist non-English speaking Consumers.
  - 1.7.4. The Vendor shall be able to process all Toll Free telephone inquiries.
  - 1.7.5. The Vendor shall be able to provide E-Mail notifications to Consumers as follows:

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- 1.7.5.1. When rebate claim is submitted via a Website or via Toll Free telephone number;
- 1.7.5.2. When rebate claim is received in the mail; and,
- 1.7.5.3. When the rebate claim is approved and the PrePaid Credit Card is mailed.

1.7.6. The Vendor shall forecast when rebate funds shall be exhausted.

1.7.7. The Vendor shall accurately communicate to Consumers, WVDEP, Retailers, Manufacturers, and other Partners that the Program has limited funds and shall be distributed on a first come, first served basis, and shall further ensure that no Consumer rebate reservation, application, and claim submitted is denied due to lack of funds once it has been submitted.

**2. Fraud Prevention.**

2.1. The Vendor shall enact programmatic fraud prevention and mitigation measures and structure the Program so unique rebate claim data can be verified and cross checked against other data sources to authenticate. The Vendor shall capture and verify all rebate claim data electronically removing human decision from the validation process to increase accuracy and speed.

2.2. The Vendor shall prevent fraud by requiring the Consumer to submit rebate claim data that shall include, but not be limited to, the following:

2.2.1. Full Name and Address – Limits are applied to a rebate claim by standardizing the Consumer's address using a Coding Accuracy Support System (CASS) certified software application, or similar software, to facilitate the creation of address field keys, which are then checked for household duplication.

2.2.2. Original Sales Receipt – When applicable to an offer, the Vendor shall verify whether a photocopy or an Original Sales Receipt was submitted and whether the purchase was made during the Program timeframe.

2.2.3. Product Retailer, Manufacturer, and Model Number – All product Retailers, Manufacturers, and Model Numbers shall be captured and verified against a complete list of ENERGY STAR<sup>®</sup> Product Retailers, Manufacturers, and qualified appliances.

2.2.4. Replacement and Recycling Verification – The Retailer shall provide the Consumer with some written form that verifies the replacement and recycling of the used appliance.

2.3. The Vendor may require the Consumer to submit additional physical materials to filter for fraud, such as a unique box top, Universal Product Code (UPC), something unique

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from the packaging, etc.

- 2.4. The Vendor shall report all rebate claims suspected as fraudulent to the WVDEP and the United States Postal Inspection Service as warranted and ensure the rebate claims are denied.

**3. Outreach, Education, and Marketing Plan.**

- 3.1. The Vendor shall create a Program Outreach, Education, and Marketing Plan that shall include, but not be limited to, the following:
- 3.1.1. West Virginia dedicated Program Website with Program explanation and requirements;
  - 3.1.2. Frequently Asked Questions; rebate reservation, application, and claim submission tips;
  - 3.1.3. ENERGY STAR<sup>®</sup> qualified appliances, models, and rebate levels;
  - 3.1.4. Rebate funds availability;
  - 3.1.5. Method to notify Consumers that rebate funds are being disbursed; and,
  - 3.1.6. Method to notify Consumers when rebate funds have been depleted.
- 3.2. The Vendor shall create a Website that includes online, printable materials and Website links to materials from the WVDEP, Retailers, Manufacturers, and other Partners through the Program Website and ENERGY STAR<sup>®</sup> through [www.energystar.gov](http://www.energystar.gov).
- 3.3. The Vendor shall provide online, printable materials about the Program and be able to distribute these materials to the Consumers, WVDEP, Retailers, Manufacturers, and other Partners.
- 3.4. The Vendor, working with the WVDEP, Retailers, Manufacturers, and other Partners, shall provide outreach, education, and marketing to support the Program that shall include, but not be limited to, the following:
- 3.4.1. Information on the Program:
    - 3.4.1.1. Start date;
    - 3.4.1.2. Eligibility rules;
    - 3.4.1.3. Status of available rebate funds;
    - 3.4.1.4. Eligible appliances;
    - 3.4.1.5. Rebate funds remaining; and,



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- 3.4.1.6. Environmental benefits.
- 3.4.2. Information on ENERGY STAR®;
- 3.4.3. Print and broadcast media support:
  - 3.4.3.1. Press releases;
  - 3.4.3.2. Media advisories;
  - 3.4.3.3. Public Service Announcements;
  - 3.4.3.4. Advertisements;
  - 3.4.3.5. Printed materials;
  - 3.4.3.6. Earned media (interviews and written articles);
  - 3.4.3.7. Newsletters; and,
  - 3.4.3.8. Websites.
- 3.4.4. Promotion of the WVDEP and ENERGY STAR® through the ENERGY STAR® Energy Efficiency Program Sponsor in the Consumer Product Market category;
- 3.4.5. Commitment to work with Consumers, WVDEP, Retailers, Manufacturers, West Virginia Division of Energy, West Virginia State Tax Department, neighboring states, and other Partners; and,
- 3.4.6. Establishment of separate Website portals to be made available to Consumers, WVDEP, Retailers, Manufacturers, and other Partners to track progress, get up to date information on cumulative rebates reserved and processed, monitor the environmental benefits, etc.

**4. Rebate Payments.**

- 4.1. The WVDEP shall provide rebate funds to the Vendor through invoices paid by the WVDEP to enable prompt PrePaid Credit Card issuance and Consumer payment.
- 4.2. Rebate funds shall be maintained in the Vendor's owned and managed bank account, responsible for all bank and clearing fees.
- 4.3. PrePaid Credit Cards have a 12 month expiration; it is not realistic to roll un-used PrePaid Credit Card funds back into the Program. PrePaid Credit Card funds remaining after 12 months shall be retained by the bank and escheated according to state law.

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PrePaid Credit Cards shall not include transaction fees and not include declining, or even low, balance fees.

**5. Oversight and Reporting.**

- 5.1. Exact reporting requirements have not been fully defined by the DOE, but assume very detailed electronic records shall be required each month. Information and data should be accurate and updated frequently.
  - 5.1.1. The Vendor shall, at a minimum, report to the WVDEP the following details regarding each rebate transaction:
    - 5.1.1.1. Product Type (Clothes Washer, Dishwasher, Refrigerator, Freezer or Room Air Conditioner);
    - 5.1.1.2. Manufacturer;
    - 5.1.1.3. Model Number;
    - 5.1.1.4. Purchase Price;
    - 5.1.1.5. Purchase Date;
    - 5.1.1.6. Delivery or Installation Zip Code; and,
    - 5.1.1.7. WVVEEARP Rebate Paid Date.
- 5.2. DOE shall issue clarification on any additional reporting requirements with specific Excel tools for ease of reporting.
- 5.3. The Vendor shall ensure that the WVDEP has complete access to all budget, rebate claims, and other information, as well as standard reports and custom reports via an online reporting system.
- 5.4. The WVDEP, the Vendor, and Retailers shall ensure that all information and data collected meets quality assurance and quality control guidelines agreed upon before the launch of the Program.
- 5.5. The Vendor shall coordinate Program oversight and reporting requirements with the WVDEP.
- 5.6. Reporting requirements are identified on the Federal Assistance Reporting Checklist, DOE F 4600.2. OMB Recovery Act Reports, Progress Reports, and Finance Reports (Standard Form 425) shall be used to adhere to the transparency and oversight requirements detailed in the ARRA and posted on <http://www.recovery.gov>. Due dates of certain reports may change.

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- 5.7. The WVDEP, working with the Vendor, shall submit required reports for all Program activities on a quarterly basis, with the exception of the Governor's Office Report which is due monthly and by the 1<sup>st</sup> day of the following month. The Vendor shall submit all required reports to the WVDEP on a monthly basis, at a minimum. These reports shall summarize all contract activities conducted by the Vendor for the reporting period, including:
- 5.7.1 An assessment of the ability to complete the contract within the current budget and any anticipated cost overruns.
  - 5.7.2 Description of fraud prevention and detection required by Section 2 above.
  - 5.7.3 Data regarding the issuance of rebates that are consistent with the Quarterly Progress Report template defined by DOE found at:  
[http://www.drintl.com/html/email/stateappliancebateprogram/jan10/SEEAR\\_P\\_Quarterly\\_Progress\\_Report\\_Template\\_Ver\\_1.0.xls](http://www.drintl.com/html/email/stateappliancebateprogram/jan10/SEEAR_P_Quarterly_Progress_Report_Template_Ver_1.0.xls).
  - 5.7.4 Each progress report is due to the WVDEP within fifteen (15) business days (Monday through Friday excluding public holidays) after the end of the reporting period and shall be in addition to the daily rebate status.
  - 5.7.5. Prepare a draft outline of the Final Report.
  - 5.7.6. Submit the draft outline of Final Report to WVDEP for review and approval.
- 5.8. The Vendor and the WVDEP shall plan staffing accordingly to accommodate and meet all reporting requirements and monthly tracking of metrics that shall include, but not be limited to, the following:
- 5.8.1. Total Number of Rebates Paid – The Vendor shall track rebates paid monthly for each category of ENERGY STAR<sup>®</sup> qualified appliances selected.
  - 5.8.2. Total Number of Other Incentives Paid – The Vendor shall report the other incentives paid to Consumers.
  - 5.8.3. Total Number of Appliances Recycled – The Vendor shall collect information on ENERGY STAR<sup>®</sup> qualified appliances recycled by type.
  - 5.8.4. Total Number of Jobs Created – The Vendor shall report the number of jobs that are created and retained; each job should only be reported once and shall be based on actual employees.
- 5.9. Reporting requirements shall include, but not be limited to, the following:
- 5.9.1. Number of rebates paid to Consumers by dollar amount and ENERGY STAR<sup>®</sup> qualified appliance type;

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- 5.9.2. Copies of signed information provided to the Vendor from the Consumer;
- 5.9.3. Current rebate funds remaining;
- 5.9.4. Number of rejected Consumers;
- 5.9.5. Number of calls/inquiries received, and reason for call/inquiry;
- 5.9.7. Estimated number of jobs created and retained;
- 5.9.8. Monthly accounting and bank statements on the account activities; and,
- 5.9.9. Program administrative costs broken out by the following categories:
  - 5.9.9.1. Accounting;
  - 5.9.9.2. Processing;
  - 5.9.9.3. Outreach;
  - 5.9.9.4. Education;
  - 5.9.9.5. Marketing;
  - 5.9.9.6. Tracking; and,
  - 5.9.9.7. Reporting.

**6. Partnerships and Contractual Agreements.**

- 6.1. The WVDEP has partnered with DOE and ENERGY STAR<sup>®</sup> as an ENERGY STAR<sup>®</sup> Energy Efficiency Program Sponsor in the Consumer Product Market Category to provide outreach and marketing assistance to support the Program.
- 6.2. The Vendor shall develop partnerships and explain their role and the roles of the WVDEP, Retailers, Manufacturers, and other Partners that shall include, but not be limited to, the following:
  - 6.2.1. The Vendor shall work with the WVDEP to compliment and augment partnership development.
  - 6.2.2. The WVDEP shall partner with the West Virginia Division of Energy, neighboring states, Retailers, Manufacturers, and other Partners to ensure effective delivery of the Program.
  - 6.2.3. If rebate funds are still available in the fall of 2010, the WVDEP shall partner with the West Virginia State Tax Department to align with the ENERGY

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STAR<sup>®</sup> Sales Tax Holiday on ENERGY STAR<sup>®</sup> qualified appliances,  
September 1 through November 30, 2010.

6.2.4. Partners shall include, but not be limited to, the following:

6.2.4.1. Non-Retailers:

6.2.4.1.1. DOE;

6.2.4.1.2. ENERGY STAR<sup>®</sup>;

6.2.4.1.3. West Virginia Division of Energy;

6.2.4.1.4. West Virginia State Tax Department;

6.2.4.1.5. Neighboring States; and,

6.2.4.1.6. Manufacturers.

6.2.4.2. Retailers:

6.2.4.2.1. Best Buy;

6.2.4.2.2. Sears;

6.2.4.2.3. The Home Depot;

6.2.4.2.4. Lowe's;

6.2.4.2.5. Nationwide Marketing Group;

6.2.4.2.6. Brand Source;

6.2.4.2.7. Wal-Mart;

6.2.4.2.8. Sam's Club;

6.2.4.2.9. NATM Buying Group; and,

6.2.4.2.10. MEGA Group USA.

6.3. The WVDEP shall secure both Non-Retailer Partner Agreements from Non-Retailer Partners and shall secure Retailer Participation Agreements from Retailer Partners after the completion of ongoing discussions and negotiations with each of them.

**7. Program Launch.**

7.1. Within seven (7) business days (Monday through Friday excluding public holidays) of

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award of the contract, the Vendor shall conduct Program launch meeting with WVDEP to fully define Program requirements.

- 7.2. Within thirty (30) business days (Monday through Friday excluding public holidays) of award, the Vendor shall describe and define each of the Program Tasks of their organization, WVDEP, Retailers, Manufacturers, and other Partners that shall include, but not be limited to, the following:
- 7.2.1. Assign Implementation Manager, Senior Account Manager, and Account Coordinator;
  - 7.2.2. Outline all Program requirements;
  - 7.2.3. Define Program reporting requirements;
  - 7.2.4. Engage Retailers to open the lines of communication about the Program;
  - 7.2.5. Design and create a WVDEP branded online Program;
  - 7.2.6. Design online ENERGY STAR<sup>®</sup> communications for Retailers and Consumers;
  - 7.2.7. Create an online rebate reservation, application, claim submission, and rebate tracking system;
  - 7.2.8. Script and setup custom Interactive Voice Response (IVR);
  - 7.2.9. Setup Consumer Service Toll Free telephone number;
  - 7.2.10. Setup Consumer Service E-Mail address;
  - 7.2.11. Assign P.O. Box and Consumer Service Toll Free telephone number;
  - 7.2.12. Develop Consumer Service scripts and guidelines;
  - 7.2.13. Develop leniency rules and grace periods;
  - 7.2.14. Hire additional call center staff as needed;
  - 7.2.15. Assign and train call center staff;
  - 7.2.16. Design PrePaid Credit Card marketing message, rejection, and resubmission notifications;
  - 7.2.17. Define resubmission and rejection codes;
  - 7.2.18. Develop E-Mail messages;

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- 7.2.19. Assign usernames to WVDEP staff for online reporting access;
- 7.2.20. Define and setup reporting requirements;
- 7.2.21. Launch Website; and,
- 7.2.22. Notify Consumers, Retailers, Manufacturers, and other Partners that the Program has launched.

**Vendor Payments**

The Vendor shall provide invoices for all contract services performed to the WVDEP to receive payments to administer the Program. The rate of pay shall be per 4 equal payments payable after each quarter of the total rebate funds that have been distributed.

# 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: \_\_\_\_\_ Signed: \_\_\_\_\_  
Date: \_\_\_\_\_ Title: \_\_\_\_\_

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



RFQ No. \_\_\_\_\_

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 exceeds 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: \_\_\_\_\_

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

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

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

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

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

**AFFIX SEAL HERE**

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