



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
WWV10866

PAGE
1

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

VENDOR

RFQ COPY
 TYPE NAME/ADDRESS HERE

SHIP TO

BUREAU OF EMPLOYMENT PROGRAMS
 OFFICE OF ADMIN. SUPPORT-5302

112 CALIFORNIA AVENUE
 CHARLESTON, WV
 25305-0112 558-2634

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
05/27/2010				

BID OPENING DATE: 06/29/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		915-77		
<p>TELEPHONE SERVICES</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, WORKFORCE WEST VIRGINIA, BOARD OF REVIEW, IS SOLICITING BIDS FOR DIGITAL TELECONFERENCING, RECORDING AND STORAGE OF THEIR HEARINGS, PER THE ATTACHED SPECIFICATIONS.</p> <p>ALL TECHNICAL QUESTIONS MUST BE SUBMITTED IN WRITING TO FRANK WHITTAKER IN THE PURCHASING DIVISION VIA EMAIL AT FRANK.M.WHITTAKER@WV.GOV AND CC KRISTA FERRELL AT KRISTA.S.FERRELL@WV.GOV OR VIA FAX AT 304-558-4115. DEADLINE FOR TECHNICAL QUESTIONS IS 06/09/10 AT 5:00 P ALL TECHNICAL QUESTIONS WILL BE ADDRESSED BY ADDENDUM AFTER THE DEADLINE.</p> <p>EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE.</p> <p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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**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 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>CONTRACT.</p> <p>RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p> <p>QUANTITIES: QUANTITIES LISTED IN THE REQUISITION ARE APPROXIMATIONS ONLY, BASED ON ESTIMATES SUPPLIED BY THE STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF THE CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</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</p>						

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<p>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>REV. 05/26/2009</p> <p style="text-align: center;">NOTICE</p> <p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p style="text-align: center;">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: 44</p> <p>RFQ. NO.: WWV10866</p> <p>BID OPENING DATE: 06/29/10</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 WWV10866 ***** TOTAL: _____						

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**STATE OF WEST VIRGINIA
WORKFORCE WEST VIRGINIA
REQUISITION FOR QUOTATION
WWV-10-866**

WorkForce West Virginia (WFWV), Board of Review (BOR) is responsible for conducting administrative hearings for disputed claims of unemployment compensation benefits. Currently, BOR utilizes a standard teleconferencing service to conduct telephonic hearings; manual transcription of both the telephone and on-site hearings; and hard copy and cassette storage of those transcripts. BOR desires to convert this process to digital to reduce expense and improve efficiency.

The purpose of this Requisition of Quotation (RFQ) is to solicit potential vendors to provide digital teleconferencing, recording and storage of BOR's hearings.

SCOPE OF WORK:

The successful vendor must evaluate the following information regarding current equipment, resources, and site connectivity to determine what will be required to implement digital teleconference bridging, and digital recording and storage of the telephonic hearings conducted.

Currently, BOR conducts hearings at the following West Virginia locations with the following equipment and telephone/internet service:

Location	Internet Connection	Telephone Service	Equipment Info.
200 Value City Center in Beckley	Frame Relay T1	Verizon	Laptops with Windows XP, Intel Core 2 Duo processor, 2.80 GHZ processor speed and 2GB RAM (at minimum)
1321 Plaza East in Charleston	10 meg circuit	Verizon	Same as above
320 Adams Street in Fairmont	Frame Relay T1	Verizon	Same as above
2699 Park Avenue in Huntington	10 meg circuit	Verizon	Same as above
212 Dingess Street in Logan	Clear Channel T1	Verizon	Same as above
891 Auto Parts Place in Martinsburg	Frame Relay T1	Verizon	Same as above
304 Scott Avenue in Morgantown	Frame Relay T1	Verizon	Same as above
300 Lakeview Center in Parkersburg	Clear Channel T1	Verizon	Same as above
830 Northside Drive in Summersville	Clear Channel T1	Verizon	Same as above
1275 Warwood Avenue in Wheeling	Frame Relay T1	Verizon	Same as above

MANDATORY REQUIREMENTS:**The vendor must:**

1. provide all equipment and services necessary for WFWV to utilize digital teleconference bridging, digital recording, and digital storage of unemployment insurance hearings. All costs associated with the proposed system must be clearly listed in the Cost Bid Sheet provided herewith.
2. host and store all services and related data on the Vendor's equipment;
3. provide access to these services through the internet. All web interfaces of the proposed system must be compatible with Internet Explorer versions 6.x, 7.x, and 8.x. All web interfaces of the proposed system must be compatible with the current versions of Internet Explorer, FireFox, and Netscape Navigator;
4. ensure that the proposed system will be compatible with the then-current web browsers throughout the life of any Purchase Order that results from this RFQ;
5. provide a system in which all software proposed is off-the-shelf; generally available; i.e. not in beta or test; and currently in production as proposed. All item(s) shall be new, in current mainstream production, and immediately available. The State shall not accept prototypes or items in test production and not formally announced for market availability.
6. must store and retain digital recordings of hearings for up to 2 years. Digital recordings of all hearings must be readily accessible during the entire length of their retention.
7. not purge any hearing along with that hearing's associated files without the written approval of a designated BOR employee(s).
8. provide a secure method of purging the hearings and associated files/data to a status from which it cannot, for all practical purposes, be recovered equivalent to or better than Department of Defense wipe;
9. have measures in place to ensure that only hearings approved for purging are purged. Responders must provide quarterly destruction request log to BOR which must be approved in writing by designated BOR employee(s).
10. notify WFWV within one hour of the beginning of the lapse in service if the successful vendor is unable to provide services.
11. In the event of a disaster affecting the ability of the successful vendor to provide services, the vendor must notify WFWV within three hours of the estimated date and time of service restoration.
12. provide system redundancy, fault tolerance, and a fully functional and tested disaster recovery facility..
13. securely destroy all WFWV records following WFWV's extraction.
14. ensure the security of unemployment insurance records, including compliance with applicable State and Federal data privacy statutes, in complete detail.
15. require that all employees of the successful vendor who shall have access to the information acquired through the execution of any Purchase Order resulting from this RFQ must sign a data confidentiality agreement ensuring WFWV that all staff with access to West Virginia unemployment insurance records complies with the requirements of West Virginia data privacy statutes.
16. restrict access to the proposed system by WFWV staff via a secure socket layer protocol.
17. Provide a method of encrypting data in transit equivalent to or better than SSL3.0(Secure Socket Layer)
18. generate itemized, monthly reports showing usage of the dial out conference bridge by BOR, length of call, origin of call, destination of call, date, and time of calls, etc. Reports must be able to be broken down and provided in a manner which shows records of calls by date, Applicant ID, Issue ID number, issue sequence number, and Law Judge, at the request of WFWV staff. Such requests shall not be made more than 12 times per year.

19. submit monthly bills to WFWV for the previous month's usage within 15 calendar days of the month being billed. Monthly bills must include, at a minimum, the following information: a unique invoice number and invoice date, vendor address, Purchase Order Number WWV-10-862, call date, call start time, call duration, number of participants, charges per call, Law Judge Name, phone number(s) called, origin of call, and total charges.
20. maintain a domestic Help Desk for troubleshooting problems and assisting users. The Help Desk must be operational 7 A.M. to 6 P.M. ET, Monday to Friday, excluding State Holidays. The Help Desk must be accessible via a local or toll-free telephone number.
21. provide WFWV with all on-site training for approximately 25 key personnel from WFWV's BOR staff necessary to properly use the proposed system. Training must be provided for all 25 BOR staff at one time and will require a maximum of 6 hours.
22. provide training materials for 25 BOR employees that can be used by these key personnel to train other users.
23. have three years' experience in implementing conference bridging, digital recording and storage in an integrated system. At least one completed project must be similar to this project in size and scope.

The proposed system must:

1. file hearings by the following index values: Issue ID Number, Issue Sequence Number, Applicant ID, Employer Account Number, Hearing Date, Hearing Time, Unemployment Law Judge, Applicant Name, Employer Name, Telephone Numbers, Witnesses' Names, Witnesses' Telephone Numbers, Representatives' Names and Representative's Telephone Numbers.
2. allow for the establishment of hearing records via an upload from WFWV.
3. allow either a nightly electronic transfer or an automatic transfer of the data from WFWV to the successful vendor.
4. have a mechanism to alert the BOR to discrepancies between record uploads from WFWV and records entered manually by BOR via the successful vendor's web interface. Note: WFWV does not anticipate transmitting social security numbers or employers' federal identification number as a part of the transmitted record.
5. allow entry of calling data (phone numbers of the parties involved) prior to a hearing to provide efficient calling of all parties. Call data must be able to be added automatically via an electronic interface and manually via a web page(s).
6. be capable of calling and connecting all parties involved in a hearing.
7. not call and connect the parties involved in a hearing without being commanded to do so by the BOR or other authorized WFWV user.
8. be capable of auto-dialing extension phone numbers and navigating auto-attendant phone systems.
9. be capable of dialing international numbers.
10. provide both audible and visible (through the web interface) cues to notify the BOR when any party becomes disconnected during the hearing. Such cues must not be a tone that would trigger disconnect if the recording is replayed at a subsequent time.
11. include audio quality control, add/drop capability, and muting capability.
12. have a high volume capacity, such that up to 10 separate participants may participate in one conference call.
13. have the capacity to set up and record 10 simultaneous hearings with at least five (5) participants each.
14. be capable of hosting at least 2,000 conference calls per year, and must be scalable to 4,000 conference calls per year.

15. be capable of recording at least 1,000 minutes of conferences per day, scalable to 2,000 minutes per day. Calls will have an average length of 60 minutes per hearing.
16. allow for access, selection, and playback of prior hearing recordings during a subsequent hearing such that all parties on the teleconference can hear the prior recording. The playback must be able to occur while continuing to record the subsequent hearing.
17. permit users the capability to create or customize "markers" to tag or "bookmark" noteworthy events in the recording (i.e., oath, introduction of exhibits, applicant, employer, and witness testimony, etc).
18. allow authorized staff access to hearing recordings for selection and playback.
19. save hearing recordings in a format (such as .wav) that does not require special software to listen to.
20. permit authorized users to make a copy of the recording via digital media and/or file transfer.
21. permit searching for recorded hearings by index values including: Applicant ID, Issue ID, Employer Account Number, and Unemployment Law Judge's Name.
22. permit the user to search for and playback bookmarked events from a hearing, while recording the same hearing.
23. be available and functionally operational 99% of the time, Monday-Friday, 6:00 A.M. CT to 6:00 P.M. CT, not including State Holidays, such that the proposed system is available and functionally operational for 99% of all minutes within each calendar month. Force Majeure events shall not be counted against the successful vendor for the purposes of this requirement.

State of West Virginia
WorkForce West Virginia
RFQ # WWV-10-866
Cost Bid Sheet

ONE TIME COSTS:

On-Site Training
6 (estimated number of hours) x _____ (hourly rate) = \$ _____

System Configuration and Customization
20 (estimated number of hours) x _____ (hourly rate) = \$ _____

Initial programming
20 (estimated number of hours) x _____ (hourly rate) = \$ _____

TOTAL ONE TIME COSTS \$ _____ (1)

SOFTWARE REQUIREMENTS:

Itemized list of software* required

\$ _____

TOTAL SOFTWARE COSTS: \$ _____ (2)

COST FOR CALLS:**

\$ _____ (rate per minute)
Multiplied by 130 calls per month
Multiplied by 120 minutes (2 hours per call)
Multiplied by 5 participants per call = \$ _____ (3)

Grand total of Costs (1) + (2) + (3) = \$ _____
TOTAL BID

*A list of additional computer hardware needed is to be listed separately and will be purchased under an existing State-wide contract separate from any contract resulting from this RFQ

**Rate per minute should include all long distance charges, conference bridging charges, recording of hearings, storing of recordings and retention, and unlimited access to download and replay recordings.

Note: The number of calls, minutes and participants provided herein are for cost estimating purposes only and are not intended to reflect current volumes.

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 exceed five percent of the total contract amount.

EXCEPTION: The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

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

WITNESS THE FOLLOWING SIGNATURE

Vendor's Name: _____

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 _____