



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
 WWV11865

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
07/14/2010				

BID OPENING DATE: 08/12/2010 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		961-20		
<p>CONSULTING SERVICES.</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, WORKFORCE WEST VIRGINIA, IS SOLICITING BIDS FOR CONSULTING SERVICES FOR THE REGIONAL INNOVATION GRANT PER THE ATTACHED SPECIFICATIONS.</p> <p>ALL TECHNICAL QUESTIONS MUST BE SUBMITTED IN WRITING TO FRANK WHITTAKER IN THE WV PURCHASING DIVISION VIA EMAIL AT FRANK.M.WHITTAKER@WV.GOV OR VIA FAX AT 304-558-4115. DEADLINE FOR TECHNICAL QUESTIONS IS 07/26/10.</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 CONTRACT.</p> <p>RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
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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 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>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 WITHOUT FURTHER ORDER.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT</p>						

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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. REV. 05/26/2009 NOTICE A SIGNED BID MUST BE SUBMITTED TO: DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130 THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED: SEALED BID BUYER:----- RFQ. NO.:----- BID OPENING DATE:----- BID OPENING TIME:-----						

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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 WWV11865 ***** TOTAL: _____						

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**STATE OF WEST VIRGINIA
WORKFORCE WEST VIRGINIA
REQUISITION FOR QUOTATION
WWV-11-865
(Regional Innovation Grant Consultant)**

GENERAL INFORMATION

1.1 Purpose:

WORKFORCE WEST VIRGINIA "WFW" is soliciting bids from qualified vendors to provide consulting services for the RIG (Regional Innovation Grant). WFWV is an agency operating under the Department of Commerce.

1.2 Project Overview:

The mission or purpose of the project is to provide consulting services for the RIG (Regional Innovation Grant): Workforce West Virginia- WV Project No. WV-13. The project is formally recognized as WV-Advantage Valley and resides in the Workforce Investment program in WORKFORCE WEST VIRGINIA (WFWV), for the State of West Virginia.

Dislocated workers programs are mandated by the State of West Virginia and within the Workforce Investment program that offers employment and training opportunities to people with barriers to employment. These opportunities are coordinated through state, educational, and service agencies.

The WFWV management adheres to state and federal law surrounding dislocated worker programs. The funding for this project is provided through a National Emergency Grant (NEG) application. The grant is authorized pursuant to Title 1, Section 173 of the Workforce Investment Act (WIA) with a project period effective January 25, 2010 and ending July 24, 2011.

As part of the skill shed and asset mapping studies, the project is to analyze opportunities for developing apprenticeships with regional employers. The RIG will develop a Science, Technology, Engineering and Math (STEM) referral system, striving to assure accurate measures of workforce resources, simplistic and friendly administrative processes and efficient matching of labor resources to economic needs.

The purpose of the partnership is to coordinate resources among the agencies and organizations in Advantage Valley that provide economic development, workforce development, and education to ensure the following principles of the Workforce Innovation in Regional Economic Development (WIRED) are implemented:

1. Form core leadership groups
2. Conduct SWOT (strengths, weaknesses, opportunities and threats) analysis
3. Create shared regional identity and vision for the regional economy
4. Develop regional identity and vision for regional economic growth

5. Devise "SMART" strategies
6. Leverage resources and implement transformational strategy

1.3 Inquiries:

Additional information inquiries regarding specification of this RFQ **must** be submitted in writing to the State Buyer addressed to:

Frank Whittaker, Buyer
Purchasing Division
2019 Washington Street, East
P.O. Box 50130
Charleston, WV 25305-0130
Fax: 304-558-4115

1.4 Vendor Registration:

Vendors participating in this process should complete and file a **Vendor Registration and Disclosure Statement** (Form WV-1) and remit with registration fee. Vendor is not required to be a registered vendor in order to submit a bid, but the **successful bidder must** register and pay the fee prior to the award of an actual purchase order or contract.

1.5 Oral Statements and Commitments:

Only information issued in writing and added to the Request for Quotation (RFQ) specifications file by an official written addendum are binding.

1.6 Location:

Agency is located at:

WORKFORCE WEST VIRGINIA
112 California Avenue
Charleston, West Virginia 25305

2.1 Background:

WORKFORCE WEST VIRGINIA; WV §21A-1-4; is a State agency funded by the federal government, which provides a comprehensive plan for identifying potential skill levels within the dislocated worker pool. This program has been approved, as administered, by the U.S. Department of Labor (DOL), CFDA 17-260, WIA Dislocated Workers. WORKFORCE West Virginia is a network of workforce development services designed to provide West Virginia's citizens and employers the opportunity to compete in today's competitive global economy. By making available the appropriate educational and training opportunities, West Virginia can provide its citizens with the work skills needed by businesses currently in the state or planning a West Virginia location.

As of December 31, 2009, WFWV identified a project region known as Advantage Valley, which encompasses 12 counties in three states: West Virginia, Ohio and Kentucky. From January 1, 2008 to June 30, 2008, WORK FORCE WV recognized four major dislocations in the Advantage Valley region. As a result of these major

dislocations, 453 workers were affected. Specific counties affected in West Virginia are Kanawha, Putnam, Cabell, Boone, Clay, Lincoln, Mason, and Wayne. Boyd, Carter, and Greenup are counties affected in Kentucky, along with Lawrence County in Ohio.

The economic impact of the layoffs has been tremendous. Consequently, the Advantage Valley region is now challenged with determining the potential skill level of the worker's talent pool. The unifying goal is to develop a Strategic Implementation Plan for workforce and talent development that positions the region with the skilled workforce for growing and targeting industry clusters that offer the best economic development opportunities based on the regions assets. Other activities to be conducted utilizing grant funds and leveraged resources will include regional skill shed and asset mapping studies. The region is served by a three state partnership through the Advantage Valley Core Leadership Team and the Advantage Valley Advisory Team

WFWV management shares the objectives of WIA Dislocated Workers to have systems that allow for maximum flexibility in a dynamic dislocated workers program while acknowledging the need for predictability of identifying assets and talent pools relative to existing or potential economic development in the States of West Virginia, Ohio and Kentucky.

The project places a great emphasis on the development, demonstration and maintenance of quality workforce identification within the Advantage Valley region. A part of this commitment is reflected in recognizing the location pools and availability of skilled workers for the growing and targeted industry clusters.

PROCUREMENT SPECIFICATIONS

3.1 General Requirements:

WFWV desires, and expects as a result of the consulting study, to have a Strategic Implementation Plan (SIP) for workforce and talent development that will position the Advantage Valley region with a talent based, skilled workforce, and through the SIP will achieve the following objectives:

- a. identify a workforce for growing and targeted industry clusters that offer the best economic development opportunities for the regions assets;
- b. predict a regional skill shed;
- c. complete a SWOT analysis (strengths, weaknesses, opportunities and threats) to guide research, planning, and program creation for emerging industries;
- d. provide asset mapping studies;
- e. increase the number of stakeholders involved with the project;
- f. increase the understanding of roles in the WIRED framework for economic and workforce or talent development;
- g. collaborate with core leadership for analysis and implementation of the SIP (strategic

implementation plan);

- h. identify funding and resources available or needed to implement and sustain the SIP.

offset the effects of job loss events by recruiting, educating, training, preparing, and placing dislocated workers and other untapped labor pools for employment opportunities in growing and targeted industries.

3.2 Timeline:

In order to fulfill the Program's requirements the following dates **must** be met. Any deviation from the following timeline must have prior written approval from WFWV:

September, 2010	Work commences
October, 2010 (during)	Quarterly WIRED training PROGRESS REPORT
November 30, 2010	Develop research design process <i>Quarterly Core leadership meeting</i> PROGRESS REPORT
December, 2010	Identify and map regional assets and resources Conduct SWOT analysis PROGRESS REPORT
January, 2011	Implement plan to share findings with stakeholders Identify agencies receiving workforce development funding Assess the current economic landscape Quarterly WIRED training PROGRESS REPORT
February, 2011	Identify training and educational programs in the STEM professions <i>Quarterly Core leadership meeting</i> PROGRESS REPORT
March, 2011	Quarterly WIRED training PROGRESS REPORT
March, 2011 (during)	Identify training needs for targeted industry clusters and economic drivers Identify and map the skill/talent sheds; develop social network based on analysis <i>Quarterly core leadership meeting</i> PROGRESS REPORT
May 15, 2011	Draft report Quarterly WIRED training

July, 2011	<i>Final Core leadership meeting</i> Exit conference Delivery of final report
April 2011 through July, 2011	Presentations of information on the Regional Strategic Plan
July, 2010 through July, 2011	<ol style="list-style-type: none"> 1. Recruit additional partners and stakeholders 2. Develop working agreements between new project partners and stakeholders 3. Identify and secure additional leveraged resources 4. Develop and update the social networking architecture and technology components 5. Identify and develop core strategies to address workforce challenges 6. Organize a set of goals, strategies, action steps, and resource needs to implement and sustain a Comprehensive Implementation Plan for workforce and economic development

3.3 **Mandatory Requirements:**

To be considered for the contract, vendors **must** first meet the mandatory criteria listed in this section. The bids from vendors failing to meet the mandatory criteria will not be considered further in the evaluation process.

The vendor **must** be able to conduct the work and prepare the reports as outlined in the Scope of Work identified in this RFQ.

The vendor **must** have experience in consulting and plan design services to a client involving dislocated workers, employee location pools, identification and availability of skilled workers and industry clusters.

The vendor's professional personnel **must** have met continuing professional education requirements as mandated by their profession within the preceding two years.

The vendor **must** not have any litigation taken or pending against the vendor during the past three (3) years by any government regulatory bodies.

The vendor **must** not have any external quality control review reports that reflect negatively on the vendor within the past three (3) years.

The vendor **must** be able to deliver the reports required in the time provided in section 3.2 under Timeline.

Vendor must have provided similar services as requested in this RFQ for at least two other clients

Vendor must have knowledge of the Federal State and Regional Workforce Investment Act (WIA)

Vendor must ensure that each employee assigned to this project must have at least one year of experience in providing consulting services related to the Workforce Investment Act.

3.4 Scope of Work

The purpose of these services is to assist the WFWV and the Workforce Investment program in fulfilling the requirements of West Virginia State Code and federally funded project, WV Advantage Valley. The vendor will have the use of the results of the following internet tools and studies:

WIRED materials
DOL webinars,
Workforce3one.org resources

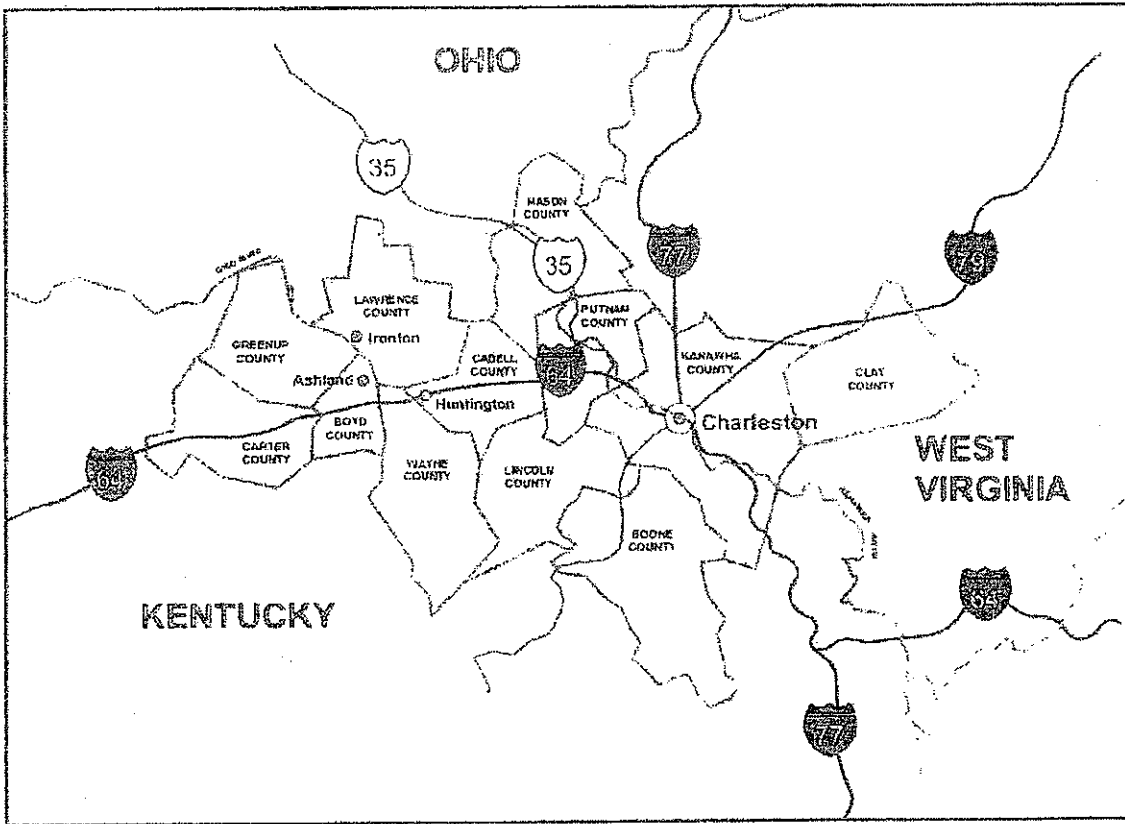
Labor Shed Study by the WV Development Office
Labor Market Information from WV, KY, and OH
Targeted Industry Information from WV, KY, and OH

The following services **must** be provided:

- a. Participate in an on site entrance conference involving interviews of management and other significant staff.
- b. Make a professional analysis and prepare a regional Strategic Implementation Plan (SIP) for Workforce and Talent Development related to Advantage Valley. The SIP **must** include the following:
 1. identification of industry clusters;
 2. analysis of census data related to laborer sheds and worker community patterns;
 3. research and data analysis;
 4. a table that combines the findings of b.1, b2 and b.3;
 5. an analysis and discussion of the SWOT (Strength, Weakness, Opportunity and Threats) identification of industry clusters;
 6. suggestions on how to meet the workforce needs of the twenty-first century industries grown and competing in a global economy using "real time" information to shorten the critical path between "available" to "working" that will align the continuum of education and workforce training programs with economic development opportunities;

7. conduct a feasibility study to develop a STEM (science, technology, engineering and math) referral process development system for the dislocated worker that will provide students and dislocated workers in the STEM career pathways with education and workforce services;
 8. a table of implementation goals for the Regional Strategic Implementation Plan;
 9. a one to two page executive summary of conclusions written in plain English with index references to the body of the report;
- c. **30 bound** original copies and an electronic **Microsoft Word 2007** copy of the final report and electronic **Microsoft Excel 2007** copy of all tables and charts
 - d. The study shall incorporate innovative tools such as asset mapping, social networking architecture, and interactive map overlaying in the design of the strategic plan to detail KASOC (knowledge, ability, skill, and other character) sheds;
 - e. Provide a physical and an electronic copy of work papers, tables and models in **Microsoft Word and Excel 2007** format;
 - f. Provide a physical and an electronic copy of a presentation outlining the basis and implementation of the Strategic Implementation Plan (SIP) in **Microsoft Power Point 2007** format;
 - g. Provide three (3) on site consultations, which may include presentations at meetings or presentations to the Legislature, in addition to the entrance and exit conferences;
 - h. Provide an on site exit conference with management and significant staff as designated by the Commissioner of WorkForce West Virginia;
 - i. Provide status reports per section 3.2 to the designated WFWV representative.
 - j. Attend a joint meeting of the executive committees of the Kentucky, Ohio and West Virginia Workforce Investment Boards.
 - k. Review and provide assistance of marketing and promotional awareness items.
 - l. Provide assistance in reviewing various analysis software that may include features for asset mapping, interactive or live layer mapping, custom or express reports, benchmarking reports, comparison reports, geography rank reports, radius or drive-time analysis, new functionality to password protect LMI data uploads.

Map of Advantage Valley Region



WORKFORCE WEST VIRGINIA
Cost Proposal/Bid Sheet for RFQ WWV-11-865
(Regional Innovation Grant Consultant)

Name of Proposing Firm or Vendor:

Task	Number of Hours*	Rate per hour	Total Proposed Cost
Entrance Conference (3.4 a.)	40		
Consulting Report including SIP and feasibility studies (3.4 b. 1-8)	200		
Physical and electronic copies of work papers (3.4 c.)	16		
Three (3) on-site consultations (3.4 g.)	24		
Power Point presentation of SIP (3.4.f)	40		
Review or assist in marketing or promotional items (3.4.k)	40		
Monthly status reports (3.4 i)	240		
Analyze analysis software (3.4.l)	160		
Exit Conference (3.4 h.)	40		
Grand Total	800		**

*Number of hours provided above are for calculation and comparison purposes only and are not intended to reflect the number of hours projected to complete each task listed.

Note: The hourly rates listed are considered firm for the life of any purchase order that results from this RFQ.

Ancillary expenses (travel, meals, lodging, etc.) are to be included in Total Proposed Cost and proposed hourly rates.

**Bid award will be based on the Grand Total of the Total Proposed Costs

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.

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 _____