



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

Request for Quotation

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| RFQ NUMBER |
| DPS1212 |

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| ADDRESS CORRESPONDENCE TO ATTENTION OF: |
| TARA LYLE 304-558-2544 |

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| VENDOR |
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| SHIP TO |
| WEST VIRGINIA STATE POLICE 4124 KANAWHA TURNPIKE SOUTH CHARLESTON, WV 25309 304-746-2141 |

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| DATE PRINTED 11/30/2011 | TERMS OF SALE | SHIP VIA | F.O.B. | FREIGHT TERMS |
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BID OPENING DATE: 01/05/2012 BID OPENING TIME 01:30PM

| LINE | QUANTITY | UOP | CAT. NO. | ITEM NUMBER | UNIT PRICE | AMOUNT |
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| 0001 | 1 | LS | | 952-39 | | |
| SUITABILITY ASSESSMENT SYSTEM OPEN-END CONTRACT OPEN-END CONTRACT TO PROVIDE AN INTEGRATED SUITABILITY ASSESSMENT SYSTEM TO SUPPORT SCREENING AND SELECTION OF APPLICANTS TO THE WV STATE POLICE TROOPER POSITION, PER THE ATTACHED SPECIFICATIONS. INQUIRIES: WRITTEN QUESTIONS WILL BE ACCEPTED UNTIL CLOSE OF BUSINESS ON 12/19/2011. QUESTIONS MAY BE SENT VIA USPS, FAX, COURIER OR E-MAIL. IN ORDER TO ASSURE NO VENDOR RECEIVES AN UNFAIR ADVANTAGE, NO SUBSTANTIVE QUESTIONS WILL BE ANSWERED ORALLY. IF POSSIBLE, E-MAIL QUESTIONS ARE PREFERRED. ADDRESS INQUIRIES TO: TARA LYLE DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305 FAX: 304-558-4115 EMAIL: TARA.L.LYLE@WV.GOV | | | | | | |

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| SEE REVERSE SIDE FOR TERMS AND CONDITIONS | | | |
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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.html 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>EXHIBIT 3</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON AWARD AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE.</p> <p>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 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</p> | | | | | | |

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| <p>CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p> <p>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>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN STATE CONTRACT ORDER (FORM NUMBER WV-39) TO THE VENDOR FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL COPY OF THE WV-39 SHALL BE MAILED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT, A SECOND COPY MAILED TO THE PURCHASING DIVISION, AND A THIRD COPY RETAINED BY THE SPENDING UNIT.</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 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>PURCHASING CARD ACCEPTANCE: THE STATE OF WEST VIRGINIA CURRENTLY UTILIZES A VISA PURCHASING CARD PROGRAM WHICH IS ISSUED THROUGH A BANK. THE SUCCESSFUL VENDOR</p> | | | | | | |

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| <p>MUST ACCEPT THE STATE OF WEST VIRGINIA VISA PURCHASING CARD FOR PAYMENT OF ALL ORDERS PLACED BY ANY STATE AGENCY AS A CONDITION OF AWARD.</p> <p>VENDOR PREFERENCE CERTIFICATE</p> <p>THIS TEAM EXHIBIT HAS BEEN REPLACED BY THE ONLINE VERSION WHICH IS AVAILABLE HERE: HTTP://WWW.STATE.WV.US/ADMIN/PURCHASE/VRC/VENPREF.PDF</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:-----TL/32-----</p> <p>RFQ. NO.:-----DPS1212-----</p> <p>BID OPENING DATE:-----01/05/2012-----</p> | | | | | | |

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| BID OPENING TIME: ----- 1:30 PM ----- 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 DPS1212 ***** TOTAL: _____ | | | | | | |

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DPS 1212

The West Virginia State Police are soliciting competitive bids for a vendor to provide an integrated suitability assessment system to support screening and selection of applicants to the West Virginia State Police Trooper position. This system must have direct utility to our existing selection processes including background and personal history investigation, as well as assessment of the relevant cognitive, educational and inter-personal abilities necessary to perform critical job components and duties of this position. The system must assess suitability to complete training and subsequently, perform the duties of a West Virginia State Trooper as well as gather, organize and evaluate applicant background and personal history information for us in our background investigation and review process.

SPECIFICATIONS

1. The vendor will use a pre-conditional offer of employment personal history/background questionnaire. This questionnaire provides for the collection of detailed personal history/background information on law enforcement applicants. The questionnaire must be able to be completed on-line, over the Internet and administered through a secure site under the control of the vendor. Vendor must have a fully developed production on-line questionnaire with a history of significant utilization in support of law enforcement employment selection processes. Newly developed and/or "beta" versions without a history of sustained viability may not be considered. Evidence of vendor site control, vendor experience and the use of the on-line questionnaire must be provided. The following scores and reports are necessary to support our selection process:

A. For each applicant, a set of detailed reports derived from personal history must be provided to include:

1. Background Investigators report of a comprehensive compilation of the applicant's personal life history. The data must be organized into sections as follows:

SECTION 1 – Identifying information: contains name and SSN.

SECTION 2 – Detailed information regarding residences, parents and Siblings and drivers license information

SECTION 3 – Educational History

SECTION 4 – Detailed employment history for the past 10 years. This section must include:

Basic descriptive information (name, address, telephone number of employer, dates of employment, description of duties, supervisor name, reason for leaving place(s) of employment.

Performance and/or disciplinary incidents.

SECTION 5 – Military History – Dates of service, rank progression, disciplinary history, discharge status

SECTION 6 – Marital Status, Family Information, Information regarding marriage, children

SECTION 7 – Legal. This section must contain a history of infractions, arrests, integrity violations and civil actions as well as dispositions.

SECTION 8 – Substance Abuse – History of use of illegal substances and description of current use of legal substances.

SECTION 9 – Applications to other agencies (include dates of application and disposition.)

SECTION 10 – Other legal incidents; includes incidents of domestic violence.

2. **LIFE EVENTS REPORT:** This must include a summarization of the information described above to be used by background investigators and reviewers to identify pertinent issues prior to conducting their interview. The report must organize pertinent data into “life events” identified by background investigators as germane to evaluating applicant personal history. The life event report must include a “begin and end date” for each event(s) in question and as well as the frequency of these events (if applicable).

3. **CRITICAL ITEMS REPORT:** This report analyzes life event data and identifies critical items and negative indicators used to focus background investigation review as well as to generate specific risk scores used to assess applicant suitability. Critical items and Negative indicators are further defined below:

Critical Items: Are items, which have been directly linked, through published research, to specific job outcomes in law enforcement.

Negative Indicators: Are items, which although linked to negative outcome by subject matter experts have not been empirically validated and, as such are identified as items for investigator follow up.

4. **BIODATA SUMMARY:** This report must contain a listing of the various bio data indices as well as an overall risk rating for each applicant's background.
 5. **DISCREPANCY REPORT:** This report must contain discrepancies that are identified when the applicant's responses are compared to previous applications to the West Virginia State Police and/or other law enforcement agencies in the vendor's proprietary data base.
- B. An initial eligibility list, rank ordering applicants in terms of overall suitability for initial referral subsequent selection stages in terms of both suitability and selection efficiency, must be available within 1 week of test administration.
 - C. Screening reports documenting and detailing life history, cognitive ability/educational achievement and interpersonal ability scores into a single suitability prediction. The report must also include specific findings in each of these areas for use by interviewers and background reviewers.
 - D. Comprehensive suitability reports. These reports are generated on final candidates only (those who have successfully completed background review and oral interview/interpersonal skills evaluation.). These reports combine results of the above measures (background, cognitive/educational test, interpersonal ability/style test) with an interview. The reports must provide specific performance related information for use by training officers and supervisors with reference to areas for remediation, supervisory focus, etc. Suitability scores must be available within 24 hours after candidate interviews. Comprehensive suitability reports must be available within 2 weeks of interview completion.

In addition, information and predictions provided by this system must conform to the following:

1. The instrument(s) selected must sample information from multiple domains, such as cognitive ability, educational history, interactive ability, employment/life history, and vocational attitudes. Similarly the initial eligibility rankings must also be based on scores from multiple domains. Documentation describing the predictive validity of each domain to specific job outcomes, as well as the independent contribution of each domain in predicting these outcomes, must be provided. Furthermore, the predictive validity of the instruments must be shown to have been verified through specific criterion research.

The characteristics of the population used to verify validity must be congruent with the West Virginia State Police applicants screened in the past 10 years in terms of size (applicant pool), demographics, and initial qualifications. Data presented in these studies must be drawn from comparison of applicant groups

rather than a concurrently compared to incumbents. Criterion must be objectively defined job outcomes (e.g. failure to complete training, disciplinary action) directly applicable to the duties, responsibilities and critical performance of a West Virginia State Trooper as defined by occupational analysis. Specific preference will be given to peer reviewed research which has appeared in recognized academic journals.

2. The proposed process/instruments must be shown to have minimal adverse impact on minority groups. Documentation to this effect must be provided.

Similar to 1 above, documentation of selection ratios with reference to specific groups must be congruent with the characteristics of the West Virginia State Police applicants screened in the past 10 years in terms of size (of applicant pool), demographics, and initial qualifications. The critical performance attributes of the target job must also be congruent with the duties of a West Virginia State Trooper as defined by occupational analysis. The results must include no less than 500 applicants and no more than 10 years of past history. The results cited must also relate only to the specific instruments/process proposed.

3. Necessary documentation, training and supervision to the West Virginia State Police Personnel Director for administration of assessment instruments must be provided. Similarly, a program for follow up consultation and decision making support must be provided. Finally, the proposal must include an ongoing program for validation of suitability predictions as well as evaluations of the effectiveness of the screening program as compared to previous academy training yields and initial job performance of graduates.
 - E. Sample reports (life history reports, screening reports, comprehensive suitability report) and description of scoring scheme.
 - F. Cost of ancillary and/or support services (ongoing validation and effectiveness evaluation: training and decision making support)
 - G. Qualifications of Vendor and/or Vendor's Staff or other individuals who would perform the professional and artistic services.
 - i. Description of Company and Services
 - ii. Qualifications of principal service providers. Include education and professional license information for all proposed service providers. Indicate if these providers are full time employees or subcontractors.
 - iii. List of contracts and references including the number of similar assessments performed for and each referenced client and the dates that these services were provided.
 - iv. Description of published, peer reviewed, research based on the data and or processes to be utilized in this project.

SCREENING REPORT SPECIFICATION

A report documenting and detailing life history, cognitive ability/educational achievement and interpersonal scores into a single suitability prediction. The report must also include specific findings in each of these areas for use by interviewers and background reviewers. These reports must be available within 3 working days of completion of assessment process and must be able to be transmitted in secure electronic format. This report must combine life history and bio-data information collected by the pre-conditional offer of employment, personal history/background questionnaire described above at 3.A with results of psychometric test (cognitive, educational and personality/interactive abilities) described above at 3.B into a single document. This report must integrate data from not less than three domains.

- 1, Cognitive Ability/Educational Potential
2. Background/Life History
3. Interactive/Interpersonal Abilities

This report must place applicants into a suitable category:

CATEGORY 3: Minimum standards are met. While a minor negative indication may exist, testing shows that the candidate should satisfactorily complete the application process and should have satisfactory job performance.

CATEGORY 2: Numerous minor negative factors are indicated in testing. While the candidate may be suitable, performance is likely to be marginal

CATEGORY 1: Major contra-indication is suggested by the testing. There is a significant likelihood that the candidate will not successfully complete the application process, training and/or will perform unsatisfactorily.

Within each category, this report should identify negative indicators within specific areas,

Background
Intelligence
Education
Work History
Personality
Honesty & Integrity

This report must also contain specific "on the job" performance predictions. These predictions must be based on published research and compare each applicant's bio-data and psychometric test scores to the vendor's research database. Based on this information, this report must predict the probability of the following outcomes:

Selection Process Success-passing all stages of the typical law enforcement employment process (aptitude, oral board, background, suitability and being placed on an eligibility list)

Completion of Training and/or Probation-selected from eligibility list, employed successfully completing academy and field training, remaining employed 12 months (subsequent to training) without significant performance problems.

Disciplinary Action/Job Dysfunction-experienced disciplinary action (multiple reprimands, brief suspensions, terminations) for specific job related infractions such as lateness, attendance, conduct, integrity, use of force.

AWARD

The contract will be awarded to the vendor with the most complete bid meeting all of the specifications with the lowest grand total.

END OF SPECIFICATIONS

Bid Form DPS 1212

| DPS 1212 | | BID OPENING: | | |
|---|---|----------------------------|--------------|----------------|
| Item # | Description | *Estimated Annual Quantity | Unit Price | Extended Price |
| 1. | Phase I – Preliminary Screener Report – per candidate | 220 | \$ | \$ |
| 2. | Phase II – Comprehensive Evaluation Reports – per candidate | 100 | \$ | \$ |
| 3. | Administrative fee for non-complete or fail to appear for interview – per candidate | 10 | \$ | \$ |
| 4. | Annual renewal fee of on-line security access Year One | 1 | \$ | \$ |
| 5. | Annual renewal fee of on-line security access Year two | 1 | \$ | \$ |
| 6. | Annual renewal fee of on-line security access Year three | 1 | \$ | \$ |
| Failure to use this form may result in disqualification. | | | Total | \$ |
| <p>Bidder / Vendor Information:</p> <p>Name: _____</p> <p>Address: _____</p> <p>Phone #: _____</p> <p>Email Address: _____</p> | | | | |
| <p>Contact Coordinator Information:</p> <p>Name: _____</p> <p>Address: _____</p> <p>Phone #: _____</p> <p>Email Address: _____</p> | | | | |
| <p><small>*Quantities are estimated annual usage for bidding purposes and bidder's information.</small></p> | | | | |

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 _____

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.