

ATTACHMENT 1: REQUEST FOR PROPOSALS (RFP) INFORMATION

A. VENDOR INSTRUCTIONS

1. General Information Regarding Proposals

- 1.1 Contact – The Purchasing Agent of the West Virginia State Treasurer’s Office (STO) is the **sole** contact in the STO after the release of the Request for Proposals (RFP).
- 1.2 Quiet Period
 - 1.2.1 A quiet period will commence upon issuance of the RFP and end upon issuance of a purchase order.
 - 1.2.2 **Vendors shall not make direct or indirect contact with personnel or consultants of the STO during the quiet period to discuss or request information about any aspect of the procurement including the RFP or its associated evaluation process, except as authorized in the RFP. Violation of this clause will result in proposal disqualification.**
- 1.3 Proposal Purpose – The purpose of a proposal is to demonstrate the ability of the Vendor to provide the Services. Proposals should be written to allow easy determination all requirements have been met and exactly what you offer, as well as to facilitate evaluation.
- 1.4 Verbal Statements – Any verbal representations made or assumed to be made during any oral discussions held between a Vendor’s representative and any STO personnel are not binding. Only matters contained in the RFP and in written addenda to the RFP are binding on the STO.
- 1.5 Proposal Completeness – Each proposal shall address all specifications in the RFP in a simple, economical, concise manner. Emphasis should be placed on completeness and clarity of content. Failure to respond to or to offer to provide requirements or mandatory specifications will result in disqualification of the proposal. Vendor must be able to provide the Services and the proposal must state that the offer made meets the requirements of the RFP.
- 1.6 Governing Law – All proposals, any resulting purchase order, the Vendor and any subcontractor or partner are governed by and shall comply with the West Virginia Code and any other applicable laws, rules, regulations and policies.
- 1.7 No Rights Granted – Proposals submission or receipt of proposals by the STO confer no rights upon the Vendor, nor create any obligation on the STO.
- 1.8 RFP Withdrawal, Cancellation or Modification – The STO may withdraw, cancel or modify an RFP at any time. Submission of proposals or receipt of proposals by the STO confer no rights upon the Vendor and do not obligate the STO in any manner.
- 1.9 Proposal Withdrawal or Modification – Proposals may be withdrawn or modified only prior to proposal opening date and time upon submission of a written request to the Purchasing Agent, signed by an authorized representative of the Vendor. A modification shall be worded or sealed so as not to reveal the proposed costs.
- 1.10 Proposal Cannot be Changed After Opening – Proposals cannot be supplemented, modified, amended or withdrawn after the Proposal opening.
- 1.11 Firm Offers – Proposals are firm offers and shall remain firm for a period of no less than ninety (90) days from the date of the proposal opening. This period is automatically extended for the time taken to resolve any protest or other issues related to award of the purchase order for the RFP.
- 1.12 Proposal Opening – At the opening of the proposals received, only the names of Vendors will be read. Vendors may elect to attend the opening of the proposals, but are not required to do so.

- 1.13 Terms and Conditions – **The requirements and prohibitions of the *RFP TERMS AND CONDITIONS* and the STO-96 (Agreement Addendum) and any other requirements of the STO are not subject to negotiation.**
- 1.14 Proposal Miscellaneous Section – Vendors desiring to offer annual or other reports, terms and conditions, or alternative terms and conditions for the purchase order between the parties pursuant to the RFP may do so in an attachment to the proposal labeled “Miscellaneous.” However, the STO is under no obligation to consider or negotiate any terms and conditions or alternative terms and conditions contained in a Vendor’s proposal. **Proposals may not be conditioned on negotiation or acceptance of alternative terms and conditions.**
- 1.15 Conditional Proposals Not Permitted – Proposals may not be conditioned upon STO acceptance of matters that alter the STO-96 or any requirements or mandatory specifications of the RFP.
- 1.16 Joint Proposals Prohibited; Subcontracting
 - 1.16.1 Joint proposals are not permitted.
 - 1.16.2 Subcontracting is only permissible with the prior written authorization of the STO. If required or requested by the STO, Vendor shall list any subcontractor it desires to use, along with a description of the Services and any ancillary goods to be provided by the subcontractor, a contact person and contact information for the subcontractor and references for the subcontractor.
 - 1.16.3 The purchase order shall be awarded to the Vendor submitting the proposal. The Vendor awarded the purchase order shall be the sole point of contact with regard to the purchase order and shall be solely responsible for all matters provided pursuant to the purchase order, including, without limitation, any tangible or intangible items provided by a subcontractor or other party.
 - 1.16.4 After the purchase order is issued, the Vendor must obtain prior written approval for any changes pertaining to subcontractors.
- 1.17 Proposals Property of STO – All documents, packages, boxes, etc., and any contents thereof submitted to the STO in response to the RFP shall become the property of the STO, and will not be returned. In addition, all documents, boxes, etc., and any contents thereof submitted to the STO in response to the RFP shall become a matter of public record and open for inspection after the Notice of Intent to Award is issued, the documents scanned, and the images stored.
- 1.18 West Virginia Freedom of Information Act
 - 1.18.1 By submitting a proposal, Vendor consents to copying the proposal by the STO or others and warrants copying will not violate the rights of any third party. The only exceptions to disclosure of information are listed in the West Virginia Freedom of Information Act, pursuant to West Virginia Code §29B-1-1 et seq. (WV FOIA). The STO will make a reasonable effort not to disclose information that is exempt from the disclosure requirements of the WV FOIA and that has been clearly labeled “proprietary information and not for public disclosure.” The STO will make the determination of whether or not the information is exempt from disclosure under the WV FOIA.
 - 1.18.2 In addition, the STO will comply with court orders issued by courts of competent jurisdiction and will not guarantee nondisclosure of any information to the public.
- 1.19 Proposal Inspection – Proposals will not be available for public inspection until issuance of the Notice of Intent to Award.
- 1.20 Right to Accept or Reject Proposals – The STO reserves the right to accept or reject proposals in whole or in part and to waive any minor deviations in the specifications or proposals at any time. The STO's sole discretion shall determine what constitutes a minor deviation. The STO reserves the right to reject a proposal of any Vendor in default of any

other prior or current purchase order and for misrepresentation. The STO reserves the right to reject all proposals upon determining that acceptance would not be in the best interests of the STO.

- 1.21 Use of Information – The STO reserves the right to use any information received, from any source, in order to evaluate the proposals and make the award, as well as use any and all information, ideas, or adaptations of information or ideas in any proposal at any time.
- 1.22 Responsiveness – The STO reserves the right to determine the responsiveness of a Proposal by reference to the Proposal taken as a whole.
- 1.23 Bonds – In the event any bonds are required to be posted, bonds may be provided in the form of a bond of a surety company authorized to do business in West Virginia, a cashier's check or a certified check.
- 1.24 Best Interest of the STO and State – Awards shall be made in the best interest of the STO and the State of West Virginia.
- 1.25 Proposal Costs – The State of West Virginia and the STO shall not be responsible or liable for any costs or expenses incurred in the preparation, submission and presentation of proposals or in attending any oral presentations.
- 1.26 Cost Proposal
 - 1.26.1 All costs, whether one-time or recurring, including, without limitation, travel, shipping and handling costs, must be included in the amount proposed on the Cost Proposal Form.
 - 1.26.2 The amounts or rates and method of payment specified in the purchase order will remain fixed for the life of the purchase order, as amended from time to time, unless the Vendor specifically requested price revisions and specific provisions in the purchase order authorize adjustment.
- 1.27 No Collusion or Fraud – By submitting a proposal, Vendor certifies the proposal is made without collusion or fraud, Vendor has not offered or received any kickbacks or inducements of any type in connection with the proposal, and Vendor has not given or promised any STO employee, member of any board or agency within the STO or STO consultant any payment, loan, advance, money, services or anything of more than nominal value.
- 1.28 Compliance – During the term of any purchase order issued pursuant to the RFP, the Vendor, its officers, employees, agents, representatives, delegates, and affiliates, shall comply with any and all applicable laws, rules, regulations and policies. Any and all permits, approvals, consents and waivers of governmental bodies and regulatory authorities which are required with respect to and are necessary in connection with the consummation of the transactions contemplated under the RFP shall have been obtained by the Vendor, unless otherwise agreed in writing by the STO.
- 1.29 Proposal Must Show Vendor Can Perform – Vendor needs to demonstrate its qualifications, competence and capacity and its staff to provide the Services offered in its proposal. Do not presume the STO knows your work, even if the Vendor has previously provided the Services to the STO. All Vendors submitting proposals will be treated similarly. **Vendors who have previously provided the Services to the STO must respond to each specification as if it had never provided Services to the STO.**
- 1.30 Vendor Name and Authorization – The name of the Vendor submitting the proposal shall be the name of the entity with whom the STO will contract, the name of the entity on the purchase order, and the entity providing the Services, unless otherwise specified in the proposal and agreed to by the STO. Any document requiring signature by the Vendor shall be signed by a person authorized to bind the Vendor.

2. Vendor Registration

Prior to any award, the apparent successful Vendor must be registered with the Purchasing Division of the Department of Administration. If the successful Vendor is not currently registered, it shall complete and file the Vendor Registration and Disclosure Statement, Form WV-1, and submit the annual registration fee of \$125.00. Vendors do not have to be registered to submit a proposal. Form WV-1 may be found at www.state.wv.us/admin/purchase/vrc/WV1A.pdf.

3. Proof of Good Standing and Authorization to Do Business

Vendors must be in good standing with all regulatory and governmental entities and be authorized to do business in West Virginia. Upon request of the STO, Vendors must be able to provide proof of good standing and authorization to do business.

4. Questions, Clarifications and Addenda

4.1 Questions and Clarifications

4.1.1 Vendors may submit written questions or requests for clarification to the Purchasing Agent by the Deadline for Vendor Questions.

4.1.2 The STO may, through the Purchasing Agent and at its option, contact Vendors for clarification at any time during the evaluation process. Nothing may be submitted after the proposal opening to alter the content of a proposal in any way. All clarification responses, as well as all proposals, will be available for review after issuance of the Notice of Intent to Award.

4.2 Addenda

4.2.1 Responses to questions or requests for clarification will be included in an addendum that will be released by the STO.

4.2.2 A copy of the RFP and any addenda to the RFP will be placed on the STO web site, <http://www.wvsto.com/RFP-RFQ> as well as emailed, faxed or mailed to any Vendor to whom the STO has sent a copy of the RFP. It is the Vendor's responsibility to periodically check the web site to make sure it is aware of and responds to any addenda.

4.2.3 The STO reserves the right to further modify the RFP, including any Exhibits and Addenda to the RFP, as it considers appropriate.

5. Proposal Format

5.1 Proposals shall consist of three (3) parts, the Technical Proposal, the Cost Proposal and the Miscellaneous Section (if any).

5.2 The Technical Proposal must include the Technical Proposal Form provided with the RFP. The Cost Proposal must include the Cost Proposal Form provided with the RFP, in a separate envelope. The Miscellaneous Section must include any materials Vendor desires to include.

5.3 The Technical Proposal may not contain any cost information.

5.4 Responses should be numbered to correspond to the RFP section numbers.

6. Proposal Submission

6.1 All proposals (including the Technical Proposal Form, Cost Proposal Form and Miscellaneous) shall be submitted in writing, and must be received by the Purchasing Agent prior to the proposal opening date and time stated in the RFP. A proposal not received prior to the proposal opening date and time as required shall be disqualified immediately.

6.2 The STO is not responsible for the delivery of proposals, regardless of the delivery method.

- 6.3 The proposal shall be submitted in a sealed opaque envelope, addressed to the Purchasing Agent, labeled “SEALED PROPOSAL”. The Cost Proposal Form shall be submitted in a separate sealed opaque envelope inside the envelope with the words “SEALED PROPOSAL” and labeled “COST PROPOSAL FORM”.
- 6.4 Proposals shall have the RFP number on the outside of each envelope.
- 6.5 The original proposal must be signed by a person authorized to bind the Vendor.
- 6.6 All copies submitted must be exact duplicates of the original document.

B. EVALUATION

1. Generally

- 1.1 Evaluation will *not* be based solely on price. It is the intent of the STO to award a purchase order to the Vendor that will provide the best solution meeting the needs of the STO.
- 1.2 The points assigned and the specifications that will form the basis of the evaluation are contained in the RFP.
- 1.3. During the course of the evaluation, the STO has the right to contact any Vendor to clarify or elaborate on the proposal. No new or additional matters may be discussed.
- 1.4 Again, the Purchasing Agent is the sole point of contact in West Virginia State Government after release of the RFP and until award of a purchase order.

2. Technical Proposal Contents

Each Technical Proposal submitted shall include the fully completed Technical Proposal form, the Proposal and, if needed, a Miscellaneous Section.

3. The Process

- 3.1 At the proposal opening date and time, the Purchasing Agent will open the Technical Proposals, and the courtesy copies of proposals not disqualified during the proposal opening will be distributed to members of the evaluation committee.
- 3.2 The evaluation committee shall consist of State of West Virginia employees only, and may use such sources of information as it considers appropriate in the evaluation.
- 3.3 Each Technical Proposal is reviewed by the evaluation committee to arrive at a consensus numerical score for each proposal. In arriving at the consensus numerical score, points will be deducted from a Vendor’s score for responses the evaluation committee considers deficient.
- 3.4 If the evaluation committee believes that a proposal has not met a mandatory requirement, it will request the proposal be disqualified. If a proposal is deemed not to have met a mandatory requirement, it will be disqualified and not considered further in the evaluation process.
- 3.5 A proposal must receive a minimum acceptable score (“MAS”) of 70% of the maximum points available for the Technical Proposal to be considered further.
- 3.6 Oral Presentations
 - 3.6.1 Only Vendors meeting the requirements specified in the RFP, will be invited to make an oral presentation.
 - 3.6.2 The Purchasing Agent will contact qualifying Vendors to arrange for the oral presentations.
 - 3.6.3 If oral presentations are to be held before opening Cost Proposals, the evaluation committee will score the Technical Proposals and then score the oral presentations. Cost Proposals will be opened afterward.

- 3.6.4 If oral presentations are to be held after opening of Cost Proposals, the evaluation committee will score the Technical Proposals and then the Cost Proposals will be opened. After calculation of the costs, the scores for each Technical Proposal will be added to the cost score. Oral presentations will be held afterward.
- 3.6.5 Nothing in oral presentations may alter or modify the written proposals.
- 3.6.6 The STO may provide information or data to qualifying Vendors that the Vendors will be expected to use during the oral presentations.
- 3.6.7 The evaluation committee and others in attendance will ask questions during and at the end of an oral presentation. At the conclusion of oral presentations, the evaluation committee will meet to reach a consensus numerical score for each presentation.
- 3.7 The Total Cost Score will be calculated, based upon the requirements of the RFP, and the following formula applied to the amount proposed by each Vendor:

$$\frac{\textit{Total Cost of lowest cost proposal}}{\textit{Total Cost of proposal being evaluated}} \times \textit{Points Assigned} = \textit{Total Cost Score}$$

- 3.8 All three scores, Technical Proposal, oral presentation (if any) and Total Cost Scores will be added together.
- 3.9 The evaluation committee shall recommend the Vendor whose proposal received the most points as the apparent successful Vendor.
- 3.10 The recommendation and score sheet, signed by each member of the evaluation committee, will be submitted to the Purchasing Agent. If the STO is issuing the RFP on behalf of a board, the evaluation committee will obtain approval of the board before submitting any final recommendation.
- 3.11 The STO will determine whether or not to accept the recommendation of the evaluation committee. If the STO accepts the recommendation, it will proceed in making the award. If the STO does not accept the recommendation, it will inform the evaluation committee of any matters of concern and ask the evaluation committee to perform such duties as may be appropriate.
- 3.12 After acceptance of the recommendation, the STO will notify all Vendors of the final combined scores determined by the evaluation committee by issuing a Notice of Intent to Award, subject to successful negotiation, if any. If necessary, the STO may undertake additional meetings or negotiations prior to the issuance of the purchase order. Negotiations may include finalization of details for the provisions of the Services, establishment of effective dates or work schedule, and consideration of any alternative language or services.
- 3.13 Following issuance of the Notice of Intent to Award, the top ranked Vendor will be notified and any negotiation considered prudent by the STO will be undertaken.
- 3.14 If a mutually agreed contract cannot be reached within five (5) business days from the commencement of negotiations, the STO will move to the next highest point scoring Vendor and undertake negotiations. The STO may waive the five (5) business day requirement, if it believes the negotiations should be continued, but may stop negotiations at any time. A report on any failed negotiations will be included in the purchasing file.
- 3.15 Negotiations will continue until a Vendor is selected, unless the STO is of the opinion that further negotiations of any type are not warranted and no agreement can be reached.
- 3.16 If the STO does not believe negotiations will be successful, it may ask the RFP be cancelled without penalty or cost of any type. The STO may make changes to the RFP and reissue it.
- 3.17 Issuance of a purchase order concludes the evaluation and the RFP process.

C. VENDOR PROTESTS

1. Types of Protests

1.1 Protests of Requirements, Specifications or Terms

By issuing the RFP, the STO intends to encourage competition among eligible Vendors. The RFP includes only those limitations the STO believes are reasonable. Any protest, complaint or problem with the RFP, including any requirement, specification or term contained in the RFP or any combination thereof, must be filed in writing with the Purchasing Agent no later than three (3) working days prior to the Proposal Opening Date specified in the RFP. Protests received after that date will not be considered.

1.2 Protests of Award

After selection of the apparent successful Vendor, the Purchasing Agent will send a written Notice of Intent to Award to each Vendor stating the name of the apparent successful Vendor and the combined scores of the Vendors. Each Vendor will have until the date specified in the notice to file a written protest as to the award. Protests received after that date will not be considered.

2. Written Letter of Protest

The written letter of protest must contain the name and address of the protesting Vendor, the RFP number, a statement explaining why the protest has been filed, the relief sought, and any other information that may assist the Purchasing Agent in reaching a decision on the matter. The Purchasing Agent must receive the letter of protest by the appropriate deadline to be considered.

3. Review of Protest and Issuing Decision

The STO will review the letter of protest and issue a written decision. The STO may contact the protestor or any other entity or perform such research or investigation it considers necessary to reach a decision. Opening of the proposals, evaluation of the proposals or award of the purchase order may be delayed, as considered appropriate by the STO.

