

**WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION  
WEST VIRGINIA COUNCIL FOR COMMUNITY & TECHNICAL  
COLLEGE EDUCATION  
REQUEST FOR PROPOSALS  
WORKERS COMPENSATION PROGRAM  
RFP #18127**

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**WV HIGHER EDUCATION POLICY COMMISSION  
WEST VIRGINIA COUNCIL FOR COMMUNITY & TECHNICAL COLLEGE  
EDUCATION  
REQUEST FOR PROPOSALS  
WORKERS COMPENSATION PROGRAM  
RFP #18127**

**1 INTRODUCTION**

1.1 The West Virginia Higher Education Policy Commission/WV Council for Community & Technical College Education is seeking qualified insurance companies (direct writers, brokers, and agents) to submit proposals to design and assist with the implementation of a comprehensive Workers Compensation Program to be utilized by the West Virginia Higher Education Policy Commission (Commission), the West Virginia Council for Community and Technical College Education (Council), the West Virginia Network for Educational Telecomputing (WVNET), and various higher education institutions. The Commission is interested in a workers compensation program that will provide improved services to state higher education employees and provide the lowest possible costs for workers compensation benefits.

1.2 The four-year institutions eligible to use this Workers Compensation consortium contract are as follows:

Bluefield State College  
Concord University  
Fairmont State University (including Pierpont Community & Technical College)  
Glennville State College  
Marshall University  
Shepherd University  
West Liberty University  
West Virginia School of Osteopathic Medicine  
West Virginia State University  
West Virginia University  
West Virginia University Institute of Technology

1.3 The two-year institutions eligible to use this Workers Compensation consortium contract are as follows:

Blue Ridge Community and Technical College  
BridgeValley Community and Technical College  
Eastern Community and Technical College  
Mountwest Community and Technical College  
New River Community and Technical College  
Southern WV Community and Technical College  
WV Northern Community College  
West Virginia University at Parkersburg

1.4 The current members of the consortium are:

Four-year institutions:

Bluefield State College  
Concord University  
Fairmont State University  
Glennville State College  
Shepherd University  
West Liberty University  
West Virginia School of Osteopathic Medicine  
West Virginia State University

Two-year institutions:

Blue Ridge Community and Technical College  
BridgeValley Community and Technical College  
Eastern Community and Technical College  
Mountwest Community and Technical College  
New River Community and Technical College  
Southern WV Community and Technical College  
WV Northern Community College

## 2 INSTRUCTIONS FOR SUBMITTING A PROPOSAL

- 2.1 This Request for Proposal (RFP) is issued in two (2) parts. All Proposers shall be qualified and reviewed as follows:
- 2.1.1 Part One - Proposers are required to submit the firms credentials, qualifications and specific examples of current worker compensation programs in place in order to reflect the entity's ability to provide the scope of services covered by this RFP;
- 2.1.2 Part Two – Qualified Proposers selected from Part One evaluations, shall be required to participate in a service/cost competition.

**Inquiries, Information, Notice And Correspondence - Interpretation, Correction or Changes in RFP.** All inquiries, requests for information, notices, and correspondence concerning this RFP shall be submitted in writing. Any interpretation, correction, or change in the RFP will be made by formal addendum by the Commission. Interpretations, corrections, or changes to the RFP made in any other manner will not be binding, and no Proposer may rely upon any such interpretation, correction, or change.

- 2.2 The point of contact for all inquiries, requests for information and clarifications, notices and correspondence concerning this Request for Proposal (RFP) is:

Mary Blashford, Director of Procurement  
West Virginia Higher Education Policy Commission  
1018 Kanawha Boulevard, East, Suite 700  
Charleston, WV 25301  
Phone: 304-558-0281 Ext.212 Fax: 304-558-0259  
Email: [mary.blashford@wvhepc.edu](mailto:mary.blashford@wvhepc.edu)

- 2.3 Proposers should make any requests for additional information or clarification in writing only to the appropriate individual, as indicated above. No other individuals shall be contacted regarding this RFP or any matter concerning this process. If a representative of any company or party submitting a response violates the foregoing prohibition, such contact may result in the respondent being disqualified.
- 2.4 Written questions regarding this RFP shall be due no later than 4:00 PM, EST on March 14, 2018. Telephone and verbal questions will not be accepted.
- 2.5 Answers to questions, requests for information and clarifications regarding this RFP will be issued in writing by Addendum and posted at the following webpage on March 16, 2018. It is the vendor's responsibility to check this webpage for addenda and additional information concerning this RFP. Vendors must acknowledge receipt of addenda in the proposal.

<http://www.wvhepc.edu/resources/purchasing-and-finance/>

- 2.6 Responses to Part One and other required documents must be enclosed in a sealed opaque envelope or container that is identified as a **“Request for Proposals”** and should include the vendor name, RFP number, and the RFP opening date and time. The envelope or package is to be addressed to the Director of Procurement at the address in Section 1.1.2 above and must be delivered on or before 3:00 PM EST on March 28, 2018. Proposals received after this date and time will be returned to the vendor unopened.

2.7 RFP Schedule of Dates:

Release of RFP	March 5, 2018
Written Questions Due from Vendors	4:00 PM, EST, March 14, 2018
Answers to Questions Posted	March 16, 2018
Proposals Due	3:00 PM, EST, March 28, 2018

- 2.8 Vendors shall submit an original, three (3) copies, and one (1) electronic copy in .pdf format of the proposal by the date and time indicated above.
- 2.9 The typical RFP process may consist of any of the following steps, at the Commission's discretion:
  - An advertised invitation for vendors to express their interest in providing a solution
  - Receipt of vendor credentials and qualifications
  - Preliminary evaluation of presentations, credentials and qualifications
  - Presentations, discussions, fact-finding, solution demonstrations, and interviews of selected vendors.
  - Secondary evaluation of selected vendors only
  - Best and Final cost/revenue proposals from selected vendors only
  - Final evaluation and vendor selection
  - Contract Negotiations
  - Implementation
- 2.10 No time-frame or promise of engagement or contract is either expressed or implied by the publication of this RFP, and the Commission/Council reserve the right, in their sole opinion, to accept or reject any or all responses and/or to terminate this process at any time with or without notice. The Commission/Council may or may not employ any or all of the steps listed to select a qualified vendor. The Commission/Council, in its sole

discretion, may award a contract to any respondent at any time in the process.

- 2.11 The purpose of the response to Part One is to demonstrate the qualifications, competence, and capacity of the firms seeking to undertake this project for the Commission/Council in conformity with the requirements of this RFP. As such, the substance of a response will carry more weight than its form or manner of presentation. The response should demonstrate the qualifications of the firm and of the particular staff to be assigned to this engagement. It should also specify an approach that will meet the RFP requirements.

**RESPOND ONLY TO PART ONE REQUIREMENTS AT THIS TIME.** The time and date for responses to Part Two of this RFP shall be determined based on the evaluation of Part One responses and shall be published by addendum to this RFP at the appropriate time.

- 2.12 Vendors are expected to examine the entire RFP, including all specifications, standard provisions, and instructions. Failure to do so will be at the Vendor's risk. Each Vendor shall furnish the information required by the RFP. Time periods, stated in number of days, in the RFP, or in the Vendor's response, shall be in consecutive calendar days.
- 2.13 By submitting a proposal, the Vendor warrants that: (a) the vendor has read and understands the RFP documents, instructions, and terms and conditions; (b) that the proposal is made in accordance therewith; and (c) the proposal is based upon the services specified.
- 2.14 **Vendor Responsibility.** The Vendor is fully responsible for timely delivery at the location designated for receipt of proposals. (Section 1.1.2) Proposals received after that date and time will not be considered and will be returned unopened. Electronic proposals by telephone, fax or email will not be accepted. No exceptions are permitted.
- 2.15 **Costs Incurred.** Any and all costs incurred by the vendor in preparation of a response to this request or for presentation of credentials are the responsibility of the vendor and will not be reimbursed. All responses and documentation submitted by the vendor become the property of the Commission/Council at the time the documents are opened.
- 2.16 **Life of Proposal.** All proposals shall remain in effect for a minimum period of one hundred twenty (120) consecutive calendar days from the proposal opening date. Proposals may not be canceled, altered, or withdrawn, except as otherwise provided herein.
- 2.17 **Proposal Response Certification Form.** **Attachment A**, included herein, shall be attached to the front of the proposal and shall contain the Vendor's certification of the submission. Proposals must be signed by an individual or individuals who have full authority to execute a binding contract on behalf of the company, firm, or individual. Vendors must acknowledge receipt of any addenda or amendments to the RFP.

**Proposal Confidentiality.** Ownership of all data, materials, and documentation originated and prepared for the Commission/Council pursuant to the RFP shall belong exclusively to the Commission/Council and be subject to public inspection in accordance with the West Virginia Freedom of Information Act. Trade secrets or proprietary information submitted by a Proposer shall not be subject to public disclosure under the West Virginia Freedom of Information Act; however, the Proposer must invoke the protections of Article 1, Chapter 29B of the Code of West Virginia in writing, either before or at the time the data or material is submitted. The proprietary or trade secret material submitted must be identified by some distinct method such as highlighting or underlining and must indicate only the specific words, figures, or paragraphs that constitute trade secrets or proprietary information.

- 2.18 **Modification or Withdrawal of Proposals.** Proposers may modify or withdraw their proposal before the time and date as specified for receipt of the proposals as identified in Section 2.7 by giving notice, in writing to the Director of Procurement. Notice shall include the signature of the Vendor and shall be received before the designated date and time for receipt of proposals. Modifications must be worded so as not to reveal the amount of the original proposal.
- 2.19 **Erasures and Interlineations.** Erasures, interlineations, or other changes in the proposal should be initialed by the authorized individual(s) signing the proposal.
- 2.20 The Commission/Council reserve the right to waive technicalities or irregularities to any process or proposal during this solicitation.

### **3 SCOPE OF REQUEST FOR PROPOSALS**

#### **3.1 SCOPE OF WORK**

3.2 The Commission/Council are seeking qualified insurance companies (direct writers), brokers, and agents to submit proposals to design and assist with the implementation of a comprehensive Workers Compensation Program for the West Virginia Higher Education Policy Commission and the West Virginia Council for Community and Technical College Education.

3.3 For information purposes only, attached as Supplemental Information, is general claim information, premium and payroll information. See Attachment B.

3.4 Specific deliverables for the Commission/Council's Workers Compensation Program shall include, but may not be limited to, the development, design, and implementation of the most highly advantageous plan to improve services to state employees and to sustain the lowest possible costs for Workers Compensation benefits as required by West Virginia law. More specifically, each vendor must demonstrate and submit qualifications that relate to the following:

#### **3.5 Insurance and Underwriting:**

- Proof of current licensing to transact workers compensation insurance sales/service in West Virginia.
- Insurance companies (direct writers) must be an admitted insurance carrier in the State of West Virginia and licensed to transact workers' compensation insurance sales/service in West Virginia.
- Proposed insurance companies must demonstrate an AM Best Rating of no less than (A).
- Knowledge of and experience with management of funding mechanisms from which retained claims amounts will be paid, according to established requirements and regulations as promulgated by the West Virginia Insurance Commission.

#### **3.6 Claims Administration:**

- Ability to effectively and efficiently administer and process claims in the volume and complexity anticipated by the Commission/Council as they relate to a higher education environment and in accordance to the coverage required by West Virginia Law.

- Proof of demonstrated experience in claims administration in the anticipated volume and complexity by the Commission/Council. Provide examples of experience with similar size (5,000 or more employees) organizations.
- Information, data, customer surveys, or other information relating to the Vendor's current customer satisfaction in the Workers' Compensation Insurance industry.
- Information relating to Vendor's intended use of a third-party administrator(s) (TPA), if applicable. The Vendor must provide the TPA's name, history of the relationship, qualifications, and other information for the Commission/Council to fully evaluate the TPA based upon services requested in this RFP.

### 3.7 Claims and Risk Management:

- Ability and expertise to proactively manage new, existing, and ongoing claims to insure that required benefits are neither denied nor extended beyond reasonable requirements.
- Approach and methodologies for claims and risk management in a governmental and/or higher education environment.
- Experience and expertise in the management of a return to work program.
- Experience and expertise in the management of a loss control program.
- Agreements with regional preferred workers compensation provider networks.

3.8 The Commission/Council will not provide written designation of rights (commonly referred to as an "Agent of Record Letter") to propose a specific insurance company or third party administrator, to any respondent during the course of Part ONE evaluations. The Commission/Council may, at its sole discretion, provide a limited number of such letters to those respondents selected to compete in PART TWO of the selection process. (The legal definition for "Agent of Record" does not apply to this section.)

3.9 Part Two Responses with cost and premium proposals may be subject to the Commission /Council's request for best and final offers.

3.10 All materials submitted in response to Part Two shall become the property of the Commission/Council, and may be used, and/or incorporated into other designs or programs without any compensation whatsoever to the submitting vendor.

### 3.11 VENDOR REQUIREMENTS – PART ONE

3.11.1 All responses should be formatted with the items and sequence as presented in this Section. Except as otherwise set forth herein, this Section outlines the minimum requirements and packaging for the preparation and presentation of a response. Failure to comply may result in rejection of the response. The proposal should be specific and complete in every detail, prepared in a simple and straightforward manner.

3.11.2 Vendors are expected to examine the entire RFP, including all specifications, standard provisions and instructions. Failure to do so will be at the vendor's risk. Each vendor

should furnish all information required by the RFP. Time periods, stated in number of days, in this request or in the response, shall be in calendar days.

3.11.3 The following documents and information must be provided by the Vendor:

- Attachment A – stating the RFP subject, number, vendor's name, vendor's business address, telephone number, fax number, name of authorized contact person must be dated and signed.
- A Table of Contents clearly identifying the proposal material by section and page number.
- Provide the name of your firm or company and include the date and location of incorporation, principal officers, board of directors, number of employees, size and locations of field offices, company history and organizational structure. Provide copies of your organizations annual reports for the last three years, including any independently audited financial statements and other performance information related to the fiscal strength and resources of your organization.
- Is your company or firm engaged, or planning to engage in any merger, acquisition, litigation, or business reorganization that might have an impact on your relationship with the Commission/Council?
- Describe in detail your firm's qualifications to provide the services required in the RFP including but not limited to, details of projects of a similar size and scope that your firm has been associated with over the last two years, and how your programs have performed in the actual market place.
- Describe in detail your firm's approach to providing the required services in the RFP and the methodologies you employ. Provide information including, but not limited to, all the services your firm can provide, research and reporting capabilities, and how actual performance is measured.
- Not compromising any client confidentiality, submit five (5) comprehensive examples of similar programs you have managed or implemented in similar governmental and/or higher education environments.
- If applicable, submit a complete list of third party claims administrators including their qualifications, credentials, experience, financial status, and customer satisfaction assessments. Indicate and fully disclose your firm's relationship and indicate which firms on the list are considered "preferred" and state why.
- If applicable, submit a complete list of claims and risk management firms including their qualifications, credentials, and experience. Indicate and fully disclose your firm's relationship and indicate which firms on the list are considered "preferred" and state why.



- Provide the names, title, function, and vita of the individuals within your organization who will be assigned to this project.
- Submit a sample of your typical service agreement(s). Specifically, agreements with governmental agencies or higher education institutions are preferred.
- Submit at least three (3) current references that the Commission/Council may contact to evaluate customer satisfaction. References from institutions of higher education are preferred.

### 3.12 VENDOR REQUIREMENTS – PART TWO

- 3.12.1 If a Part One vendor is selected for further participation, their proposals should be formatted in the order listed below, providing information, as required, for each item.
- 3.12.2 Selected vendors (direct writers, brokers, agents) shall submit “where applicable”, programs with all required elements they can or are licensed to provide. Responding to all options is not required.
- 3.12.3 Based on the Supplemental Information provided in this and subsequent addenda hereto, submit one or more of the following three comprehensive program designs and cost quotations:
- Fully Insured: Submit comprehensive supporting material regarding your Workers Compensation program design, features, components, and full implementation timeline.
  - Per Claim Deductible Option: Submit comprehensive supporting materials regarding your program design, features, components, and full implementation timeline.
  - A Commission/Council managed high per claim deductible program with an insurance company provided excess of per claim deductible (stop-loss) layer of coverage to include an annual aggregate limitation of loss.
- 3.13 Where applicable for each option submitted, name and provide detail for the underwriters, carriers, third party administrators, and risk management firms you prefer and submit a formal request for the Commission/Council to provide an “Agent of Record Letter” (as described in 3.1.4) authorization.
- 3.14 For each option submitted, provide a detailed and comprehensive cost proposal for all services you might provide, including but not limited to, any and all premiums, professional fees, commissions, design charges, hourly rates for managers and all billable classes of professional and non-professional personnel, and reimbursable expenses, etc.

## 4 PROPOSAL EVALUATION CRITERIA

### 4.1 PART ONE EVALUATION CRITERIA

4.2 The Commission/Council shall select vendors that will be invited to respond to PART TWO based on their proposal to Part One Scope of Work requirements. The completeness of their response to Part One Proposal Specifications; and the demonstrated ability to perform the required work, including but not limited to:

- Insurance and Underwriting qualifications and expertise
- Claims Administration qualifications and expertise
- Claims and Risk Management qualifications and expertise
- Financial resources and stability

### 4.3 PART TWO EVALUATION CRITERIA

4.4 Based on the Supplemental Information provided to selected vendors (below) and subsequent addenda hereto, the Commission/Council, in its sole opinion, will select the vendor whose program is determined to provide the highest possible service quality and lowest possible sustainable cost, including but not limited to:

- Quality and scope of vendor's proposed plan or plans for the Commission/Council
- Cost

## 5 MISCELLANEOUS INFORMATION

5.1 **General.** Generally, the purpose of an RFP is to identify and ultimately contract with a qualified vendor or vendors for services required by the Commission/Council. The RFP process and legal requirements are outlined in detail.

5.2 **Process.** By publication of a Request for Proposals, the Commission/Council begins an administrative process that may or may not lead to the award of a contract(s). The Commission/Council may stop the process at any time, with or without cause, and nothing in a RFP document may be interpreted as an offer to purchase, procure, or otherwise acquire any service from any vendor.

5.3 Except as specifically noted in the RFP, there is no time limit either expressed or implied on the completion of each step in the process.

5.4 **Definitions.** The following definitions apply to this RFP:

- West Virginia Higher Education Policy Commission may be referred to as Commission, Policy Commission, HEPC, or Owner.
- West Virginia Council for Community and Technical College Education may be referred to as Council or CTC.
- An RFP or various steps therein, including prequalification, refers specifically to an officially published and numbered document and all the attachments, amendments, and addenda, that are a part or may become a part of the document. Applicable paragraphs from this instruction document are often included and made a part of a final agreement should a contract be awarded.

- A vendor is any bona fide business entity, individual, partnership, or corporation who submits a response to this RFP in accordance with the terms and conditions specified herein.
  - A Contractor and/or Seller is any bona fide business entity, individual, partnership, or corporation who, a) having submitted a proposal in compliance with the terms and conditions of a RFP; and b) being duly authorized to conduct business in the State of West Virginia; and c) whose proposal having been selected as “most advantageous”, may be issued a Contract/Purchase Order by the Commission/Council to provide services as specified.
  - Contract/Purchase Order is the final document of agreement between the Commission/Council and the successful vendor, and may be referred to as PO. It will include the RFP, the vendor’s proposal and any other documentation that may be required to clearly state the agreement between the Commission/Council and the vendor.
  - The Evaluation Committee is the group of individuals selected by the Commission/Council to evaluate responses to the RFP. The committee may include, any employee, agent, consultant, or institution official as required by the Commission/Council. The findings and recommendations of the committee are not binding.
- 5.5 **Award of Contract.** The Commission/Council may elect to award a contract(s) to a vendor(s) whose proposal is determined to be most advantageous to the Commission/Council with respect to conformance with the specifications, quality, and other factors as may be evaluated pursuant to this RFP.
- 5.6 The Commission/Council may award a contract based on offers received, without discussion; therefore, information provided by the vendors should fully identify and respond to the requested information.
- 5.7 **Rejection of Proposals.** The Commission/Council shall have the sole and absolute right to reject any and all proposals, in whole or in part; to reject a proposal not accompanied by a required security or other data required by the RFP documents; reject a proposal which is in any way incomplete or irregular; or to reissue a Request for Proposal.
- 5.8 **Vendor List and Qualification Evaluation.** After the established date for receipt of proposals, a list of vendors who submitted proposals will be prepared and made available for public review. Proposals will not be opened and read publicly. Qualifications and proposals submitted by interested vendors will be reviewed and evaluated based on the evaluation criteria set forth in the RFP.
- 5.9 **Proposal Classification and Discussions.** Proposals will initially be classified as either (a) Acceptable; (b) Potentially Acceptable; or (c) Unacceptable. Discussions and fact-finding may be conducted, if required, with any or all of the vendors whose proposals are found acceptable or potentially acceptable. Vendors whose proposals are classified as unacceptable will be notified promptly. The Director of Procurement will establish procedures and schedules for conducting oral and/or written discussions, if necessary.

- 5.10 **Vendor Investigation.** The Commission/Council will make such investigation, as it deems necessary to obtain full information on the vendor selected for negotiations.
- 5.11 **Final Offers and Award of Contract.** Following any discussions with vendors, the Evaluation Committee will evaluate the final proposals, giving due consideration to the established evaluation criteria. The Evaluation Committee will report its findings to the Director of Procurement who may or may not issue a Purchase Order/Contract based on which proposal or proposals are found to be the most advantageous to the Commission /Council. The contract will contain the terms and conditions as found in this RFP and may include additional terms and conditions as negotiated between the successful vendor and the Commission/Council. The final contract must be approved as to form by the General Attorney's Office of the State of West Virginia.
- 5.12 If the Commission/Council cannot negotiate a mutually agreed upon contract with the highest ranked vendor, the Commission/Council may begin negotiations with vendors in order of ranking, highest to lowest, as evaluated pursuant to the terms and conditions of this RFP or may cancel this RFP in its entirety.
- 5.13 **Conflict of Interest.** The Vendor should list and describe any prior or ongoing engagements or professional relationships that would constitute a potential conflict of interest, together with a statement explaining why such relationships do not constitute a conflict of interest relative to performing the proposed project. The Vendor covenants and agrees that the firm and its officers, employees, and subcontractors will have no interest, including personal financial interest, and will acquire no interest, either directly or indirectly, that will conflict in any manner with the performance of the services called for in this RFP.
- 5.14 An affirmative statement should be included indicating that the firm and all assigned key professional staff are properly registered/licensed to practice in the State of West Virginia, if such is required.
- 5.15 **Legal Authority.** Vendor warrants that it possesses the legal authority to submit the proposal in response to this RFP and that it has taken all actions required by its procedures, by-laws, and/or applicable law to exercise that authority, and to lawfully authorize its undersigned signatory to execute **Attachment A** and to bind Proposer to its terms. The person(s) executing the Proposal in response to this RFP on behalf of Proposer warrant(s) that such person(s) have full authorization to execute the Proposal Response Certification Form **Attachment A**.
- 5.16 The Commission/Council reserve the right to cancel, alter or amend this RFP. The Commission/Council reserve the right to request clarifications from any or all members of submitting development teams; however, they shall not be required to request missing information from the submittals that may cause them to be considered as non-responsive.

- 5.17 **Vendor Registration**. WV Code § 5A-3-12 requires that all vendors be registered with the WV Department of Administration, Purchasing Division, prior to receiving a purchase order for competitive products and/or services exceeding \$25,000. See Exhibit A.
- 5.18 **Resident Vendor Preference**. WV Code § 5A-3-37 states that West Virginia vendors may claim an in-state resident vendor preference in accordance with the WV Code on purchases of commodities or printing that are competitively offered. Claims for the resident vendor preference must be made in writing by the vendor and must be submitted with the vendor's offer. See Exhibit B.
- 5.19 **Debarment**. WV Code § 5A-3-33 through § 5A-3-33F states that vendors that have been debarred by the federal government are not eligible to offer on or receive contracts to supply goods or services to the state and its subdivisions for a specified period of time.
- 5.20 **WV Secretary of State**. The vendor must be in compliance with the Secretary of State and should provide a copy of their business license with the proposal.
- 5.21 **Taxpayer Identification Information**. The IRS requires the Commission/Council to request a taxpayer identification number (TIN) for tax reporting purposes. IRS Form W9 is used to obtain this information. See Exhibit C.
- 5.22 **Purchasing Affidavit**. WV State Code § 5A-3-10a requires all vendors to submit an affidavit regarding any debt owed to the State. The Affidavit should be completed, signed and returned with the bidder's proposal. See Exhibit D.
- 5.23 **Disclosure of Interested Parties to Contracts**. The WV Ethics Commission requires any business entity who will enter into a contract with an estimated value of \$100,000 or greater to complete a Disclosure of Interested Parties to Contracts form. The Disclosure Form should be completed and returned with the bidder's proposal. See Exhibit E.
- 5.24 **Agreement Addendum**. The State's Agreement Addendum WV-96 is attached to demonstrate the State law and guidelines that must be adhered to in any contracts presented to the Commission/Council for execution. The WV-96 will become a part of the final contract. See Exhibit F.

## 6 INSURANCE

- 6.1 If selected to contract with the Commission/Council, insurance shall be obtained from a reputable and financially responsible, insurance carrier, with an AM Best Rating of no less than (A). The Commission/Council shall be named as additional insured under the policy and certificate holder. Vendors shall furnish to the Commission/Council written certificates that the insurance required herein has been procured and is being properly maintained throughout the life of this contract and that premiums therefore are paid and specifying the names of the insurers and the respective policy numbers and expiration dates. All such insurance policies shall provide for, unless applicable statute otherwise specifies, at least thirty (30) days prior written notice of the effective date or cancellation to the Commission /Council. The additional insured shall read:

West Virginia Higher Education Policy Commission  
West Virginia Council for Community & Technical College  
Education  
1018 Kanawha Boulevard, East, Suite 700

6.2 Vendor agrees to indemnify and hold harmless the Commission/Council against all claims, liabilities, losses, damages and expenses of every character whatsoever for bodily injury, sickness, and/or disease, including death at any time resulting from or sustained by any employee of the Vendor while on the premises of the Commission/Council; or while engaged in the performance of the services hereunder, whether or not arising out of or in any way connected with this agreement or with the Vendor's performance hereunder, and in whether or not such injury, sickness, and/or disease is not due to any negligence on the part of such employees or on the part of the Commission/Council, its employees or agents.

6.3 Workers Compensation

6.3.1 Vendor shall warrant that all employees are covered by valid workers compensation insurance in compliance with the statutory requirements of the State of WV. Vendor employees exempt from mandatory participation in a workers compensation program are required to purchase workers compensation coverage.

6.4 Employers Liability

6.4.1 Vendor shall provide employers liability coverage in the following minimum amounts:

Each Accident	\$100,000
Disease-Policy Limit	\$500,000
Disease – Each Employee	\$100,000

6.5 Commercial General Liability Insurance

6.5.1 Vendor shall provide, including but not limited to, the following coverage, with combined single limits of not less than the following amounts. Liability coverage shall also include contractual liability.

General Aggregate	\$2,000,000
Products And Completed Operations Aggregate	\$1,000,000
Personal And Advertising Injury Liability	\$1,000,000
Each Occurrence	\$1,000,000
Damage to Rented Premises (Each Occurrence)	\$50,000
Medical Payments (Any One Person)	\$5,000

6.6 Commercial Auto Liability Insurance

6.6.1 Vendor shall provide, including but not limited to, the following coverage, including owned, hired, and non-owned auto liability coverage with limits of no less than:

Combined Single Limits, Bodily Injury And Property Damage Liability	\$1,000,000
Medical Payments	\$5,000

6.7 Excess Liability

6.7.1 Vendor shall provide, including but not limited to, the following coverage, to provide at least following form excess liability or umbrella liability coverage over all underlying liability coverage provided, including commercial general liability, commercial automobile liability, and employers liability coverage. No coverage provided in the underlying liability policy may be excluded in the commercial excess or umbrella liability policy. Limits may not be less than:

Each Occurrence, Combined Single Limit, Bodily Injury And Property Damage Liability	\$1,000,000
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Aggregate Limit

\$1,000,000

## **7 SUPPLEMENTAL INFORMATION**

7.1 Supplemental Information including, but not limited to the following will be provided to selected vendors after the **PART ONE** evaluation.

- Brickstreet Employer Loss Statements (ELS) – 07/01/14 - present
- Experience Modification Factors – 07/01/14 - present
- Brickstreet premium audit statements – program inception to latest available
- Recurring claimants report through December 2017(included in ELS)
- Claims in excess of \$200,000 report (included in ELS)
- A copy of the current workers compensation insurance policy