



Tamarack Land Development

March 9, 2012



REQUEST FOR INFORMATION AND EXPRESSION OF INTEREST



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I. INTRODUCTION

Based on previous interest to build a hotel on certain residual property adjacent to The Caperton Center of Tamarack located off Exit 45 of the West Virginia Turnpike and a consultant report outlining market conditions and priority land uses to be developed on the property, the West Virginia Parkways Authority (the "Authority") has determined it is in its best interest to solicit a qualified development firm or joint venture to build a hotel on property adjacent to the existing Tamarack facility and its Conference Center.

The Authority is seeking to form an appropriate working relationship with an organization, partnership or other entity experienced and qualified in hotel development and with a viable plan to finance, build, operate, and manage a quality permanent lodging facility on the Tamarack property (the "Project"). It is the aim of this process to identify and select the private sector entity that proposes the most feasible and advantageous plan for the development of the hotel, and, who can clearly demonstrate its ability to implement the Project. It is the Authority's goal to negotiate a development agreement that will provide for increased revenue for the Authority and increased visitorship and revenue for Tamarack.

The Authority is issuing this Request for Information ("RFI") and request for written Expression of Interest ("EOI") to development entities and other interested parties who have previously indicated interest in the development of the residual property at Tamarack. The Authority is requesting that these organizations provide detailed information regarding their plans to develop a hotel and supporting amenities on the property as part of the Project. The Authority is the agency in the State of West Virginia (the "State") that oversees the operation of the West Virginia Turnpike and Tamarack. The Authority intends to follow a timely, organized, and objective process to evaluate submittals received pursuant to this request.

The Authority has established a minimum expectation of all proposals to include:

- The development entity/team arrangement with an organizational chart detailing personnel and roles;
- A development concept for the hotel (i.e., brand, size, amenities...);
- A financing strategy plan showing proposed debt and equity arrangement;
- A proposed agreement showing revenue structure for the Authority;
- A management plan that requires no resources from the Authority or Tamarack.

II. THE AUTHORITY'S PRIMARY OBJECTIVES

- The Authority would like to have a hotel located in close proximity and with architectural connectivity to the existing Tamarack Conference Center.
- Access is currently provided by a public access road (Van Kirk Drive) which is owned and maintained by the Authority.
- The Authority prefers supporting amenities which will enhance the functionality of the Conference Center and Tamarack and which will create programmatic synergies between the two.
- The Authority intends to negotiate a mutually beneficial arrangement which may include a variety of scenarios including land lease and ownership scenarios, revenue sharing or other scenarios.
- The Authority is limited by law as to participation in partnerships and corporations and is not in a position to make infrastructure investments nor is it in a position to manage any facilities built as part of the Project. The Authority will, however, evaluate submittals that include changes and upgrades to existing infrastructure if such changes or upgrades serve to enhance or improve service to Tamarack.
- The Authority and Tamarack management will support internal planning tasks needed to determine how changes in "back of house" activities and infrastructure may be accommodated, including employee parking, maintenance storage and maintenance access.

III. SUBMITTAL EVALUATION PROCESS

A. Evaluation of Submittals

An Evaluation Committee, consisting of West Virginia Parkways Authority staff, Tamarack Administration/staff, Tamarack Foundation Administration/staff, Land Planning and Design Associates, and development advisors RKG Associates, Inc., will review submittals in response to this RFI and request for EOI. The submittals will be screened to ensure that each proposal meets the Minimum Evaluation Criteria set forth below. For submittals that are deemed by the Evaluation Committee to be complete and to have met the Minimum Evaluation Criteria, the Evaluation Committee shall provide each with a rating of: highly advantageous, advantageous, not advantageous, or unresponsive for each of the Comparative Evaluation Criteria set forth below. The submittal evaluation process will not result in a numerical ranking or scoring of developer submittals.

After a composite rating has been assigned for each submittal, the Evaluation Committee will then review the developers' assessment of compensation factors to determine the most advantageous submittals and thereafter develop a shortlist of submittals for further review and evaluation.

During the second phase, the top ranked Responders will be invited to present their qualifications, credentials, and redevelopment submittals to the Evaluation Committee and to participate in a formal interview to discuss specifics of each submittal in more detail. At the second stage, the Authority will ask for more specific information regarding the Responders development proforma, financing and compensation strategies. Each Responder shall provide sufficient detail to enable the Evaluation Committee to evaluate the technical submittal in each of the Evaluation Criteria categories listed below:

B. Initial Submittal Requirements

Each initial submittal should be prepared in two basic sections: (1) Statement of Qualifications and (2) Development Submittal. The name of the Responder and title of the project must appear on the outside front cover of each section. Each page of the submittal must be numbered consecutively from the beginning of the submittal through all appended material. The submittal must contain a detailed description of the Responder's team and illustrate their qualifications to carry out the requirements set forth in the RFI and request for EOI and a detailed description of the Responder's intended development approach, development program, and physical and financial plan. The Authority requires that each prospective Responder follow the guidelines for submittal format and content so that the evaluation and selection process can occur in an orderly, timely and equitable manner. The information submitted must include, but should not necessarily be limited to, the following items:

1. Letter of Expression of Interest
2. A statement in concise terms of your understanding of the nature and scope of this hotel development Project as well as the responsibilities of the Responder's team and the Authority. A description of the Responder's program and approach for the facility including but not limited to;
 - Proposed size of hotel and number of rooms;
 - Proposed type of rooms, sizes and price points;
 - Proposed hotel amenities including, but not limited to, pools, spas, exercise rooms, lounges, restaurants, public houses;
 - Proposed "shared use" areas or amenities including event areas, plazas, café spaces;
 - General site plan sketch showing proposed location of building, architectural connections to Tamarack, entrance circulation, parking, drop off, maintenance access and relationship to Tamarack's "back of house" areas. A graphic depiction of the proposed Project.

- Narrative and benchmark images of building architectural character, including materials, building massing and relationship to grades;
- Narrative and supporting plans or images of proposed integration with public spaces;
- Narrative and supporting plans of relationship to abutting properties; and
- Development phasing plan showing 1st and 2nd phases of hotel if applicable, phasing of parking and amenities as appropriate.

3. A background statement for the lead Responder entity to include:

- Name of legal entity;
- Addresses and telephone numbers of all entity offices;
- Structure of entity (i.e., individual, partnership, corporation, LLC);
- Size of entity;
- Years entity has been in business;
- Names of principals in firm;
- Educational and experiential background of principals and those who will be working on the project;
- Names of those in the firm who will be working on the project and descriptions of their licenses, registrations or certifications (if applicable);
- Those individuals' qualifications for this specific project;
- Name of individuals familiar with the developer's work on similar projects who can be contacted as references; and
- Listing of any actions taken by any regulatory agency or litigation involving the entity or its agents or employees with respect to any past development projects.

4. Experience of the Development Team

- Team members and organizational chart
- Hotel development experience (no more than five recent comparable hotel projects)
- Design experience
- Operational experience
- Public-private partnership experience
- Qualifications of key individuals and relevant experience

The submittal should show the assignment of specified team members with the required skills for each area of responsibility. The submittal must identify the persons who will be responsible for directing the work to be performed as part of the hotel development Project. For each individual with identified responsibilities, the submittal must include a complete resume'.

Company profiles and resumes for all participating firms, entities or individuals, potentially including the disciplines below and others considered appropriate, who will play a role in the project.

- Architect
- Civil Engineer
- Construction Manager/Contractor
- Developer
- Environmental Engineer
- Lender(s)
- Marketing Specialist/Broker
- Other (including any other engineering specialties)

5. A description of the proposed development strategy, including:
 - Timetable and milestones;
 - Planning and design process;
 - Involvement of abutting landowners;
 - Operating proforma assumptions including development and operational benchmarks;
 - Financing strategy (e.g., sources of debt and equity financing, potential investors, etc.);
 - Marketing;
 - Construction process and phasing; and
 - Property management.
6. An outline of the Responder's commitments to meet the Authority's objectives and provide broader public benefit. Contributions might include commitments to renovate or contribute to renovation of the Conference Center, provision of community amenities, infrastructure and transportation improvements serving the development, and beautification of public areas within and adjacent to the Project.
7. A proposed agreement and/or acquisition strategy for land ownership and financial compensation arrangements to the Authority; which can include (but are not limited to) any of the following:
 - Property acquisition;
 - Land lease;
 - Revenue sharing agreements;
 - Cost sharing agreements;
 - Operation agreements; and
 - Marketing agreements.

The Responder shall outline the specifics of the proposed arrangements including Developer obligations, Authority obligations, Tamarack obligations, land lease or land purchase terms, revenue sharing terms and other information which will help the Authority understand and evaluate the relative benefits of the proposed arrangement(s).

8. Acknowledgment of the solicitation requirements.
9. Additional Information – Responders are invited to provide any additional information that may further demonstrate their particular qualifications to undertake this Project.

C. Information to be Required from Shortlisted Responders to be Included in Phase Two

Shortlisted Responders will be asked to provide more detailed information regarding their assumptions and strategies provided in their initial response. Information requested during the shortlist interview process may include, but is not limited to, the following:

1. Proposed schedule for all phases of the Project development beginning with the negotiation of final agreements, execution of all agreements necessary to the development of the Project between the Authority and the Responder (or others) design and permitting, construction, and culminating with full build-out and final inspections. Particular attention should be paid to the activities that will occur prior to groundbreaking.
2. An outline of site plan approvals and permitting requirements for the project including actions and authorizations required by the Authority.

3. A detailed development operating proforma.
4. Specific compensation agreement amounts and terms.
5. A detailed financing strategy including sources of funds, amounts and percentages of private equity, names of equity partners, loans, grants and other funding sources. The financing strategy must outline all applicable investment monies at risk, guarantees, and plans for repayment and or distribution of profits, as appropriate. It is the intent of the Authority to understand the feasibility of the project financing arrangement and what elements may be at risk and the extent of that risk, if any.
6. Financial Capability of the Development Team - In addition to the detailed development operating proformas requested under item (c) above, Responders should be prepared to submit financial statements, balance sheets, tax returns and other financial information upon request of the Authority.

D. Comparative Evaluation Criteria

The following criteria will be used to evaluate the qualifications for the submissions. However, the Authority may consider any other factors it deems relevant in its evaluation and is not strictly bound or limited to these criteria.

	Highly Advantageous	Advantageous	Not Advantageous	Unacceptable
1. Experience with Hotel development	Includes three or more examples of previous, successful hotel developments completed by Respondent.	Includes one to three examples of previous, successful hotel developments completed by Respondent.	Includes no examples of previous, successful hotel developments completed by Respondent.	Does not include any examples of past projects.
2. Prior experience in working with public entities	Submittal includes at least four letters of reference from public entities in communities where the development team has previously worked.	Submittal includes at least two letters of reference from public entities in communities where the development team has previously worked.	Narrative and other written material assert this prior experience in working with public entities but without corroboration from municipal partners.	Information provided is not considered sufficient to make a determination.
3. Familiarity with the local and regional development climate and West Virginia real estate markets	Narrative provided and resumes of key individuals on the proposed development team documenting specific experience, which provides an understanding of applicable real estate market conditions in West Virginia.	Narrative provided documenting understanding of applicable real estate market conditions in West Virginia.	Narrative provided does not document an understanding of local or regional real estate market conditions.	Information provided is not considered sufficient to make a determination.
4. Qualifications of the team	Resumes of key individuals on the proposed team and firm profile demonstrate experience and examples of past completed projects and that they possess experience related to development of hotel projects.	Overall firm profile of the proposed team demonstrates examples of past completed projects and that they possess experience in hotel implementation.	Narrative and other written material asserts that the team possesses experience in hotel implementation, but without presenting any examples.	Information provided is not considered sufficient to make a determination.

	Highly Advantageous	Advantageous	Not Advantageous	Unacceptable
5. Likelihood to complete the project on schedule in a timely manner.	Submittal illustrates the development team's ability to complete the project within 18 months of executing a definitive agreement and incorporates a commitment to do the same.	Submittal illustrates the development team's ability to complete the project within 24 months of executing a definitive agreement and incorporates a commitment to do the same.	Submittal does not illustrate the development team's ability to complete the project within 24 months of executing an agreement.	Information provided is not considered sufficient to make a determination.
6. Implementation strategy	Responder will complete all phases of the hotel development process, including financing, design, approvals, construction and management and in doing so will provide a financially viable Project.	Responder will partner with others to finance and build the hotel and demonstrates past examples where they/it have/has satisfactorily completed projects using this approach.	N/A	Submittal does not describe the proposed implementation strategy.
7. Financing Strategy	Respondent provides complete, detailed debt and equity financing strategy.	N/A	Respondent provides incomplete or general debt and equity financing strategy with no identified sources.	Respondent provides no information.
8. Integration with Tamarack facility	Project physically and aesthetically integrates with the Tamarack facility.	Project physically integrates with the Tamarack facility.	N/A	Submittal does not integrate well with approach to Project and does not complement the Tamarack facility.
9. Degree to which Respondent's plan is consistent with Authority's vision for program compatibility with Tamarack (potential for increased visitation, increase usage of existing facilities, proposed complementary activities and amenities).	Respondent's submittal substantially achieves program compatibility with Tamarack.	Respondent's submittal achieves some program compatibility with Tamarack.	Respondent's submittal achieves only limited program compatibility with Tamarack.	Respondent's submittal does not achieve any program compatibility with Tamarack.

	Highly Advantageous	Advantageous	Not Advantageous	Unacceptable
10. Authority resources and commitments required	Submittal makes no investment or infrastructure demands of the Authority.	N/A	Submittal demands additional resources and improvements from the Authority.	Information provided is not considered sufficient to make a determination.
11. Financial Offer	Value of compensation offer to Authority exceeds expectations.	Value of compensation offer meets expectations.	Value of compensation offer is below expectations.	No compensation offered.

E. Evaluation and Selection Schedule

This is a general estimate of the RFI/EOI evaluation schedule and is subject to change based on the number of responses received.

RFI/EOI Issued	Week of March 5, 2012
Submittals Due (4:00 p.m.)	March 30, 2012
Evaluation of submittals	Week of April 2, 2012
Interviews with Shortlisted Responders	Week of April 23, 2012
Recommendations and/or update to the Authority Board	May 3, 2012

IV. INSTRUCTIONS TO RESPONDERS

A. Submission Address and Due Date

All submittals should be sent to the following recipient to be received no later than 4:00p.m. Eastern Standard Time on March 30, 2012:

Shelley Clay
Director of Purchasing
WV Parkways Authority
3310 Piedmont Road
P.O. Box 1469
Charleston, WV 25325

(O) 304-926-1900
e-mail: sclay@wvturnpike.com

Responses submitted by facsimile are not acceptable.

All submittals shall include information in the format described in "C." below, identified as to content "Response to Tamarack Hotel RFI and Expression of Interest". Late submittals may be rejected at the sole and absolute discretion of the Authority. Responders are encouraged to submit well before the deadline to avoid any potential problems related to the timeliness of their submittals.

The Authority reserves the right to reject any and all submittals.

B. Inquiries

All inquiries related to this solicitation must be received in writing and may be transmitted by U.S. Postal Service, delivery service, or electronic mail addressed to:

Shelley Clay
Director of Purchasing
WV Parkways Authority
3310 Piedmont Road
P.O. Box 1469
Charleston, WV 25325

(O) 304-926-1900
e-mail: sclay@wvturnpike.com

The Authority's Director of Purchasing named above is the sole contact for any and all inquiries after the RFI/EOI has been released by the Authority.

If a response to any inquiry by any Responder is deemed appropriate, the inquiry and the Authority's response will be sent by e-mail or U.S. postal mail to all respondents.

C. Submittal Format

Please submit one (1) digital version on compact disc in Portable Document Format (.pdf). If large-format drawings or exhibits are included in the submittal, copies of these exhibits shall be reduced to 8 ½-inch x 11-inch format or folded 11-inch x 17-inch format, and shall be included with the (1) digital copy indicated above.

Responders are responsible for examining this RFI/EOI, all exhibits and any addenda. Failure to do so will be at the sole risk of the responder.

D. Legal Requirements of the Authority; Requirements from Responders

Responders shall clearly mark any information contained in submittals which is considered proprietary or a trade secret. Exceptions to disclosure of information are listed in West Virginia Code Section 29B-1-4 (the West Virginia Freedom of Information Act or FOIA). In the event any entity requesting information from the Authority under FOIA elects to appeal the Authority's classification of any information as exempt from disclosure, the involved Responder will be given immediate notice and the opportunity to defend any such claim.

The Authority reserves the right to accept or reject any or all Requests for Information and Expressions of Interest and to reserve the right to withdraw this Request for Information/Expression of Interest at any time and for any reason. Submission of, or receipt by the Authority of, Request for Information/Expression of Interest confers no rights upon the firm nor obligates the Authority in any manner.

The choice of method of delivery of the submittals to the Authority rests with the Responder. It is the responsibility of the Responder to choose the method of delivery that will place the submittal in the hands of the Authority's Purchasing Director prior to the deadline for submission. The Purchasing Director cannot waive or excuse late receipt of any Request for Information/Expression of Interest which is delayed and late for any reason. Late receipt of any submission will be grounds for disqualification. Any late submission will not be opened but will be returned to the Responder unopened.

In the event the Authority determines that it is necessary to revise any part of this RFI/EOI, an official written addendum will be issued by the Authority to all Responders of record.

Responders participating in this RFI/EOI process should complete and file a Vendor Registration and Disclosure Statement (Form WV-1) and remit the registration fee to the State Purchasing Division. A Responder is not required to be a registered vendor in order to submit a RFI/EOI, but the successful Responder must register and pay the fee prior to the issuance of an actual definitive contract/agreement.

The Authority is, at this time, only considering a hotel use. The Authority reserves the right to evaluate other development and facility operational arrangements in the future as deemed appropriate by the Authority.

The Authority is prepared to work with interested Responders regarding discussions and agreements defining the ongoing operations of Tamarack and the Conference Center during the life cycle of the hotel.

Verbal representations made or assumed to be made during any oral discussions held between any Responder's representatives and any representatives of the Authority are not binding. Only the information issued in writing and added to the RFI/EOI specifications file by an official written addendum is binding.

No Responder, or anyone on any Responder's behalf, is permitted to make contact with any member of the Evaluation Committee unless the contact is an official business and is initiated by the Authority staff.

The successful Responder will be required to incorporate the "General Terms and Conditions" for Requests for Information/Expression of Interest along with any other definitive agreement with the Authority. These "General Terms and Conditions" may be obtained from the Authority's Purchasing Director or from the Authority's website.

Responders will be required to fill out, sign and submit with its submittal the attached: Drug Free Workplace Conformance Affidavit; State of West Virginia Purchasing Division Purchasing Affidavit; and, the Disclosure Affidavit.

E. Other Information Available

Additional information pertaining to the Parkways Authority and Tamarack can be made available upon request including detailed information about finances of the Authority, Tamarack and Tamarack Conference Center operations.

A copy of the Tamarack Land Development Study, dated September 28, 2011, and prepared by Land Planning and Design Associates, has been included as an enclosure in this RFI/EOI.

V. Background Information

Located in the center of the eastern United States, Tamarack: *The Best of West Virginia* is the nation's first statewide showcase of handcrafts, fine art and regional cuisine. It comprises more than 59,000 square feet of retail space, working studios for resident artisans, a fine arts gallery, a theater, and "A Taste of West Virginia" food court managed by The Greenbrier, with an additional 22,500 square feet of meeting space in the Tamarack Conference Center.

The Tamarack Foundation furthers the accomplishments of Tamarack by preserving and sharing West Virginia's cultural traditions, training and educating artisans, and building an economic base for the future.

Tamarack is located on a site that contains approximately 107.29 acres and is near the City of Beckley (Raleigh County), West Virginia. This location is immediately west of the Turnpike's Beckley Service Plaza near the crossroads of Interstate 64 and 77 and U.S. Route 19. It is easily accessible to the West Virginia Turnpike and served by a fully operational interchange with both north and southbound access off of Exit 44. An estimated 45,000 vehicles pass Exit 44 daily.

Since opening in 1996, Tamarack has generated gross sales revenue in excess of \$102 million from craft and food sales, collected state sales tax revenue exceeding \$5.9 million, provided a marketplace for over 2,300 West Virginia artisans, and attracted over 7 million visitors. Tamarack and its operations support 117 full-time equivalent private sector jobs.

VI. The Summit: Bechtel Family National Scout Reserve

The Summit: Bechtel Family National Scout Reserve will be a premier destination for Scouts and their families from around the world and has been chosen to be the permanent site of the National Scout Jamboree beginning in July 2013.

The Boy Scouts are investing hundreds of millions of dollars and will create more than 1,000 permanent and part-time jobs. This is expected to have a significant impact on Tamarack and the areas nearby with media reports indicating that this project will attract 200,000 visitors a year. Based on a report by Syneva Economics, the Boy Scout Center's ongoing operation is expected to generate approximately \$21.6 million in overnight visitor spending with an additional \$23.4 million expected to be spent on hotel and lodgings for the Jamboree, an event held once every four years at which 50,000 to 60,000 campers are expected to attend.

VII. Area Plan and Zoning

Interested firms must perform their own “due diligence” prior to submitting a proposal to the Authority. The Authority does not grant or determine zoning or development entitlements. Respondents are strongly encouraged to review, among others, the following document related to the land use and planning of this area:

- Comprehensive Zoning Ordinance of Raleigh County, West Virginia (includes land use plans and zoning details, etc.)

The site is currently zoned B-1 by the Raleigh County Commission. Among uses allowed under the B-1 zone are retail stores and shops, theaters, financial institutions, professional offices and numerous similar uses.

Respondents should contact Mr. Clayton Terry, Zoning Officer for Raleigh County at 1-304-255-9146 for inquiries regarding land use rules and regulations applicable to the project.



**State of West Virginia
DRUG FREE WORKPLACE CONFORMANCE AFFIDAVIT
West Virginia Code §21-1D-5**

STATE OF _____

COUNTY OF _____, **TO-WIT:**

I, _____, after being first duly sworn, depose and state as follows:

1. I am an employee of _____; and,
(Company Name)
2. I do hereby attest that _____
(Company Name)

maintains a valid written drug free workplace policy and that such policy is in compliance with **West Virginia Code** §21-1D-5.

The above statements are sworn to under the penalty of perjury.

(Company Name)

By: _____

Title: _____

Date: _____

Taken, subscribed and sworn to before me this _____ day of _____.

By Commission expires _____

(Seal)

(Notary Public)

THIS AFFIDAVIT MUST BE SUBMITTED WITH THE BID IN ORDER TO COMPLY WITH WV CODE PROVISIONS. FAILURE TO INCLUDE THE AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF THE BID.

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 _____;

COUNTY OF _____, TO WIT:

AFFIDAVIT

For all members of each Responders proposed Development team: [For each "Yes" response, please provide a brief description of the disposition of such action(s)]

- a. Have there been any criminal, civil or administrative actions brought by or against any of the above entities, firms or persons during the past five years? Yes No
- b. Has any officer or principal of the Responder ever been disqualified, removed or otherwise prevented from bidding on, participating in, or completing a federal, state or local government project because of a violation of law or safety regulation? Yes No
- c. Has any Responder been in default under any of its contracts during the past five years? (Include any projects for which the enforcement of a payment, performance, or bid bond has been required. This information should also be provided for any key organizations participating with any Responder in any prior project that are expected to be on this Project as well.) Yes No
- d. Provide full information concerning any material changes in the mode of conducting business, bankruptcy proceedings (wherever and whenever filed) and mergers or acquisitions within the past five (5) years including comparable information for related companies and principals of companies and any actual, threatened or pending litigation where any Responder or any member of any Responders development team is involved concerning matters which are considered material (e.g., matters in excess of \$50,000). Yes No

RESPONDER

Taken, subscribed and sworn to before me by _____, this
the _____ day of _____, 2012.

My commission expires: _____

Notary Public