



Purchasing Division
2019 Washington Street East
Post Office Box 50130
Charleston, WV 25305-0130

State of West Virginia
Solicitation Response

Proc Folder : 438901
Solicitation Description : Locomotive Traction Control Unit
Proc Type : Agency Purchase Order

Date issued	Solicitation Closes	Solicitation Response	Version
	2018-05-16 11:00:00	SR 0804 ESR05151800000005264	1

VENDOR

VS0000015971
Higher Power Industries

Solicitation Number: ARFQ 0804 RMA1800000002

Total Bid : \$0.00 Response Date: 2018-05-15 Response Time: 13:18:38

Comments:

FOR INFORMATION CONTACT THE BUYER

Dusty J Smith
(304) 558-9398
dusty.j.smith@wv.gov

Signature on File

FEIN #

DATE

All offers subject to all terms and conditions contained in this solicitation

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
1	Traction Control System	0.00000	EA	\$67,325.000000	\$0.00

Comm Code	Manufacturer	Specification	Model #
73161603			

Extended Description :	Traction Control System for SBVR 102 - (GP38) locomotive
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Comments: The new traction system is a TMV system.



State of West Virginia
Request For Quotation

Procurement Folder : 438901

Document Description : Locomotive Traction Control Unit

Procurement Type : Agency Purchase Order

Date Issued	Solicitation Closes	Solicitation No	Version	Phase
2018-04-24	2018-05-10 11:00:00	ARFQ 0804 RMA1800000002	1	Final

SUBMIT RESPONSES TO:	VENDOR
FINANCE & ADMINISTRATION DIVISION OF HIGHWAYS BLDG 5, RM A-220 1900 KANAWHA BLVD E CHARLESTON US	Vendor Name, Address and Telephone <i>Higher Power Industries</i> <i>11 Sunny Slope Terrace</i> <i>Yonkers, NY 10703</i> <i>(914) 709-9800 office</i> <i>914-709-9860 (Fax)</i>

FOR INFORMATION CONTACT THE

Dusty J Smith
(304) 558-9398
dusty.j.smith@wv.gov

Signature X

FEIN #

46-720-9238

DATE

5/9/18

All offers subject to all terms and conditions contained in this solicitation

ADDITIONAL INFORMATION:

TECHNICAL QUESTIONS DUE AT NOON ON MAY 3, 2018

INVOICE TO		SHIP TO	
STATE RAIL AUTHORITY 120 WATER PLANT DR		STATE RAIL AUTHORITY (DBA) SOUTH BRANCH VALLEY RAILROAD 120 WATER PLANT DR	
MOOREFIELD	WV26836	MOOREFIELD	WV 26836
US		US	

Line	Commodity Line Description	Qty	Unit Issue	Unit Price	Total Price
1	Traction Control System	0.00000	EA	\$ 67,325 ⁰⁰	\$ 67,325 ⁰⁰

Commodity Code	Manufacturer	Model #	Specification
73161603	TMV	TECU	

Extended Description

Traction Control System for SBVR 102 - (GP38) locomotive

SCHEDULE OF EVENTS

Line	Event	Event Date
1	TECHNICAL QUESTIONS DUES AT NOON	2018-05-03

RMA180000002	Document Phase Final	Document Description Locomotive Traction Control Unit	Page 3 of 3
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ADDITIONAL TERMS AND CONDITIONS

See attached document(s) for additional Terms and Conditions

See Attached

TERMS , CONDITIONS AND EXCEPTIONS FOR SOLICITATION No. ARFQ 0804
RMA1800000002 LOCOMOTIVE TRACTION CONTROL UNIT.

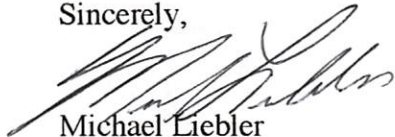
May 15, 2018

Dear Mr. Smith,

Please see below the terms and condition associated with the pricing for the above referenced solicitation:

- 1) Price is based on supply of kit per West Virginia Specification.
- 2) Price is based on HPI installation instructions, schematic for microprocessor system, technical assistance via phone or video Gotomeeting.
- 3) Schematic for new system will be provided. The customer provided schematic must match the current configurations of the locomotive.
- 4) Price is based on the fact that the contractor installing the new system is capable and has experience installing a similar system. The electrician must be certified and capable of reading HPI supplied instructions including wiring diagrams and schematics.
- 5) Price includes 1 (one) week-5 working days of on-site testing and commissioning
- 6) Customer must supply test track in order to fully commission new system with 35MPH capability.
- 7) NO taxes are included in price including any State and Federal.

Sincerely,



Michael Liebler

ADDENDUM ACKNOWLEDGEMENT FORM

SOLICITATION NO.:

Instructions: Please acknowledge receipt of all addenda issued with this solicitation by completing this addendum acknowledgment form. Check the box next to each addendum received and sign below. Failure to acknowledge addenda may result in bid disqualification. Acknowledgment: I hereby acknowledge receipt of the following addenda and have made the necessary revisions to my proposal, plans and/or specification, etc.

Addendum Numbers Received:
(Check the box next to each addendum received)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Addendum No. 1 | <input type="checkbox"/> Addendum No. 6 |
| <input type="checkbox"/> Addendum No. 2 | <input type="checkbox"/> Addendum No. 7 |
| <input type="checkbox"/> Addendum No. 3 | <input type="checkbox"/> Addendum No. 8 |
| <input type="checkbox"/> Addendum No. 4 | <input type="checkbox"/> Addendum No. 9 |
| <input type="checkbox"/> Addendum No. 5 | <input type="checkbox"/> Addendum No. 10 |

I understand that failure to confirm the receipt of addenda may be cause for rejection of this bid. I further understand that any verbal representation made or assumed to be made during any oral discussion held between Vendor's representatives and any state personnel is not binding. Only the information issued in writing and added to the specifications by an official addendum is binding.

Higher Power Industries, Inc

Company



Authorized Signature

5/9/18

Date

NOTE: This addendum acknowledgment should be submitted with the bid to expedite document processing.

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

CONSTRUCTION CONTRACTS: Under W. Va. Code § 5-22-1(i), the contracting public entity shall not award a construction contract to any bidder that is known to be in default on any monetary obligation owed to the state or a political subdivision of the state, including, but not limited to, obligations related to payroll taxes, property taxes, sales and use taxes, fire service fees, or other fines or fees.

ALL CONTRACTS: Under W. Va. Code §5A-3-10a, 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: (1) the debt owed is an amount greater than one thousand dollars in the aggregate; or (2) the debtor is in employer default.

EXCEPTION: The prohibition listed above does not apply where a vendor has contested any tax administered pursuant to chapter eleven of the W. Va. 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.

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.

"Employer default" means having an outstanding balance or liability to the old fund or to the uninsured employers' fund or being in policy default, as defined in W. Va. Code § 23-2c-2, failure to maintain mandatory workers' compensation coverage, or failure to fully meet its obligations as a workers' compensation self-insured employer. An employer is not in employer default if it has entered into a repayment agreement with the Insurance Commissioner and remains in compliance with the obligations under the repayment agreement.

"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 exceeds five percent of the total contract amount.

AFFIRMATION: By signing this form, the vendor's authorized signer affirms and acknowledges under penalty of law for false swearing (W. Va. Code §61-5-3) that: (1) for construction contracts, the vendor is not in default on any monetary obligation owed to the state or a political subdivision of the state, and (2) for all other contracts, that neither vendor nor any related party owe a debt as defined above and that neither vendor nor any related party are in employer default as defined above, unless the debt or employer default is permitted under the exception above.

WITNESS THE FOLLOWING SIGNATURE:

Vendor's Name: High Power Industries, Inc

Authorized Signature: [Signature] Date: 5/9/18

State of New York

County of Westchester, to-wit:

Taken, subscribed, and sworn to before me this 9th day of May, 2018.

My Commission expires 4/19, 2020.

MICHAEL LIEBLER
NOTARY PUBLIC-STATE OF NEW YORK
AFFIX SEAL HERE
No. 5116108525
Qualified In Westchester County
My Commission Expires 04-19-2020

NOTARY PUBLIC [Signature]
Purchasing Affidavit (Revised 01/19/2018)

PURCHASING AFFIDAVIT

1. I, STATE OF WEST VIRGINIA, do hereby certify that the contractor named in the contract is a resident of this state and is qualified to do business in this state. I further certify that the contractor is not a subsidiary of any corporation or other entity organized under the laws of any other state or country.

2. I, STATE OF WEST VIRGINIA, do hereby certify that the contractor named in the contract is not a subsidiary of any corporation or other entity organized under the laws of any other state or country. I further certify that the contractor is not a subsidiary of any corporation or other entity organized under the laws of any other state or country.

3. I, STATE OF WEST VIRGINIA, do hereby certify that the contractor named in the contract is not a subsidiary of any corporation or other entity organized under the laws of any other state or country. I further certify that the contractor is not a subsidiary of any corporation or other entity organized under the laws of any other state or country.

DEFINITIONS:

"Debt" means any liability, whether or not incurred, that is payable by the contractor to any person, firm, or corporation, and includes any liability, whether or not incurred, that is payable by the contractor to any person, firm, or corporation, and includes any liability, whether or not incurred, that is payable by the contractor to any person, firm, or corporation.

"Employment" means any position, whether or not full-time, that is held by the contractor or any of its employees, and includes any position, whether or not full-time, that is held by the contractor or any of its employees, and includes any position, whether or not full-time, that is held by the contractor or any of its employees.

"Party" means any person, firm, or corporation, and includes any person, firm, or corporation, and includes any person, firm, or corporation, and includes any person, firm, or corporation, and includes any person, firm, or corporation.

AFFIRMATION: I, STATE OF WEST VIRGINIA, do hereby certify that the contractor named in the contract is a resident of this state and is qualified to do business in this state. I further certify that the contractor is not a subsidiary of any corporation or other entity organized under the laws of any other state or country.

WITNESS THE FOLLOWING SIGNATURE:

Date: 2/1/12
County of West Virginia

I, STATE OF WEST VIRGINIA, do hereby certify that the contractor named in the contract is a resident of this state and is qualified to do business in this state.

MICHAEL LIEBLER
NOTARY PUBLIC-STATE OF NEW YORK
No. 0116108252
Qualified in Westchester County
My Commission Expires 04-19-2020

Notary Public

AGENCY SOLICITATION NUMBER – ARFQ RMA180000002
Addendum Number: 1

The Purpose of this addendum is to modify the solicitation identified as ("Agency Solicitation") to reflect the change(s) identified and described below.

Applicable Addendum Category:

- Modify bid opening date and time
- Modify specification of product or service being sought
- Attachment of pre-bid sign-in sheet
- Correction of error
- Other To answer questions

Description of Modification to Solicitation:

**TO MODIFY THE BID OPENING
FROM 05/10/18
TO 05/16/18 THE TIME WILL STAY THE SAME.**

To attached the Answers to questions

Additional Documentation: Documentation related to this Addendum (if any) has been included herewith as Attachment A and is specifically incorporated herein by reference.

Terms and Conditions:

1. All provision of the Agency Solicitation and other addenda not modified herein shall remain in full force and effect.
2. Vendor should acknowledge receipt of all addenda issued for this Agency Solicitation by completing an Addendum Acknowledgement, a copy of which is included herewith. Failure to acknowledge addenda may result in bid disqualification. The addendum acknowledgement should be submitted with the bid to expedite document processing

Addendum – ARFQ 0804 RMA18*2-1

Q1: Section 3.1.1.6 states that vendor will provide 2 years of support after initial commissioning. That is a very open-ended request and I ask that we put a maximum allowable time (hours) restriction on this? Also, is the support just by telephone or email rather than traveling to job site?

A1: The tech support is for two years and includes whatever is needed including email, phone, onsite or software modifications.

Q2: Section 3.1.1.7 states that we need to provide modified electrical prints? Does this mean that you will supply current and updated electrical drawings for the GP38 and we will just need to add the new system onto those? And will they be available electronically in Autocad or something like that or will we need to come up with an all new version? Are they paper or electronic? Are we expected to update with incorporation of new control system? The standard is to provide a copy of schematic of the stand-alone system only?

A2: New complete electrical prints are to be provided by the vendor. These prints must be a complete schematic of the locomotive as wired with the traction control system installed. A set of schematics (paper) will be provided to the vendor as reference but must be returned to the SBVR.

Q3: What level of electrical experience does the installation team have on installing microprocessors on locomotives?

A3: We have a certified electrician on staff. The shop can handle the installation as long as the instructions are understandable and indicate what to install and what to remove/modify.

Q4: Can we ask for an advanced milestone payment to cover engineering and software development .

A4: No advanced payment will be made. 100% payment is sent when goods are delivered to customer satisfaction.

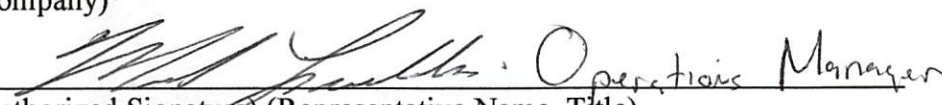
Q5: What is the capability of track testing on site? Meaning do we have track available for testing and commissioning to test the system.

A5: Yes there is track available for testing

DESIGNATED CONTACT: Vendor appoints the individual identified in this Section as the Contract Administrator and the initial point of contact for matters relating to this Contract.

Michael Liebler - Operations Manager
(Name, Title)
Michael Liebler - Operations Manager
(Printed Name and Title)
11 Sunny Slope Terrace, Yonkers NY 10703
(Address)
914-709-9800 (O) 914-709-9800 (F)
(Phone Number) / (Fax Number)
Mike @ higher power industries.com
(E-mail address)

CERTIFICATION AND SIGNATURE: By signing below, or submitting documentation through wvOASIS, I certify that I have reviewed this Solicitation in its entirety; that I understand the requirements, terms and conditions, and other information contained herein; that this bid, offer or proposal constitutes an offer to the State that cannot be unilaterally withdrawn; that the product or service proposed meets the mandatory requirements contained in the Solicitation for that product or service, unless otherwise stated herein; that the Vendor accepts the terms and conditions contained in the Solicitation, unless otherwise stated herein; that I am submitting this bid, offer or proposal for review and consideration; that I am authorized by the vendor to execute and submit this bid, offer, or proposal, or any documents related thereto on vendor's behalf; that I am authorized to bind the vendor in a contractual relationship; and that to the best of my knowledge, the vendor has properly registered with any State agency that may require registration.

Higher Power Industries, Inc
(Company)
 Operations Manager
(Authorized Signature) (Representative Name, Title)
Michael Liebler - Operations Manager
(Printed Name and Title of Authorized Representative)
5/9/18
(Date)
914-709-9800 (O) 914-709-9800
(Phone Number) (Fax Number)

State of West Virginia

VENDOR PREFERENCE CERTIFICATE

Certification and application is hereby made for Preference in accordance with **West Virginia Code**, §5A-3-37. (Does not apply to construction contracts). **West Virginia Code**, §5A-3-37, provides an opportunity for qualifying vendors to request (at the time of bid) preference for their residency status. Such preference is an evaluation method only and will be applied only to the cost bid in accordance with the **West Virginia Code**. This certificate for application is to be used to request such preference. The Purchasing Division will make the determination of the Vendor Preference, if applicable.

1. **Application is made for 2.5% vendor preference for the reason checked:**
 Bidder is an individual resident vendor and has resided continuously in West Virginia, or bidder is a partnership, association or corporation resident vendor and has maintained its headquarters or principal place of business continuously in West Virginia, for four (4) years immediately preceding the date of this certification; **or**,
 Bidder is a resident vendor partnership, association, or corporation with at least eighty percent of ownership interest of bidder held by another entity that meets the applicable four year residency requirement; **or**,
 Bidder is a nonresident vendor which has an affiliate or subsidiary which employs a minimum of one hundred state residents and which has maintained its headquarters or principal place of business within West Virginia continuously for the four (4) years immediately preceding the date of this certification; **or**,
2. **Application is made for 2.5% vendor preference for the reason checked:**
 Bidder is a resident vendor who certifies that, during the life of the contract, on average at least 75% of the employees working on the project being bid are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; **or**,
3. **Application is made for 2.5% vendor preference for the reason checked:**
 Bidder is a nonresident vendor that employs a minimum of one hundred state residents, or a nonresident vendor which has an affiliate or subsidiary which maintains its headquarters or principal place of business within West Virginia and employs a minimum of one hundred state residents, and for purposes of producing or distributing the commodities or completing the project which is the subject of the bidder's bid and continuously over the entire term of the project, on average at least seventy-five percent of the bidder's employees or the bidder's affiliate's or subsidiary's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years and the vendor's bid; **or**,
4. **Application is made for 5% vendor preference for the reason checked:**
 Bidder meets either the requirement of both subdivisions (1) and (2) or subdivision (1) and (3) as stated above; **or**,
5. **Application is made for 3.5% vendor preference who is a veteran for the reason checked:**
 Bidder is an individual resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted; **or**,
6. **Application is made for 3.5% vendor preference who is a veteran for the reason checked:**
 Bidder is a resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years.
7. **Application is made for preference as a non-resident small, women- and minority-owned business, in accordance with West Virginia Code §5A-3-59 and West Virginia Code of State Rules.**
 Bidder has been or expects to be approved prior to contract award by the Purchasing Division as a certified small, women- and minority-owned business.

Bidder understands if the Secretary of Revenue determines that a Bidder receiving preference has failed to continue to meet the requirements for such preference, the Secretary may order the Director of Purchasing to: (a) rescind the contract or purchase order; or (b) assess a penalty against such Bidder in an amount not to exceed 5% of the bid amount and that such penalty will be paid to the contracting agency or deducted from any unpaid balance on the contract or purchase order.

By submission of this certificate, Bidder agrees to disclose any reasonably requested information to the Purchasing Division and authorizes the Department of Revenue to disclose to the Director of Purchasing appropriate information verifying that Bidder has paid the required business taxes, provided that such information does not contain the amounts of taxes paid nor any other information deemed by the Tax Commissioner to be confidential.

Bidder hereby certifies that this certificate is true and accurate in all respects; and that if a contract is issued to Bidder and if anything contained within this certificate changes during the term of the contract, Bidder will notify the Purchasing Division in writing immediately.

Bidder: Higher Power Industries

Signed: [Signature]

Date: 5/8/18

Title: Operations Manager

*Check any combination of preference consideration(s) indicated above, which you are entitled to receive.