

**NEW RIVER GORGE  
REGIONAL DEVELOPMENT AUTHORITY**



**REQUEST FOR PROPOSALS  
FOR THE  
DEVELOPMENT OF A PROPOSAL TO ESTABLISH A  
BACCALUREATE AEROSPACE TECHNOLOGY PROGRAM**

***IN COOPERATION WITH***



**NEW RIVER COMMUNITY AND TECHNICAL COLLEGE**

***AND THE***



**INSTITUTE OF TECHNOLOGY  
WEST VIRGINIA UNIVERSITY**

RFP Publication Date:	11/10/20
RFP Requests for Information Due:	11/21/20
RFP Submittals Due:	11/24/20
Contract Award Date:	12/2/20

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FOR THE  
DEVELOPMENT OF A PROPOSAL TO ESTABLISH A  
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**NOTICE OF  
REQUEST FOR PROPOSALS (RFP)**

SOLICITATION NUMBER: 2020-001 RFP

MATERIAL/SERVICE: Professional Consulting Services

PROPOSAL DUE DATE & TIME: November 24, 2020 by 5:00 pm EDT

RFP MAILING ADDRESS: Attn: Jina Belcher, Interim Executive Director  
New River Gorge Regional Development Authority  
116 N. Heber St, Suite B  
Beckley, WV 25801-4522

The New River Gorge Regional Development Authority (NRGRDA) will receive competitive sealed proposals for providing specialized professional consulting services until the time and date cited above. Proposals received on or before the correct time and date will be time-stamped by a staff member and publicly recorded. Late proposals will not be opened.

Proposals must be submitted in a sealed envelope with the solicitation number and the Proposer's name and address clearly indicated on the envelope. All proposals must be completed in ink or typewritten. Additional instructions for preparing proposals are provided in the solicitation package.

Prior to submittal of the final RFP response, requests for information (RFI) or clarification of proposal requirements must be submitted in writing via email to:

Contact: Jina Belcher, Deputy Director  
Email: [jbelcher@nrgrda.org](mailto:jbelcher@nrgrda.org)

The deadline for submitting questions is November 21, 2020 at 2:00 pm EDT. If necessary, addendum(s) to the Request for Proposals will be posted to <https://nrgrda.org/job-board/>

Communication with employees of the New River Gorge Regional Development Authority is expressly prohibited except with the prior knowledge and permission of the Director or designated representative. Unauthorized contact of any other member of NRGRDA may be cause for disqualification from the RFP process. The complete solicitation document may be downloaded from the NRGRDA's website at <https://nrgrda.org/job-board/>.

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## SECTION I

### GENERAL INFORMATION ON SOLICITATION PROCESS

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The purpose of this Request for Proposals (RFP) is to solicit proposals from qualified and capable experts to provide specialized professional consulting services for preparing a comprehensive proposal for developing a baccalaureate aerospace technology degree program that can be integrated into the current curriculum and programs available at the New River Community and Technical College (NRCTC) and the West Virginia University's Institute of Technology (WVU Tech).

**1. Availability of Solicitation.** The solicitation package is available by request or on-line at <https://nrgrda.org/job-board/>.

**2. Definitions.** For purposes of this Request for Proposals, the following definitions are used:

*NRGRDA* – the New River Gorge Regional Development Authority including its authority members, director and staff

*NRCTC* – the New River Community and Technical College including its trustees, faculty, and staff.

*Proposal* – response to this Request for Proposal prepared for and submitted by a Proposer.

*Proposer* – the individual, partnership, corporation or team who, as a result of this competitive proposal solicitation, has submitted a proposal to provide the specific services requested.

*Request for Proposals (RFP)* – solicitation for the procurement of professional consulting services based on qualifications and not on price.

*Successful Proposer* – Proposer who has submitted a responsive proposal who has been selected based on their qualifications and enters into an agreement with the NRGRDA to provide professional consulting services as a result of this solicitation.

*WVU Tech* – the West Virginia University's Institute of Technology (Beckley campus) including its trustees, faculty, and staff.

**3. Background.** The New River Gorge Regional Development Authority was established to initiate, facilitate and support the community and economic development efforts within the

counties of Fayette, Nicholas, Raleigh and Summers located in the New River Gorge region of West Virginia.

The NRGRDA manages a proactive, recruitment, retention and expansion strategy designed to identify and address the needs, challenges, and opportunities of new and existing business in the region. The goal of the program is to provide information, services and tools to business and industry to support expansion and to create new jobs and investment.

- 4. Addendums.** If necessary to amend the solicitation, addendum(s) will be prepared in writing and posted with the original RFP at <https://nrgrda.org/job-board/>. Proposers are responsible for obtaining all addenda. Any addenda issued shall be acknowledged in the proposal and submittal of Attachment A, *Acknowledgement of Addenda*. Failure to acknowledge any addendum may result in disqualification from the RFP process.
- 5. Familiarization with Requirements.** It is the Proposer's responsibility to examine the entire solicitation package and to seek clarification of any requirement that may not be clear and to check all responses for accuracy before submitting a proposal. Negligence in preparing a proposal confers no right of withdrawal after the due date and time.
- 6. Cost of Proposal Preparation.** The NRGRDA is not responsible for any costs related to developing, presenting, or providing a response to this solicitation.
- 7. Inquiries.**
  - a. Contact Person. Any inquiry related to a solicitation, including any requests for or inquiries regarding standards referenced in the solicitation should be directed to the attention of Jina Belcher via email at [jblecher@nrgrda.org](mailto:jblecher@nrgrda.org) and shall follow the additional directions contained within this RFP. The Proposer shall not contact or direct inquiries concerning this solicitation to any other member of NRGRDA.
  - b. Submission of Inquiries. All inquiries shall be submitted in writing via electronic mail as outlined and shall refer to the appropriate solicitation number, page, and paragraph. The NRGRDA shall consider the relevancy of the inquiry but is not required to respond in writing.
  - c. Timeliness. Any inquiry or exception to the solicitation should be submitted as soon as possible but shall be submitted no later than November 21, 2020 at 2:00 pm EDT. Late inquiries may not receive a response.
  - d. Verbal Responses. Oral interpretations or clarifications will be without legal effect. A Proposer shall not rely on verbal responses to inquiries. A verbal reply to an inquiry does not constitute a modification of the solicitation.

- 8. Public Record.** With the exception of any accepted proprietary information provided by Proposers, all proposals and correspondence submitted in response to this solicitation shall become the property of the NRGRDA and shall become a matter of public record subsequent to the award notification.
- 9. Proposal Results.** Proposal results shall not be provided in response to telephone inquiries. A tabulation of responses received will be available for review upon request after an agreement is awarded.
- 10. Offer and Acceptance Period.** All proposals shall remain valid and irrevocable for ninety (90) days after the due date of proposals.
- 11. Special Conditions.** Wherever special conditions are written into the Technical Approach (Section III) which are in conflict with conditions stated in these Instructions to Proposers, the conditions stated in Technical Approach and Specifications shall take precedence.
- 12. Outstanding Claims and Litigation.** Proposers must not be in default or arrearage under any previous or existing contract(s) with the NRGRDA, the State of West Virginia, any political subdivision of the State of West Virginia, or any federal agency or organization. The NRGRDA reserves the right to disqualify a Proposer that has pending litigation, claims, or debts with the NRGRDA, or if the proposal includes a proposed subcontractor or subcontractor that has pending litigation, claims, or debts with the NRGRDA, if the NRGRDA determines, in its sole discretion, such litigation, claims, or debts may adversely affect the ability of the parties to work efficiently and effectively under the contract contemplated by the RFP.
- 13. Conflict of Interest.** No employee or official of the NRGRDA, the State of West Virginia, or any political subdivision of the State may have any direct or indirect interest, financial or otherwise with the Proposer, including, but not limited to, any joint venture partnerships, subcontractor, subconsultant, or other legal relationship.
- 14. Submission of Multiple Proposals.** No Proposer shall submit more than one proposal in response to this RFP. Collusion among proposers, the submission of more than one proposal under different names by any entity or individual, or an ownership interest in more than one proposer by any entity or individual shall be cause for rejection of all such proposals without consideration.
- 15. Federal, State, and Local Laws.** All Proposers agree to comply with all federal, state, and local laws, regulations and policies relative to conducting business in West Virginia. The laws of the State of West Virginia will govern as to the interpretation, validity, and effect of this proposal, its award, and any Contract entered into.

16. **Taxes.** The NRGRDA is a state chartered authority organized by the State of West Virginia and is exempt from the payment of sales and use taxes.
  
17. **Collusion and Advance Disclosures.** Evidence of agreement or collusion among Proposers and prospective Proposers acting to illegally to restrain freedom of competition shall render the proposals of any and all such Proposers void.

Advance or unauthorized disclosures of any information by a member of NRGRDA, its agents or other representative which gives any particular Proposer any advantage over any other interested Proposers, in advance of the Proposal opening, shall operate to void all Proposals.

*{End of General Information on Solicitation Process}*

**SECTION II**  
**INSTRUCTION TO PROPOSERS**

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**A. PROPOSAL PREPARATION AND SUBMITTAL**

**1. General.**

- a. Forms. All proposals shall be submitted in conformance with the Section I, General Information, Section II, Instructions to Proposers, and Section III, Technical Approach.
- b. No Facsimile or Electronic Mail Proposals. Proposals may not be submitted in facsimile or electronically. Facsimiles or electronic mail proposals shall not be considered.
- c. Format. Proposal text shall be prepared using a minimum 11-point type, maximum 12-point standard font. Pages shall be numbered sequentially.
- d. Signature. The person authorized to sign the proposal for the Proposal shall sign the Cover Letter with an original ink signature.
- e. Confidential Information. Requests for nondisclosure of data such as trade secrets and other proprietary data must be declared in writing and substantiated. Without such a request, any information supplied by the Proposer is NOT confidential and will not be withheld.

**2. Proposal Contents.**

At a minimum, Proposers shall ensure the following items are addressed in their submittal package:

a. Proposer's Cover Letter

- (1) A Cover Letter shall be prepared on the Proposer's official letterhead. It shall include the Proposer's legal name, principal location address, and be signed in ink by the person(s) authorized to represent the Proposer. The Cover letter should also acknowledge any addenda issued for the RFP.
- (2) Expression of interest and qualifications to provide the professional consulting services.
- (3) The name, address, telephone number, and e-mail address of the person to contact concerning the RFP submittal.

- b. Proposer's Background. The Proposal shall include a narrative on the Proposer including a brief historical background, principal place of business, legal organization, facilities, personnel, professional registrations, certifications, and recognitions. If the Proposal includes subcontractors or subconsultants, provide a similar discussion.



c. Proposer's Qualifications

- (1) Recent Experience. Describe in detail accomplishments of the Proposer that demonstrates closely-related experience specific and relevant to the Technical Approach. Identify the project manager and key personnel involved in each specific element of the project, their roles and indicate if they are still employed and available for the project.
- (2) Project Manager. Identify the Project Manager who will be assigned the primary technical responsibility for the Project. Provide information regarding their specific academic and professional background qualifications and experience that demonstrates their managerial and technical abilities to lead the Proposer's team and to ensure a successful outcome of the project.

Important Note: The project shall be under the technical direction of the Project Manager and is expected to have major involvement in the performance of the project tasks. It is further expected that the Project Manager shall be available for the full contract term. NRGRPC reserves the right to approve any changes in the designated Project Manager including the requirement that the firm contractually retain the original Project Manager for specific responsibilities and tasks at the direction of NRGRPC.

- (3) Key Personnel. Provide information regarding the background and academic and professional experience for each member of the Proposer's team relevant to specific elements of the project. More detailed resumes, biographies, and detailed academic curricula vitae (CV) of key personnel may be included as an appendix.
- (4) Organizational Chart. Provide an organizational chart that illustrates the roles and relationships of each key member of the project team.

c. Proposer's Technical Proposal

The Proposer's Technical Proposal should include adequate information to demonstrate the Proposer's understanding of the Technical Approach and the Project objectives.

- (1) Approach. The Proposer's proposal should describe their plan that demonstrates a clear and concise approach of how each element of their Technical Proposal will be accomplished.
- (2) Specific Tasks. The proposal should include an outline of each specific task and how the task will be accomplished. The Technical Proposal should also discuss how the

expertise and experience of the key members of project team and their interactions will be employed to complete each project element. If appropriate, identify the project team's task leader.

- (3) Project Schedule. The Proposal shall discuss the Proposer's anticipated schedule for the accomplishment of project including each task, including timelines, critical paths, meetings, reviews, and other key milestones contemplated. A graphic depiction of the schedule shall be included.
- (4) Resources. Identify material resources (proprietary software, databases, etc.) that may be necessary.
- (5) Consultation and Coordination. The Proposal shall include a comprehensive list of potential stakeholder agencies, organizations and other interests that should be consulted for providing input into the development and implementation of the Project Provisions.
- (6) Other Information. The Proposer may include any other information that demonstrates their understanding of the objectives of the Technical Approach and their ability to fulfill the services to be provided in a timely and cost-effective manner.

Important Note: The Successful Proposer's Technical Proposal shall by reference become part of the contract.

d. Proposer's References.

Proposals shall include a minimum of three (3) references that are relevant be similar to the scope of work as defined in this document, preferably from agencies and institutions that are involved in collegiate aviation education in the United States. If the Proposal includes subcontractors or subconsultants, the Proposal shall also include a minimum of three (3) relevant references for each. All references shall include the following information:

- (1) Individual name
- (2) Organization or Institution
- (3) Address
- (4) Phone
- (3) Email address
- (6) Description of the project or service provided.

Important Note: Failure to provide the minimum of three (3) references shall be deemed non-responsive.

- e. Price. This is a strictly a qualifications-based solicitation (QBS). Any information included in the Proposal regarding information on price, fees, labor estimates, or other inappropriate financially-based information shall be grounds for disqualification of the Proposal.

### 3. Proposal Submittal.

Proposer shall submit one (1) signed original proposal and five (5) copies of their complete proposal. The proposal original should be clearly labeled "ORIGINAL", shall be unbound while the copies shall be bound and numbered. Proposer shall also provide an electronic copy of their Proposal on a USB drive as one complete file in pdf format. Any material unattached to the Proposal will not be considered.

- a. Submission Package. The printed Proposal original, printed copies, and the electronic version of the Proposal shall be contained in one submission package. The submittal package should be firmly sealed and clearly marked on the outside with the solicitation number, the word "PROPOSAL", and the name and address of the Proposer.
- b. Late Proposals. Proposals received after the due date and time will not be opened.
- c. No Modifications. Modifications shall not be permitted after proposals have been opened except as otherwise provided under applicable law.
- d. Withdrawal of Proposal. Proposals may be withdrawn at any time prior to the specified proposal due date and time. A Proposer (or authorized representative) may withdraw the response by notifying the designated contact for this solicitation in writing on company letterhead.

### 4. Proposal Conformance.

- a. Conformance to RFP. Each received proposal will be checked for conformance with the submission requirements of this RFP and to ensure that the proposal is fully responsive to the specifications listed. Proposals that fail to comply with the proposal submission requirements shall be deemed non-responsive.
- b. Disqualification. A Proposer who is currently debarred, suspended, or otherwise lawfully prohibited from any public procurement activity shall be cause to reject the proposal.
- c. Clarifications. The NRGRDA reserves the right to obtain clarifications where necessary to arrive at full and complete understanding of Proposer's solicitation response.

“Clarification” means a communication with a Proposer for the sole purpose of eliminating ambiguities in the proposal. The Proposer shall not be given an opportunity to revise or modify their Proposal.

- d. Conditional Responses. Submission of a Proposal that contains additional terms, conditions, or qualifying statements may result in the rejection of the Proposal.

## 5. Proposal Evaluations and Selection Criteria.

The evaluation of each Proposal will be based on the information and references provided in response to this Request for Proposals. An evaluation committee will evaluate the quality of each Proposal and will select a Successful Proposer most advantageous to the NRGRDA.

The Selection shall be based on the information in the Proposal regarding qualifications, experience, and the technical proposal. Price, fees, labor estimates or other financially-based information shall NOT be considered.

Evaluation of proposals will be based on, but not limited to the following factors, which may not necessarily be in the order of importance:

- a. Understanding of the Project’s goals and objectives
- b. Proposer’s experience and success with similar projects
- c. Technical approach and scope of services
- d. Key personnel’s academic background and experience
- e. Key personnel’s professional qualifications and experience
- f. Schedule
- g. References
- h. Other objective considerations

The NRGRDA reserves the right to request more information for clarification from any or all Proposer’s regarding their Proposal. As part of the proposal evaluation process, the highest ranked Proposers may be asked to make a presentation and/or participate in an interview prior to the final selection.

By submitting a Proposal in response to this RFP, the Proposer acknowledges and accepts the evaluation process and that the determination of the “most qualified” Proposal may require subjective judgments by the NRGRDA and the evaluation committee.

## 7. Proposed Tentative Timetable (*all times based on Eastern Daylight Time EDT*)

The following represent the tentative timetable for the solicitation, acceptance, and evaluation of Proposals, the selection of the Successful Proposer, contract negotiations and

Contract Award.

<b>Action</b>	<b>Date</b>
Request for Proposal Published	November 10, 2020
Written Questions Due	November 21, 2020
Proposal Submission Due	November 24, 2020
Selection of Successful Proposer	December 2, 2020
Contract Negotiation and Award	December 3 – December 10, 2020

Important Note: All dates and times are subject to change.

*{End of Instructions to Proposers}*

## SECTION III

### TECHNICAL APPROACH

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#### A. OVERVIEW

The technical approach for developing a proposal to establish a baccalaureate aerospace Technology Program in cooperation with the New River Community and Technical College and the West Virginia University's Institute of Technology is summarized by the Scope of Work outlined below. Proposers are expected to interpret the Technical Approach and to articulate their understanding of the project objectives by describing in detail the means and methods (i.e., Work Plan) for how they will specifically accomplish each task. Proposers are encouraged to apply their professional experience and judgement and to exercise creativity by proposing any additions or modifications to these tasks that would improve the effectiveness of the project effort to achieve a successful outcome.

*Note: The Proposer should carefully review the information contained in the Raleigh County Memorial Airport Regional Analysis Study, prepared by Tucson Atlantic Consulting as a resource document and to provide additional observations, opinions, recommendations and other pertinent information as necessary.*

#### B. SCOPE OF WORK

##### 1. Project Management

This task includes the management, administration, reporting, regulatory compliance, and oversight associated with Tasks 2.0 through 5.0, including all subtasks. The Proposer shall create a schedule that identifies task periods, key meetings, events, progress reports, and the submission of draft deliverables for review.

##### 2. Review Current Literature Regarding Trends in the Aviation Industry

Aviation is a very dynamic industry with both common influences and unique drivers that can effect change. The state of the aviation industry five years ago is not the same as it is today (immediately pre- and post-COVID 19), and may not resemble what the aviation will look like five years from now.

The Proposer will assemble and review current and relevant literature, data, and other objective resources that provide the observations and opinions of experts regarding anticipated trends that may affect the collegiate and technical education and the aviation industry over the next 10 years. The Proposer will interpret this information to present their own perspectives regarding the future of the aviation industry. The discussion will include but is not limited to, historical and projected factors such as the demographics of the general population and the aviation workforce, macroeconomics, high school and collegiate education, aviation academic programs, technology, federal legislation, regulations and policy among others.

*Note: The ultimate impact of COVID-19 on aviation and the economy has yet to be identified, however the Proposer should address relevant views regarding the potential long-term effects.*

### 3. Review Aviation Industry Needs and Current Resources for Supplying Aviation Workforce

This task will review relevant literature and data detailing specific existing and projected aviation industry workforce needs and current resources that supply skilled labor and educated professionals to the workforce. Focus shall be on aerospace technology fields\*. Anticipated subtasks include the following:

- a. **Employment Characteristics.** Data pertaining to aviation employment nationally and regionally in aerospace technology including, but not limited to, job descriptions, job requirements, salary information, etc. A review of the overall demand for each profession, including estimates of the projected number of jobs created by new and growing industry sectors and job losses due to industry weaknesses, attrition, retirements and the number of retiring employees being replaced each year.
- b. **Employer Characteristics.** Comprehensive information regarding established small, mid-size and large aerospace technology employers as well as start-ups in emerging technologies.
- c. **Education and Training.** Comprehensive information on aviation academic programs in the region, including detailed documentation of available degree programs, courses, licenses, certifications, tuition rates, financial aid, etc.

### 4. Evaluate Regional Demographics and Employment Characteristics

This task will review data regarding current and projected demographics, employers, and employment in West Virginia, and nationally. The Proposer will provide observations, opinions, and recommendations to address the current state of the regional workforce and to assess opportunities to enhance the educational resources in the region for providing new and expanded opportunities to supply the aviation professionals in aerospace technology fields.

### 5. Evaluate Needs for Aerospace Technology Program

Using the information from Tasks 2, 3 and 4, identify specific gaps in current baccalaureate aerospace technology programs offered regionally and nationally. The Proposer will provide an analysis of opportunities that may offer support for the justification and need for an academic program to supply aerospace technology professionals for the national aviation workforce. The analysis should provide an analysis of current and future aerospace workforce needs and gaps where those needs are underserved or otherwise not being addressed. The analysis should identify the feasibility for the development of a successful aerospace technology program for the region.

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\* *non-flight or non-engineering aviation careers.*

## 6. Develop Aerospace Technology Program Proposal

The primary emphasis of the Project is to prepare a Proposal for the development of a baccalaureate degree program in aerospace technology for the southern West Virginia region, utilizing the resources of both NRCTC and WVU Tech. The Proposal should consist of the following elements:

- a. Background Information – Discussion of current and anticipated trends regarding general conditions and that of the aviation industry. (Task 2 and 3)
- b. Needs Assessment – Discussion of current and anticipated future needs for supporting the aerospace technology workforce and opportunities to contribute to the aerospace technology workforce. (Task 4 and 5)
- c. Program Mission and Educational Goals – Identify, evaluate, and recommend the core mission of the program and key educational goals
- d. Student Learning Outcomes – Discussion of specific student learning outcomes recommended that can be used to describe program graduates' abilities, aptitudes, and attitudes regarding their ability to successfully enter the aerospace technology industry.
- e. Curriculum: Describe in detail the recommended curriculum (120 credit hours minimum) Courses should align to meet the academic and administrative requirements of both NRCTC and WVU Tech.
  - (1) General Education
  - (2) Core (Non-Aerospace)
  - (3) Core (Aerospace)
  - (4) Aerospace Technology Concentration(s)

Course delivery methodology should be discussed including on-campus, on-line, and hybrid labs for classes and labs. The curriculum should have a balance between courses based on technology, management, and business principles.

- f. Faculty and Staff – Discuss program leadership and faculty requirements including estimated full-time and adjunct appointments and strategies for recruitment and retention. Describe necessary resources for shared and specific staffing requirements.
- g. Facilities, Equipment, and Services – Describe the need for dedicated resources to support the program as well as the additional demand upon potentially shared resources existing at NRCTC and WVU Tech.
- h. Institutional Support and Infrastructure – Discuss specific efforts and activities necessary to gain administration and academic support for introducing a new program at NRCTC and WVU Tech. Provide similar examples with successful outcomes.
- i. Industry Relationships – Discuss the need and opportunities to develop relationships with representatives of aerospace technology industries who can help guide the development



and improvement of the curriculum, provide internships, and other opportunities to ensure the program is meeting their needs. Identify key organizations, conferences, and other events that can provide industry networking opportunities. Discuss successful examples that demonstrate these relationships in practice. Identify opportunities for industry partners to contribute financial and other resources for assisting both NRCTC and WVU-Tech aerospace technology program Recommend strategies, tasks, contacts, and other resources to initiate similar relationships.

- j. Students – Provide an assessment of the characteristics of students who would/could be interested in the aerospace technology program. Discuss where students may come from geographically and develop a 5-year projection of student enrollments for the program. Identify opportunities with high schools and other academic institutions to partner with the program including key contacts.

#### 7. Assessment of Program Graduates Employment Opportunities

Identify and evaluate employment opportunities for specific segments of the aerospace technology industry where graduates would be qualified candidates.

#### 8. Develop Strategic Implementation plan

Prepare a detailed strategic implementation plan for development of the aerospace technology program. The plan will identify specific objectives, action items, timelines, responsible parties, funding requirements, potential obstacles, and metrics for successful outcomes. The plan will include phasing necessary for the initial start-up of the program, benchmarks, and intermediate measures to ensure the implementation momentum is maintained.

#### 9. Develop a Pro Forma Budget

The Proposal shall include a detailed 5-year pro forma budget estimates which identifies start-up costs, operating revenues and expenses, cash flow, capital expenditures, as well as sponsorships, contributions, and other potential funding resources. The objective for this task is to demonstrate that the proposed aerospace technology program is financially viable and can be introduced into NRCTC's and WVU Tech's suite of academic courses and programs with a minimal fiscal impact.

*{End of Technical Approach}*

# Attachments

**Attachment A**  
**ACKNOWLEDGEMENT OF ADDENDA**  
*(This Form is a Required Part of the Response)*

Proposer hereby acknowledges receipt of all Addenda through and including:

Addendum No. \_\_\_\_\_, dated \_\_\_\_\_.

Addendum No. \_\_\_\_\_, dated \_\_\_\_\_.

Addendum No. \_\_\_\_\_, dated \_\_\_\_\_.

Addendum No. \_\_\_\_\_, dated \_\_\_\_\_.

Company: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

**Attachment B**  
**NON-COLLUSION AFFIDAVIT FORM**  
*(This Form is a Required Part of the Response)*

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, (Name) being first duly sworn, deposes, and declares that they are the authorized representative of \_\_\_\_\_ (Proposing Firm) as the responsible party making the foregoing Proposal that such Proposal is genuine and not collusive or sham; that said Proposer has not colluded, conspired, connived, or agreed, directly or indirectly with any PROPOSER or person, to put in a sham Proposal, or that such other person shall refrain from proposing and has not in any manner, directly or indirectly sought by agreement or collusion, or communication or conference, with any person to fix the Proposal of affiant or any other PROPOSER or to fix any overhead, profit or cost element of said Proposal or of that of any other PROPOSER or to secure any advantage against OWNER any person interested in the proposed contract; and that all statements in said Proposal are true; and further, that such PROPOSER has not, directly or indirectly Proposed this Proposal, or the contents thereof, or divulged information or data relative thereto to any association or to any member or agent thereof.

\_\_\_\_\_  
Proposer

Sworn to and subscribed before this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

{Seal}

My Commission Expires \_\_\_\_\_

**Attachment C**  
**FEDERAL PROVISIONS CERTIFICATION**  
*(This Form is a Required Part of the Response)*

**A. Civil Rights – General**

The Proposer agrees to comply with pertinent statutes, Executive Orders and such rules as are promulgated to ensure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participating in any activity conducted with or benefiting from Federal assistance. This provision binds the Proposer and subconsultants from the bid solicitation period through the completion of the contract. This provision is in addition to that required of Title VI of the Civil Rights Act of 1964.

**B. Debarment and Suspension**

**1. Certification of Proposer Regarding Debarment:**

By Proposing a proposal under this solicitation, the Proposer certifies that neither it nor its principals are presently debarred or suspended by any Federal department or agency from participation in this transaction.

**2. Certification of Subcontractors Regarding Debarment:**

The successful Proposer, by administering each subcontract that exceeds \$25,000 as a “covered transaction”, must verify each subcontractor of a “covered transaction” under the project is not presently debarred or otherwise disqualified from participation in this federally assisted project. The successful Proposer will accomplish this by:

- a. Checking the System for Award Management at website: <http://www.sam.gov>
- b. Collecting a certification statement similar to the Certificate Regarding Debarment and Suspension (Proposer), above.
- c. Inserting a clause or condition in the covered transaction with the subcontractor.

If it is later determined that a subcontractor failed to disclose that it was excluded or disqualified at the time it entered the covered transaction, available remedies, including suspension and debarment of the non-compliant subcontractor.

**C. Federal Fair Labor Standards Act (Federal Minimum Wage)**

All contracts and subcontracts that result from this solicitation incorporate by reference the provisions of 29 CFR Part 201, the Federal Fair Labor Standards Act (FLSA), with the same force and effect as if given in full text. The FLSA sets minimum wage, overtime pay, recordkeeping, and child labor standards for full and part time workers. The Proposer has full responsibility to monitor compliance to the referenced statute or regulation. The Proposer must address any claims or disputes that arise from this requirement directly with the U.S. Department of Labor – Wage and Hour Division

**D. Lobbying and Influencing Federal Employers**

The Proposer certifies by signing and Proposing this proposal, to the best of their knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Bidder or Proposer, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**E. Occupational Safety and Health Act of 1970**

All contracts and subcontracts that result from this solicitation incorporate by reference the requirements of 29 CFR Part 1910 with the same force and effect as if given in full text. Proposer must provide a work environment that is free from recognized hazards that may cause death or serious physical harm to the employee. The Proposer retains full responsibility to monitor its compliance and their subcontractor's compliance with the applicable requirements of the Occupational Safety and Health Act of 1970 (20 CFR Part 1910). Proposer must address any claims or disputes that pertain to a referenced requirement directly with the U.S. Department of Labor – Occupational Safety and Health Administration.

**F. Trade Restriction Certification**

By submission of an offer, the Proposer certifies that with respect to this solicitation and any resultant contract, the Proposer:

1. is not owned or controlled by one or more citizens of a foreign country included in the list of countries that discriminate against U.S. firms as published by the Office of the United States Trade Representative (USTR);
2. has not knowingly entered into any contract or subcontract for this project with a person that is a citizen or national of a foreign country included on the list of countries that discriminate against U.S.

firms as published by the USTR; and

3. has not entered into any subcontract for any product to be used on the Federal on the project that is produced in a foreign country included on the list of countries that discriminate against U.S. firms published by the USTR.

This certification concerns a matter within the jurisdiction of an agency of the United States of America and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code, Section 1001.

The Proposer must provide immediate written notice to the NRGRDA if the Proposer learns that its certification or that of a subconsultants was erroneous when Proposed or has become erroneous by reason of changed circumstances. The Proposer must require subconsultants provide immediate written notice to the Proposer if at any time it learns that its certification was erroneous by reason of changed circumstances.

Unless the restrictions of this clause are waived in accordance with 49 CFR 30.17, no contract shall be awarded to an Proposer or subconsultant:

- a. who is owned or controlled by one or more citizens or nationals of a foreign country included on the list of countries that discriminate against U.S. firms published by the USTR or
- b. whose subcontractors are owned or controlled by one or more citizens or nationals of a foreign country on such USTR list or
- c. who incorporates in the public works project any product of a foreign country on such USTR list;

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. The knowledge and information of a contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

The Proposer agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification without modification in in all subcontracts. The Proposer may rely on the certification of a prospective subcontractors that it is not a firm from a foreign country included on the list of countries that discriminate against U.S. firms as published by USTR, unless the Proposer has knowledge that the certification is erroneous.

This certification is a material representation of fact upon which reliance was placed when making an award. If it is later determined that the Proposer or subcontractor knowingly rendered an erroneous certification, NRGRDA may direct the cancellation of the contract or subcontract for default at no cost to the NRGRDA or federal funding agency.

#### **G. Proposer's Statement on Previous Contracts Subject to EEO Clause**

The Proposer shall affirm the following statements by checking the appropriate boxes:

*The Proposer has participated in a previous contract subject to the equal opportunity clause prescribed by Executive Order 11246, as amended, of September 24, 1965.*

Yes     No

*The Proposer has participated in a previous contract subject to the equal opportunity clause, it has Proposed all compliance reports in connection with any such previous contract due under the applicable filing requirements; and that presentations indicating submission of required compliance reports signed by proposed subcontractors will be obtained prior to award of subcontracts.*

Yes     No

If the Proposer has participated in a previous contract subject to the equal opportunity clause and has not Proposed compliance reports due under application filing requirements, the Proposer shall submit a compliance report on Standard Form 100, "Employee Information Report EEO-I" prior to award of the contract.

#### **H. Proposer's Tax Delinquency and Felony Conviction Certification**

The applicant represents that it is not a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability. The applicant represents that it is not a corporation that was convicted of a criminal violation under any Federal law within the preceding 24 months. The Proposer agrees that, if awarded a contract resulting from this solicitation, it will incorporate this Tax Delinquency and Felony Conviction provision for certification in all subcontracts.

##### **I. Certification**

By submission of this Proposal, Proposer hereby certifies that it meets all Federal Provisions provided in this Attachment. Further, Proposer certifies that, if selected by NRGRDA under this solicitation, that Proposer and its subcontractors will comply with all Federal Provisions provided in this Attachment and those cited in executed Professional Services Agreement for this Project.

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Signature of Proposer

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Title

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Date