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## **REQUEST FOR PROPOSAL No. 2021-005-USVIEDA**

### **Equity Capital Formation Consultant**

**VIRGIN ISLANDS ECONOMIC DEVELOPMENT AUTHORITY**

**Released: June 28, 2021**



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## A. STATEMENT OF PURPOSE

The Virgin Islands Economic Development Authority (“USVIEDA”) is seeking proposals from highly qualified consulting firms to assist the Virgin Islands of the United States (“U.S. Virgin Islands” or “Territory”) in its efforts to design and deliver an equity capital formation strategy. USVIEDA requires the consultant to provide professional services of the highest quality and deliver those services in an efficient and cost-effective manner.

## SUMMARY

USVIEDA seeks to identify, engage, and attract companies to invest in the U.S. Virgin Islands and have a high likelihood of that purpose. One key objective is to accelerate the USVI’s economic recovery by tapping into private capital from domestic and foreign investors. The goal is to target short/mid-term financing for early, mid, and late-stage companies. To realize these goals, USVIEDA seeks to retain a consultant with extensive knowledge of creating and implementing equity capital formation strategies. The Equity Capital Formation Consultant (hereinafter the “Consultant”). The Consultant will also be responsible for collaborating with Vision 2040 partners and stakeholders.

**When: Proposals must be submitted by 5:00 p.m. (Atlantic Standard Time) on Wednesday, July 28, 2021.**

**Proposals received after the above-noted deadline will not be considered.**

**How: All interested parties shall submit via email to [kwebbe@usvieda.org](mailto:kwebbe@usvieda.org).**

## B. AGENCY DESCRIPTION

The USVIEDA, established pursuant to V.I. CODE ANN. tit. 29, chapter 21, is a semi-autonomous government instrumentality responsible for the promotion and enhancement of economic development in the U.S. Virgin Islands. USVIEDA has four major components:

- Virgin Islands Economic Development Commission
- Virgin Islands Economic Development Park Corporation (formerly the Industrial Park Development Corporation)
- The Economic Development Bank for the United States Virgin Islands (formerly The Government Development Bank for the United States Virgin Islands), which includes the Small Business Development Agency
- Enterprise Zone Commission

The Virgin Islands Economic Development Commission (“EDC”) offers attractive tax incentives for qualified businesses. Benefits of the EDC program include a reduction of up to ninety percent (90%) in

personal and corporate income taxes and up to one hundred percent (100%) exemption on excise, business property, and gross receipts taxes.

The Economic Development Bank for the United States Virgin Islands (“EDB”) provides financial and technical assistance to the local business community through various loan programs that channel access to capital for small businesses.

The Enterprise Zone Commission (“EZC”) provides the necessary means to assist local communities and their residents, as well as the private sector in creating the proper economic and social environment to induce the investment of private resources in productive business enterprises located in distressed areas and to provide jobs for the residents of such areas.

USVIEDA is an umbrella authority that integrates and unifies the functions of its subsidiary entities under one executive board that maximizes efficiency and enhances economic development in the Territory.

### **C. PROPOSED SCOPE OF WORK**

The information provided in the Scope of Work is to be used only for the purpose of preparing a proposal. It is further expected that each Respondent will read the scope of work with care, because failure to meet certain specified conditions may invalidate the proposal. Price shall not be the sole criterion for awarding this project. Scope and quality of work proposed and the ability of the Respondent to complete this type of project shall also be considered. Respondents are requested to submit proposals on the basis of the scope of work. Any exceptions to the requirements set forth herein, must be clearly noted in writing and be included as part of the proposal. The information contained herein is believed to be accurate, but is not to be considered in any way as a warranty.

#### **1. Deliverables:**

Deliver a well-designed equity capital formation strategy for the Territory.

- USVIEDA is seeking an innovative approach in creating marketing materials in print, digital, and audio formats, as applicable, to include but not be limited to:
  - Fully developed creative including but not limited to photo shoot and editing, video shoot and editing, social media content, sound bites, reels, etc.
  - Fully produced materials/marketing collateral; and
  - Digital campaign creation.
- Establish customized strategies and materials for business-to-business meetings.
- Establish compelling value propositions and messaging to attract firms to invest in and establish a presence in the USVI.
- Identify investment opportunities and develop “pitch books” (digital and print) showcasing projects to attract equity capital investment.
- Identify investors interested in funding start-up companies and/or looking to provide capital to already existing USVI businesses.
- Identify possible alternative investment opportunities for the USVI including but not limited to angel investors, venture capitalists, foundations, USVI expatriates, etc.

- Assist USVIEDA in creating a Community Development Financial Institution (CDFI) within the Territory.
- Create a strategy to identify and attract investors from the U.S. Virgin Islands Diaspora (individuals who identify as Virgin Islanders living abroad).
- Identify at least 100 private equity funds, venture capital funds, seed funds, angel investors, alternative investment funds, family offices, hedge funds, or sovereign wealth funds (or a combination thereof) outside of the U.S. Virgin Islands and secure meetings with twenty-five percent (25%) of the strongest leads.

## 2. Meeting Reporting Items:

- One hundred company profiles
- Key contact person's data
- Company's investment potential for the USVI market
- Capture all data in USVIEDA's Client Relationship Management (CRM)

## D. CONTENTS OF PROPOSAL

USVIEDA reserves the right to reject any or all proposals, or any portion thereof, and to accept the proposal deemed most advantageous to USVIEDA. In order to clearly demonstrate the Respondents understanding of the project requirements, any recommendations regarding improvements to the process or final document to more effectively meet the USVIEDA stated objectives should be stated in the proposal. All bid proposals will be compared on the basis of understanding the scope of work to be performed, methods and procedures to be used, management, personnel, experience, and cost. Respondents are encouraged to provide a list of successful projects because USVIEDA will evaluate Respondents' past projects for examples of successful outcomes.

The following is a list of information to be included in the written bid proposal:

1. Introductory letter about the Respondent must contain:
  - a. Name, address, email address, website, fax, and telephone;
  - b. Type of service for which individual/firm is qualified; and
  - c. Signature of the legally authorized officer to bind Respondent to a contract with USVIEDA.
2. Organization:
  - a. Name/address of Principals of Firm;
  - b. Name of key personnel with experience of each and length of time in the organization;
  - c. Number of staff available for assignment (within the Territory and/or outside the Territory);
  - d. Copy of Articles of Incorporation or Articles of Organization or equivalent;
  - e. Copy of Corporate Resolution or Memorandum Authorizing Signatory or equivalent;
  - f. Copy of Certificate of Good Standing or Certificate of Existence or equivalent, as applicable;
  - g. Copy of Valid Tradename Registration (if applicable); and
  - h. Copy of Valid Business License.

3. Outside consultants/subcontractors that will be retained for this project. Identify any portion of the scope of work that will be subcontracted. Include firm qualifications and key personnel, telephone number and contact person for all subcontractors. USVIEDA reserves the right to approve or reject all consultants/subcontractors or internal staff performing consulting services, proposed by the consultant/subcontractor during or after the consultant/subcontractor review and selection process.
4. Project experience:
  - a. List of completed projects and estimated cost of each; and
  - b. Current projects underway; scope; percentage completed to date and estimated cost of each.
5. Project References: Include a written consent from the authorized representative, which must include the name, telephone number, email address, and facsimile number.
6. Project Approach: Describe how you will approach this project, timeline, and availability to perform the services requested.
7. Cost: Provide a detailed fee proposal by task for the services identified in the deliverables of this proposal. Identify sub-tasks and the respective costs in the fee proposal, as necessary. This section of the bid proposal shall include a professional fee schedule for the Consultant (and if applicable the Consultant's personnel) and the subcontractor's key personnel identified above who would be working on this project. Fees for additional or optional services that may be required shall also be included. Identify the fee that will be charged for additional public or task force meetings not identified in the scope of work. See ATTACHMENT A: Bid Sheet.
8. Are there any potential conflicts of interest for Respondent in providing service to USVIEDA? If so, describe them.
9. Any additional information which may be useful to USVIEDA in evaluating Respondent's qualifications.

**Failure to provide all information delineated above may result in a proposal being declared non-responsive.**

## **E. FEDERAL REQUIREMENTS**

This project may be financially supported, in whole or in part, by federal funds. As it is anticipated that federal funds will be used, Respondents to this RFP shall not be debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in any federal or local programs in the Territory or any federal department or agency. See ATTACHMENT B: Debarment, Suspension, Ineligibility, & Voluntary Exclusion Certification Form. The successful Respondent and its sub-contractors shall be subject to all applicable laws and regulations of federal funds including, but not limited to, public and competitive bidding, prevailing wage, affirmative action, civil rights, environmental review, property standards (if applicable), lead based paint regulations, relocation, accessibility requirements, terms and conditions applicable to contracts arising from grants by the United States Department of Commerce Economic Development Administration ("USEDA"). It is anticipated that the resulting contract will be a fixed price contract.

USEDA was created by Congress pursuant to the Public Works and Economic Development Act of 1965 to provide financial assistance to both rural and urban distressed communities. USEDAs mission is to lead



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the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. USED A fulfills its mission by fostering entrepreneurship, innovation and productivity through Investments in infrastructure development, capacity building and business development in order to attract private capital investments and new and better jobs to regions experiencing substantial and persistent economic distress. USED A works in partnership with distressed regions to address problems associated with long-term economic distress as well as to assist those regions experiencing sudden and severe economic dislocations, such as those resulting from natural disasters, conversions of military installations, changing trade patterns and the depletion of natural resources. USED A investments generally take the form of grants to or cooperative agreements with eligible recipients. See 13 C.F.R. § 300.1; see also 79 F.R. 76123 (2014).

#### **F. SMALL AND MINORITY FIRMS, WOMEN'S BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS**

The successful Respondent and sub-contractors shall take necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. Steps include:

- a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises; and
- e. Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the U.S. Department of Commerce.

#### **G. REQUESTS FOR CLARIFICATION**

Respondents are to examine thoroughly the instructions, specifications, and service requirements as set forth herein. If there is any discrepancy, deficiency, ambiguity, error, inconsistency or omission contained herein, Respondents may ask for clarification before submitting their proposal. The last day for USVIEDA to receive requests for written clarification will be no later than 5:00 p.m. AST, Monday, July 12, 2021.

All requests for clarification must be presented to the VIEDA in written form, preferably by email to **Kelly Thompson Webbe, Interim Chief Financial Officer** at [kwebbe@usvieda.org](mailto:kwebbe@usvieda.org). The email subject shall state: **REQUEST FOR CLARIFICATION: EQUITY CAPITAL SECTOR CONSULTANT RFP**. No response other than written will be binding upon USVIEDA.



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**Respondents shall not contact any USVIEDA Board member or personnel with questions or inquiries, except as set forth above in this Section. Unauthorized contact with any personnel of USVIEDA may be cause for rejection of a bid proposal.** The decision to reject a bid proposal is solely that of USVIEDA.

Where such request results in a change or a clarification to the requirements of the RFP, USVIEDA will prepare and issue an Addendum to this RFP no later than 5:00 p.m. AST, Monday, July 19, 2021.

USVIEDA reserves the right to issue Addenda up to the closing date. The date set for submitting bid proposals may be changed if in the opinion of USVIEDA more time is necessary to enable Respondents to revise their proposals. Addenda will state any changes to the proposal closing date and time. Respondents should acknowledge receipt of all addenda in their proposals. Respondents are required to check the USVIEDA website for any updated information and Addenda before the closing date at the following website address:

[www.usvieda.org/about-usvieda/RFP](http://www.usvieda.org/about-usvieda/RFP)

#### **H. SUBMISSION OF PROPOSAL**

All interested parties shall submit their bid proposal to USVIEDA via email to [kwebbe@usvieda.org](mailto:kwebbe@usvieda.org) by **5:00 p.m. (Atlantic Standard Time)** on Wednesday, July 28, 2021. **Proposals received after that date/time will not be considered. Proposals must be signed by a duly authorized representative of the Respondent.**

Each bid proposal shall provide a complete, accurate and reliable presentation. There is no expressed or implied obligation for the USVIEDA to reimburse responding firms for any expenses incurred in preparing proposals in response to this request.

Upon submitting a proposal, respondents will be deemed to have received notice of all addenda that are posted on the USVIEDA website and deemed to have considered the information for inclusion in the bid proposal submitted. This RFP and any resulting award shall be governed by and construed in accordance with the laws of U.S. Virgin Islands.

Any contract awarded pursuant to this RFP will commence upon the effective date of said contract for a term of **six (6) months**, which may be extended at the discretion of USVIEDA. It shall be Respondent's sole responsibility for ensuring that their proposals are delivered on time.

To be eligible for consideration, the completed proposals must be submitted via email to [kwebbe@usvieda.org](mailto:kwebbe@usvieda.org) by the deadline.

#### **I. ACCEPTANCE OF PROPOSALS**

USVIEDA will provide email notification of acceptance of each proposal. Failure to provide any supplementary documentation to comply with the vendor's proposal may be grounds for disqualification.



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## **J. TERM OF ENGAGEMENT**

Critical to the USVIEDA's evaluation of proposals is the ability of the Respondent to meet the needs of the USVIEDA and to do so within the time constraints established by USVIEDA.

## **K. DISPOSITION OF PROPOSALS**

All materials submitted in response to this RFP will become the property of USVIEDA. Proposals will be confidential during the selection process. Each proposal shall be retained for official files and will become a public record after the award and open to public inspection. It is understood that the proposal will become part of the official file on this matter without obligation on the part of USVIEDA. If any proprietary information is contained in the proposal, it should be clearly identified.

## **L. WITHDRAWAL OF PROPOSAL**

A bid proposal may be withdrawn at any time prior to the time specified as the closing time for acceptance of proposals. However, no proposal shall be withdrawn or canceled for a period of thirty (30) days after said closing time for acceptance of proposals, nor shall the successful Respondent withdraw or cancel or modify their proposal, except at the request of USVIEDA, after having been notified that said proposal has been accepted by USVIEDA.

## **M. CONSIDERATION OF PROPOSAL**

The Chief Executive Officer of USVIEDA shall represent and act for USVIEDA in all matters pertaining to the scope of work and contract in conjunction therewith. This RFP does not commit USVIEDA to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. USVIEDA reserves the right to reject any or all proposals and to disregard any informality, irregularity, or deficiency in the proposal when, in its opinion, the best interest of USVIEDA will be served by such action. Proposals failing to provide some of the items in the scope of work will not be rejected per se but any deviations from the scope must be clearly noted.

## **N. CONTACT PERSON**

The principal contact within USVIEDA shall be:

Kelly Thompson Webbe, Interim Chief Financial Officer

Mailing address: 8000 Nisky Shopping Center, Suite 620  
St. Thomas, VI 00802

Phone number: (340) 714-1700 ext.1313

Email address: [kwebbe@usvieda.org](mailto:kwebbe@usvieda.org)

Email subject: Equity Capital Formation Consultant RFP

## **O. RESERVATION OF RIGHTS**



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The USVIEDA reserves and holds at its discretion the following rights and options:

- a. Issue addenda to the RFP, including extending or otherwise revising the timeline for submittals;
- b. Withdraw the RFP for any reason without liability to any Respondent;
- c. Request clarification and/or additional information from a Respondent at any point in the procurement process;
- d. Execute a Contract on the sole basis of the original proposal or any additions to proposal submissions;
- e. Accept or reject all or any part of any proposal as may be deemed to be in the best interest of the USVIEDA;
- f. Waive irregularities at its own discretion; and
- g. Reissue the RFP or modify the RFP.

#### **P. DISCLOSURE**

All trade secrets or proprietary information submitted in connection with this procurement shall not be subject to public disclosure. However, the Respondent must invoke the protection of this section prior to or upon submission of the data or other materials by clearly identifying the specific area or scope of data or other materials to be protected and state the reasons protection is necessary. An all-inclusive statement that the entire proposal is propriety is not acceptable. A statement that cost proposals are to be protected is not acceptable.

#### **Q. CONFLICT OF INTEREST**

A Respondent submitting a proposal certifies that it has familiarized itself with the provisions of title 3, chapter 37 of the Virgin Islands Code pertaining to conflicts of interest and has no interest and will not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its obligations if awarded a contract under this RFP. A Respondent submitting a proposal shall certify that no officer, agent, or employee of the government of the Government of the U.S. Virgin Islands or any of its departments, agencies, boards, commissions or authorities has a pecuniary interest in this proposal; that the proposal is made in good faith without fraud, collusion or connection of any kind with any other Respondent for the same request for proposals; the Respondent is competing solely on its own behalf without connection with or obligation to any undisclosed person or firm. See ATTACHMENT C: Conflict of Interest Certification Form.

The Respondent must also describe any contractual or other business relationship with the Government of the U.S. Virgin Islands or any of its departments, agencies, boards, commissions or authorities, including the value of the contract or business relationship, entered into during the last five (5) calendar years.

#### **R. LICENSE REQUIREMENT**

A contract will not be entered with any firm or individual doing business in the U.S. Virgin Islands to perform work with USVIEDA until evidence is submitted that said firm or individual is duly registered and licensed to conduct business in the U.S. Virgin Islands. Respondents must submit a hard copy of a valid Virgin Islands business license within ten (10) business days after award.

## **S. INSURANCE REQUIREMENTS**

1. **PUBLIC & COMPREHENSIVE GENERAL LIABILITY:** The successful Respondent shall be required to obtain and have in full force and effect during the full term of engagement, a policy of public liability and general liability insurance including but not limited to death, bodily injury, property damage and broad form general liability coverage in which the limits shall be no less than Five Hundred Thousand Dollars (\$500,000.00) combined single limit per occurrence and a general aggregate of One Million Dollars (\$1,000,000.00). All insurance shall be endorsed to USVIEDA as an additional insured. The successful Respondent must provide proof of the requisite insurance within ten (10) business days after award.
2. **PROFESSIONAL LIABILITY:** The successful Respondent shall be required to supply proof of professional liability insurance for the services to be performed, with policy limits of no less than One Million Dollars (\$1,000,000.00). All insurance shall be endorsed to USVIEDA as an additional insured. Proof of professional liability coverage must be provided within ten (10) business days after award.
3. **WORKERS' COMPENSATION:** Within ten (10) business days after award of the project, the successful Respondent must submit a copy of their certificate providing that the firm and its agents are covered by Workers' Compensation insurance. Any subcontractors performing services to the successful Respondent under this RFP shall also provide Workers' Compensation Insurance covering such subcontractor's employees.

## **T. ACCEPTANCE OF CONTRACT**

By submitting a proposal in response to this RFP, Respondent agrees that it will be required to enter into professional services contract with USVIEDA, if Respondent is selected for award. In addition, Respondent agrees to comply with all legal requirements to contract with USVIEDA.

## **U. EVALUATION PROCEDURES**

All proposals received by the stated deadline will be reviewed and evaluated. During the evaluation process, USVIEDA may, in its sole discretion, request additional information or clarifications from Respondents. The USVIEDA evaluation team will select the finalist they determine, in their sole discretion, to be fully qualified and best suited among those submitting proposals. Once a finalist has been selected, the finalist shall obtain a business license to operate in the Territory (if the Consultant operates outside of the Territory) before a contract is executed. The evaluation team may also choose no candidate and begin a new search or seek other candidates from the respondents to the original RFP.

CRITERIA	MAXIMUM SCORE
The proposal demonstrates a thorough understanding of the project and demonstrated knowledge and experience regarding an equity capital formation strategy for the U.S. Virgin Islands, a rural community.	20
Project methodology, including planning principles, approaches to be taken, and level of interaction	20
Ability, capacity and skill of the Respondent's key personnel to perform the contract or provide the services required	20
Proposed work plan to include overall quality of the proposal (e.g., layout, readability, adherence to bid format requirements, etc.)	20
Demonstrated experience of the Respondent to accomplish the scope of work efficiently, effectively and in a timely manner, as verified by references.	20

During the evaluation process, Respondent may be requested to make oral presentations. Such presentations will provide Respondent with an opportunity to answer any questions USVIEDA representatives may have regarding the bid proposal.

USVIEDA reserves the right to retain all proposals submitted and use any idea in the proposal regardless of whether that proposal is selected.

It is anticipated that the evaluation of proposals and the selection of the contractor shall be completed within one (1) month following the proposal deadline.

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## ATTACHMENT A

### VIRGIN ISLANDS ECONOMIC DEVELOPMENT AUTHORITY EQUITY CAPITAL FORMATION CONSULTANT

BID SHEET (Page 1 of \_\_)

**The undersigned contractor proposes to furnish all labor, tools, materials, equipment, miscellaneous supplies and incur any other costs as may be required to perform the scopes of work, subject to all the conditions as set forth in the project scope of work.**

**Instructions:** For Section 1, the respondent should complete the Number of Staff, Hourly Rate, and Estimated Hours per Week and calculate the Estimated Total in the chart below. For Section 2, Ongoing Expenses, the respondent should provide the weekly or monthly amount as requested, times the corresponding number of weeks or months to provide the estimated total.

Note: If additional personnel roles are submitted as part of the respondent's proposal, please provide an additional sheet detailing the Position, # of Staff, Hourly Rate, and Estimated Hours per Week.

These costs are being provided for purposes of evaluating bids and determining reasonable cost for these items. Depending on the structure of the winning Respondent's proposal, not all costs may ultimately be included in the final contract.

*Remainder of page intentionally left blank.  
Bid Sheet on following page.*

Section 1					
	No. of Staff	Hourly Rate	Estimated Hours per Week	Estimated Time (in weeks)	Estimated Total
Position	<i>a</i>	<i>b</i>	<i>c</i>	<i>d</i>	<i>a x b x c x d</i>
				24	\$
				24	\$
				24	\$
				24	\$
				24	\$
				24	\$
Section 2 (Based on Covid-19 Regulations/Guidelines)					
	Unit	Rate		Estimated Time (in weeks)	Estimated Total
Ongoing Expenses:	<i>a</i>	<i>b</i>		<i>c</i>	<i>a x b x c</i>
Travel (weekly lump sum)		\$	N / A	1	\$
Lodging (weekly lump sum)		\$	N / A	1	\$
Per Diem (weekly lump sum)		\$	N / A	1	\$
<b>SUBTOTAL - Ongoing Expenses</b>			N / A		\$
<b>SUBTOTAL</b>					\$
<b>EQUITY CAPITAL FORMATION CONSULTANT TOTAL</b>					\$



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**AUTHORIZED REPRESENTATIVE:** \_\_\_\_\_  
(Print Name)

**TITLE:** \_\_\_\_\_

**COMPANY:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_



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## **ATTACHMENT B (2 Pages)**

### **VIRGIN ISLANDS ECONOMIC DEVELOPMENT AUTHORITY DEBARMENT, SUSPENSION, INELIGIBILITY, & VOLUNTARY EXCLUSION CERTIFICATION FORM**

#### **INSTRUCTIONS**

The following instructions apply to the Debarment, Suspension, Ineligibility, & Voluntary Exclusion Certification Form:

1. The inability of a Respondent to provide the certification will not necessarily result in denial of participation in this RFP and resulting agreement. Respondent shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with USVIEDA's determination whether to enter into an agreement with a successful respondent. However, Respondent's failure to furnish a certification or an explanation shall disqualify such person from participation in this RFP.
2. If it is later determined that Respondent knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, USVIEDA may terminate the agreement for cause or default.
3. Respondent shall provide immediate written notice to USVIEDA if at any time the Respondent learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. Respondent agrees by submitting a proposal that it shall not knowingly enter into any subcontracts with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in the agreement, unless authorized in writing by USVIEDA and USEDPA, and in addition to other remedies available to the Federal Government, USVIEDA may terminate the agreement with the successful respondent for cause or default.
5. Respondent further agrees by submitting a proposal that it will include the "Debarment, Suspension, Ineligibility and Voluntary Exclusion Certification Form" in Attachment B, without modification, in all subcontracts and in all solicitations for subcontractors.

*Remainder of page intentionally left blank.*

*Debarment, Suspension, Ineligibility, & Voluntary Exclusion Certification Form on following page.*



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## ATTACHMENT B

### VIRGIN ISLANDS ECONOMIC DEVELOPMENT AUTHORITY

#### DEBARMENT, SUSPENSION, INELIGIBILITY, & VOLUNTARY EXCLUSION CERTIFICATION FORM

Respondent certifies that neither Respondent firm nor any owner, partner, director, officer, or principal of Respondent, nor any person in a position with management responsibility or responsibility for the administration of federal funds:

- (a) Is presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any federal or state department/agency;
- (b) Has within a three-year period preceding this certification been convicted of or had a civil judgment rendered against it for: (1) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public transaction or contract (federal, state, or local); (2) violation of federal, state, or local antitrust statutes; or (3) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Is presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (b) above; or
- (d) Has within a three-year period preceding this certification had one or more public transactions or contracts (federal, state, or local) terminated for cause or default.
- (e) Respondent is actively registered with SAMS (Service for Award Management), and has been assigned DUNS Number \_\_\_\_\_.

Respondent further certifies that it shall not knowingly enter into any transaction with any subcontractor, material supplier, or vendor who is debarred, suspended, declared ineligible, or voluntarily excluded from covered transactions by any federal or state department/agency.

\_\_\_\_\_  
Signature (Authorized Representative)

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Date

### ACKNOWLEDGMENT

STATE/TERRITORY OF \_\_\_\_\_ )  
COUNTY/DISTRICT OF \_\_\_\_\_ ) ss:

Before me personally appeared \_\_\_\_\_ on behalf of \_\_\_\_\_, known to me, or satisfactorily proven to be the individual who executed the foregoing instrument for the purposes therein contained on behalf of said entity.

WITNESS my hand on this \_\_\_\_ day of \_\_\_\_\_ 2021.

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

**ATTACHMENT C** (2 Pages)  
**VIRGIN ISLANDS ECONOMIC DEVELOPMENT AUTHORITY**  
**CONFLICT OF INTEREST CERTIFICATION FORM**

**By signing this form, the Respondent certifies that it has familiarized itself with applicable federal and local laws pertaining to conflicts of interest including but not limited to the provisions of title 3, chapter 37 of the Virgin Islands Code and, to the best of its knowledge and belief, there are no relevant facts or circumstances that could give rise to an organizational or personal conflict of interest, for the organization or any of its staff, and that the Respondent, subcontractor, employee, or consultant has disclosed all such relevant information if such a conflict of interest appears to exist to a reasonable person with knowledge of the relevant facts (or if such a person would question the impartiality of the Respondent, subcontractor, employee, or consultant).**

Conflicts may occur in situations including but not limited to the following:

- (a) *Unequal access to information.* A potential respondent, subcontractor, employee, or consultant has access to non-public information through its performance on a government contract for services in the Virgin Islands.
  - (b) *Biased ground rules.* A potential respondent, subcontractor, employee, or consultant has worked, in one government contract, or program, on the basic structure or ground rules of another government contract for services in the Virgin Islands.
  - (c) *Impaired objectivity.* A potential respondent, subcontractor, employee, or consultant, or member of their immediate family (spouse, parent, or child) has financial or other interests that would impair, or give the appearance of impairing, impartial judgment in the evaluation of government programs, in offering advice or recommendations to the government, or in providing technical assistance or other services to recipients of federal funds as part of its contractual responsibility.
- 1) Respondent must provide the disclosure described above on any actual or potential conflict of interest (or apparent conflict of interest) regardless of its opinion that such actual or potential conflict, or apparent conflict of interest would not impair its objectivity.
  - 2) In a case in which an actual or potential conflict of interest, or apparent conflict of interest is disclosed, Respondent and USVIEDA will take appropriate actions to eliminate or address the actual or potential conflict of interest, including but not limited to mitigating or neutralizing the conflict, when appropriate, through such means as ensuring a balance of views, disclosure with the appropriate disclaimers, or by restricting or modifying the work to be performed to avoid or reduce the conflict. In this clause, the term “potential conflict” means reasonably foreseeable conflict of interest.
  - 3) Respondent, subcontractor, employee, or consultant agrees that if “impaired objectivity”, or an actual or potential conflict of interest, or apparent conflict of interest is discovered after the award is made, it will make a full disclosure in writing to the contracting officer. This



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(340) 773-6499 FAX (340) 773-7701 TTY 1 (340) 714-1704

ST. THOMAS 8000 Nisky Shopping Center, Suite 620, St. Thomas, VI 00802  
(340) 714-1700 FAX (340) 777-1103 TTY 1 (340) 714-1704

disclosure shall include a description of actions that the Respondent has taken or proposes to take to avoid, mitigate, or neutralize the actual or potential conflict of interest, or apparent conflict of interest.

Respondent, \_\_\_\_\_, hereby certifies that, to the best of its knowledge and belief, there are no present or currently planned interests (financial, contractual, organizational, or otherwise) relating to the work to be performed under the contract or task order resulting from RFP No. 2021-005-USVIEDA that would create any actual or potential conflict of interest, or apparent conflict of interest including conflicts of interest for immediate family members: spouses, parents, children) that would impinge on its ability to render impartial, technically sound, and objective assistance or advice or result in it being given an unfair competitive advantage. In this clause, the term “potential conflict” means reasonably foreseeable conflict of interest. Respondent further certifies that it has and will continue to exercise due diligence in identifying, removing, or mitigating, to USVIEDA's satisfaction, such conflict of interest or apparent conflict of interest.

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Signature (Authorized Representative)

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Print Name and Title

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Date