



REQUEST FOR APPLICATIONS
FOR THE

2021 Incumbent Worker Training

Release Date: May 10, 2021
Response Due: June 14, 2021 at 12:00PM (CST)

Workforce Solutions
Capital Area
9001 N. IH 35, Suite 110E
Austin, Texas 78753
(512) 597-7100
www.wfscapitalarea.com


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Relay Texas: 1.800.735.2989 (TDD) / 711 (Voice)

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SECTION I – GENERAL INFORMATION

BACKGROUND

The Workforce Solutions Capital Area Workforce Board (Capital Area) serves as the leadership and governing body for the Austin/Travis County workforce system. Capital Area is a public/private partnership, with its Directors representing business, education, labor, economic development, community-based organizations, and public entities. Capital Area is organized as a non-profit corporation in the State of Texas, with tax-exempt status under IRS code 501(c)(3). It is part of the Texas Workforce Solutions Network – comprised of the Texas Workforce Commission (TWC) and twenty-eight (28) local workforce boards.

PURPOSE OF REQUEST FOR APPLICATION (RFA)

Incumbent worker training serves to increase the competitiveness of the employee or employer and is designed to meet the specific requirements of an employer or group of employers to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment.

GENERAL INFORMATION

For purposes of this RFA, the words “Bidder”, “Proposer,” “Applicant,” and “Respondent” are interchangeable and refer to an entity submitting a application in response to this RFA.

The words “Workforce”, “Workforce Solutions Capital Area”, and “WFS” are interchangeable and refer to the Workforce Solutions Capital Area Workforce Board, the issuer of this RFA.

QUALIFICATIONS

Respondents to the RFA must have the following qualifications:

- The company must have a physical presence in Travis County or Austin MSA, Texas Workforce Commission (TWC) Tax Account Number with a status of active and liable, and must have/create an employer account in WorkInTexas.com with the same TWC Tax Account Number.
- The training provider(s) selected must have a physical presence in the state of Texas.
- Company makes a commitment to retain or avert the layoffs of incumbent worker trainees.
- Companies participating in incumbent worker training are required to pay the non-Federal share of the cost of providing training to their incumbent workers.
 - 10 percent of the cost, for employers with 50 or fewer employees;
 - 25 percent of the cost, for employers with 51–100 employees; and
 - 50 percent of the cost, for employers with more than 100 employees
- Companies must be aware of the following:
 - The non-Federal share provided by an employer may include the amount of the wages paid by the employer to a worker while the worker is attending incumbent worker training.
 - The employer may provide the share in cash or in-kind, based on a fair evaluation of the value of the in-kind contribution.
 - WFS must evaluate the fairness of the in-kind valuation using the standards in OMB Uniform Guidance, the state’s Uniform Grant Management Standards, and TWC’s Financial Manual for Grants and Contracts.

PROCUREMENT STANDARD

It is the policy of Capital Area to conduct procurement in a manner that provides for full and open competition. An award will be made only to an organization possessing the qualifications and demonstrated ability to perform successfully under the terms and conditions of a contract. The services solicited under this RFA are procured under the Professional and Consulting Services Method outlined in Chapter 14 of the TWC Financial Manual for Grants and Contracts (FMGC).

SECTION II – CONTRACT INFORMATION

AWARD

Any organization or company that has the demonstrated competency, knowledge, qualifications, and reasonableness of cost are invited to respond to the RFA. The budget for any proposed projects shall not exceed \$18,000.

Receipt of one or more responses to the RFA does not commit Capital Area to the award of a contract, neither will Capital Area pay any costs incurred in responding to the RFA. Capital Area reserves the right to accept or reject any or all quotations received, to negotiate/contact with all qualified sources, or to cancel the RFA in whole or in part, if it is in the best interests of Capital Area.

CONTRACT PERIOD

Capital Area expects to develop one contract with a contractor. The selected contractor will be expected to enter into a written **contract ending September 30, 2021**. We are not required to execute a contract with any applicant if either funding or the quality of applications is insufficient. The budget for any proposed projects shall not exceed \$18,000.

SECTION III – SUBMISSION INFORMATION

SUBMISSION

Please submit an electronic copy of your response to this RFA no later than **12:00 pm (CST) on Monday, June 14, 2021** to:

Workforce Solutions – Capital Area Workforce Board
Attention: Alice Kim, Procurement Officer
[WFS.PROCUREMENTS@wfscapitalarea.com](mailto:wfs.procurements@wfscapitalarea.com)

No exceptions will be made to this requirement for any reason.

APPLICATION INSTRUCTIONS

Please provide the application information beginning in Section XI in your submission.

SECTION IV - PROCUREMENT SCHEDULE

RFA Release Date	Monday, May 10, 2021
Response Deadline	Monday, June 14, 2021 at 12:00 pm (CST)
Electronic Submission Email	wfs.procurements@wfscapitalarea.com
Estimated Contract Start Date	Monday, June 28, 2021
Proposers Questions	May be submitted by email until Thursday, May 20, 2021 at 12:00 pm (CST)
Response to Questions Posted	Friday, May 20, 2021 by 12:00 pm (CST)

** Dates are subject to change. Entities requesting a copy of the RFA will be notified in writing of any changes in the procurement schedule.*

SECTION V - PROPOSERS QUESTIONS AND TECHNICAL ASSISTANCE

After this RFA is issued, only written questions will be accepted by email addressed to:

Wfs.procurements@wfscapitalarea.com

- Capital Area will accept questions submitted via electronic mail to wfs.procurements@wfscapitalarea.com no later than **Thursday, May 20, 2021 at 12:00 pm (CST)**
- All questions received via email will be posted on Capital Area's website and responded to no later than **Friday, May 28, 2021 at 12:00 pm (CST)**.
- Neither Board staff nor board members may provide individual assistance in writing applications.
- No other representative of Capital Area can accept or respond to questions related to this solicitation other than:
Alice Kim, Procurement Officer
Workforce Solutions Capital Area
wfs.procurements@wfscapitalarea.com

SECTION VI - AVAILABILITY OF RFA

The RFA will be posted on Capital Area's website: <http://www.wfscapitalarea.com/About-Us/Procurements> AND <http://www.txsmartbuy.com/sp>

SECTION VII - PROPRIETARY INFORMATION AND THE TEXAS PUBLIC INFORMATION ACT

Proposer is hereby notified that Capital Area strictly adheres to all statutes, court decisions and the opinions of the Texas Attorney General with respect to disclosure of public information. Capital Area may seek to protect from disclosure all information submitted in response to this RFA until a final agreement is executed. Upon execution of a final agreement, Capital Area will consider all information, documentation, and other materials requested to be submitted in response to this RFA to be of a non-confidential and non-propriety nature; therefore, subject to public disclosure under Chapter 552.001. Proposer will be advised of a request for public information that applies to their materials and will have the opportunity to raise any objections to disclosure to the Texas Attorney General. Certain information that may be protected from release are noted in Sections 552.101, 552.110, 552.113 and 552.131 of the Government Code.

SECTION VIII – APPLICATION CONDITIONS

- Capital Area reserves the right to accept or reject any or all applications submitted. Capital Area also reserves the right to make no award as a result of this RFA.
- Capital Area is exempt by law from payment of Texas Sales Tax and Federal Excise Tax.
- This RFA does not commit Capital Area to pay for any cost incurred prior to the execution of any grant or contract. All grants and contracts are contingent upon availability of funds.
- Capital Area specifically reserves the right to vary the provisions set herein any time prior to the execution of the grant where such variance is deemed to be in its best interest.

- Capital Area reserves the right to increase or decrease the quantities or magnitude of this RFA at the time of award and/or throughout the term of this grant.
- All applications and their accompanying attachments will become the property of Capital Area after submission and materials will not be returned. All applications and written communications with Capital Area are subject to Open Records Requests per the Texas Public Information Act.
- The contents of a successful application may become contractual obligations, if a grant is awarded. Failure of the proposer to accept those obligations may result in the cancellation of the application from the selection process. The contents and requirements of this RFA may be incorporated into any legally binding and duly negotiated contract between Capital Area and the selected vendor(s).
- A designated contact person for the applicant(s) must be established. This person will be contacted in the event of inadequate service or problems with compliance. The applicant(s) contact person is expected to respond to Capital Area within 24 hours.
- Capital Area reserves the right to cancel the contract if the applicant fails to perform as agreed, or for convenience if it is in the best interest of Capital Area.
- This is a negotiated procurement utilizing the Request for Application (RFA) method, and as such, award does not have to be made to the respondent submitting the lowest priced offer, but rather to the respondent submitting the most responsive application which satisfies Capital Area's requirements and the application evaluation criteria.
- Capital Area may request selected proposer(s) to participate in grant negotiations at Capital Area's office at 9001 N. IH 35, Suite 110E, Austin, Texas 78753.

SECTION IX– APPLICATION REVIEW AND SELECTION PROCESS

A. EVALUATION PROCESS

The evaluation process will consist of:

- An initial review of responsiveness, compliance with the technical specifications and other criteria specified in the RFA, and completeness by Capital Area staff.
- All responsive, compliant, and complete applications will be evaluated and scored by an internal team of reviewers. Applications will be evaluated on specific criteria by reviewers using a standardized instrument based on the criteria below.

B. APPLICATION EVALUATION CRITERIA

Grants will be awarded based on the following general criteria:

Company and Project Information	20
Anticipated Outcomes of Training Project	30
Trainee Information	30
Reasonability of Budgeted Costs	20
Bonus – completion of Upskilling Survey	5
Bonus – Historically Underutilized Business	5
TOTAL	110

HISTORICALLY UNDERUTILIZED BUSINESS

A "Historically Underutilized Business" is an entity with its principal place of business in Texas, and is at least 51% owned by an Asian Pacific American, Black American, Hispanic American, Native American and/or American woman who reside in Texas and have a proportionate interest and demonstrate active participation in the control, operations and management of the entity's affairs.

Five (5) bonus points will be awarded to responsive proposals submitted by a HUB certified by the Texas Comptroller of Public Accounts, or other bona fide certifying agency. HUBs must identify their certifying agency on the cover sheet, and attach a copy of the notice of certification to be eligible for points awarded under this section. Certifications that are expired or do not meet the criteria specified shall not be considered for the five additional points.

SECTION X - PROCESS TO PROTEST

Proposers who wish to protest a decision must utilize the following process:

Step 1. Requests for Debriefing – Proposers not selected by this procurement process may appeal the Board decision by submitting a written request for debriefing to obtain information on the procurement process and how their application or offer was received and ranked within fifteen (15) working days of the receipt of the Board notification of the procurement decision.

The request for debriefing must be sent by registered mail or hand delivered (please request a receipt) clearly identified externally as "Dated Material" and addressed to:

Tamara Atkinson, Chief Executive Officer
Workforce Solutions Capital Area
9001 N IH35, Ste 110E
Austin, TX 78753

The Board shall acknowledge receipt of the request for debriefing in writing within three (3) days of receipt, along with the date and time of the scheduled debriefing. The debriefing shall be scheduled, as soon as possible, and no later than fifteen (15) working days from the receipt of the request for debriefing.

Step 2. Debriefing – The purpose of the debriefing is to promote the exchange of information, explain the Board application evaluation system, and help unsuccessful proposers understand why they were not selected. In the debriefing the respondent will obtain information on the procurement process, including the application evaluation process. Materials provided in the debriefing include a blank copy of the application scoring sheet used by readers, spread sheet of rankings provided to the Board of Directors, and written evaluators' comments. Board staff will meet with the appealing party and review how the appealing party's application or bid was scored or ranked. Bidders and proposers can gain a better understanding of the Board procurement processes and how to improve their bids or applications. The debriefing is an educational opportunity for proposers, which hopefully will help them to improve the quality of any future applications.

Step 3. Written Notice of Appeal – If, after the debriefing, the appealing party wishes to initiate the appeals process, they must submit to the Board a Notice of Appeal. This written notice must clearly state that it is an appeal and identify the funding decision being appealed (i.e. specific date of the RFQ, or the

Workforce Board of Directors' action); the name, address, and phone number of the appealing party(s); and specify the grounds of the appeal, including evidence to substantiate the grounds.

A Notice of Appeal must be received by the Board within ten (10) days of receipt of the Board debriefing meeting. All appeals must be filed with and received by the Office of the CEO of the Board during normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m., CST). Any appeal received after 5:00 p.m. (CST) shall be deemed filed on the next business day. The failure of a bidder to file a timely appeal in accordance with this policy shall be deemed as a waiver of the Bidder's right to appeal or otherwise challenge any action or decision of the Board and the action or decision of the Board shall be deemed final in all respects. The Notice of Appeal must be sent by registered mail or hand delivered (please request a receipt) clearly identified externally as "Dated Material" and addressed to:

Tamara Atkinson, Chief Executive Officer
Workforce Solutions Capital Area
9001 N IH35, Ste 110E
Austin, TX 78753

Telefax, Facsimile, or E-mail notices will not be accepted at any stage of the appeals process. The appealing party is solely responsible for the timely submission/receipt of the notice of appeal to the Board. Failure to follow the requirements of this policy shall be deemed as a waiver of the appealing party's right to an appeal and the action or decision of the Board shall be deemed final in all respects.

All Appeals must contain the following information:

1. Identification of the specific procurement being appealed;
2. The contact name, address, phone, and e-mail address of the appealing party;
3. The specific grounds for the appeal;
4. A detailed statement of all disputed issues of material and relevant facts surrounding the action/decision taken and the alleged violations as a result of such action/decision;
5. A copy of any documents(s) upon which the Bidder relies to support their contention that the action/decision of the Board should be reversed or modified;
6. A request for a hearing; and
7. A statement of relief sought by the Bidder.

Written acknowledgement of receipt of the Notice of Appeal will be provided to the appealing party within ten (10) working days of the receipt of the Notice of Appeal. The Board shall provide the appealing party with the date and time of the next step, the Informal Hearing.

Step 4. Informal Hearing – An Informal Hearing will be held at the offices of Workforce Solutions Capital Area within fifteen (15) working days of the receipt of the Notice of Appeal. The CEO's designee shall act as the Hearings Officer, and will meet with the appealing party to discuss specific concerns and grounds for the appeal that were identified in the Notice of Appeal. The Board and the appealing party shall seek in good faith to resolve any or all of the issues identified in the appeal. Failure of the appealing party to attend or participate in good faith in the Informal Hearing shall be deemed as a waiver of the appealing party's right to a Formal Hearing and the action or decision of the Board shall be deemed final in all respects. The Hearing Officer may recommend to the Board's CEO any appropriate actions allowable under applicable rules and regulations and consistent with agency policies to resolve issues raised at the Informal Hearing. If the appealing party agrees in writing with the decision/action of the Hearing Officer, the appeal shall be ended at this point.

Step 5. Request for a Formal Hearing – If the appealing party is not satisfied with the results of the Informal Hearing, they must inform the Hearing Officer, in writing, no later than fifteen (15) working days from the date of the Informal Hearing of the intent to proceed with the appeal. A request for a Formal Hearing must be made in writing and delivered to the Board pursuant to the instructions for submitting written notices of appeals in Step 3 above. The Request for Formal Appeal must state the specific grounds for the appeal and the remedy(ies) requested. Within fifteen (15) working days of the receipt of this written request, the Hearing Officer will respond, in writing, to inform the appealing party of the time, date and place of the next step – the Formal Hearing.

Step 6. Formal Hearing – The Formal Hearing shall be conducted within fifteen (15) working days of the date of the Request for Formal Hearing. An independent Hearing Officer selected by the CEO will conduct the Formal Hearing of the appeal. The Hearing Office will deal only with those issues identified in the original notice of appeal. The Hearing Officer will consider the facts presented as the grounds for the appeal and remedies requested. The Hearing Officer may request additional information from Board staff or the appealing party. After full review, the Hearing Officer will render his/her decision not later than fifteen (15) working days from the date of the Formal Hearing. The Hearing Officer's decision shall be provided to both parties in writing.

The recommendation/decision of the Hearing Officer shall be presented to the Workforce Solutions Capital Area Board of Directors for consideration and possible action at its next scheduled meeting, in the event the Hearing Officer sides with the appealing party. The Board is NOT obligated to accept the Hearing Officer's decision and/or recommendations. The Board's decision shall be considered final and the end of the appeals process at the local level.

A postponement or continuance of the Informal Resolution Conference and/or Formal Hearing may be granted to the appealing party only upon written request filed with the Office of the CEO of the Board not less than three (3) calendar days (unless in cases of emergency) prior to the scheduled date of the Informal Resolution Conference and/or Formal Hearing. Such a request shall specify the reason(s) for the request for postponement or continuance. Requests for a postponement or continuance may be submitted in person, by fax or e-mail to the Office of the CEO of the Board. If a postponement or continuance is granted, the Informal Resolution Conference and/or Formal Hearing will be rescheduled at a date acceptable to the Hearing Officer, the Board and the appealing party.

The final outcome of an appeal at the local level shall be disclosed to the Texas Workforce Commission (TWC).

Miscellaneous – In all instances, information regarding protest/dispute will be disclosed to the Texas Workforce Commission (TWC). TWC's Financial Manual for Grants and Contracts provides for limited appeals of any local decision.



WORKFORCE SOLUTIONS CAPITAL AREA APPLICATION FOR FUNDING INCUMBENT WORKER TRAINING FY 2021

SECTION XI – APPLICATION INFORMATION

Company Information:

1. Complete the chart below by providing the information requested.

COMPANY INFORMATION	
Company Name:	
Contact Name:	
Job Title:	
Contact Email:	
Contact Phone:	
Company Street Address (physical location required):	
City, State:	
County:	
Zip Code:	
Total Number of Employees Corporatewide:	
TWC Account Number (Account # under which business partner reports employee wages to TWC Tax Department):	
4-Digit NAICS Code that Identifies Industry (You can find these codes here: http://www.census.gov/eos/www/naics):	

Employment Benefit Information:

2. Indicate which of the following employment benefits the private partner will provide for employees who participate in the proposed training by placing an “X” in the appropriate boxes:

COMPANY EMPLOYMENT BENEFITS					
	Medical Insurance		Prescriptions		Educational Assistance
	Workers’ Compensation		Vacation		401K/Pension Plan
	Dental Insurance		Holidays		Profit Sharing
	Life Insurance		Sick Days		Other:

Additional Company Information:

3. Indicate which of the following apply by placing an "X" in the appropriate boxes:

Union Affiliation: ☐ No ☐ Yes (specify):

Public – Sector: ☐ No ☐ Yes

Meets Americans with Disabilities Act Requirements:

☐ No ☐ Yes

Meets the Fair Labor Standards Act requirements for employer-employee relationship:

☐ No ☐ Yes

Have layoffs occurred within the last 120 days?

☐ No ☐ Yes

Is your company current on all State of Texas tax obligations?

☐ No ☐ Yes

I or this company certify having NOT received a federal debarment notice:

☐ No ☐ Yes

Do you have an employer account in WorkInTexas.com?

☐ No ☐ Yes

Is your company receiving/applying for any other federal training funds?

☐ No ☐ Yes

If yes, please list the names of the program or type of grant:

Has your company completed the [Upskilling Survey](#)?

☐ No ☐ Yes

PROJECT INFORMATION	
Project Description: <i>Please provide a brief description of the training needs and high level goals</i>	
Expected Start Date:	
Expected End Date:	
Total Number of Employees to be Trained:	
How many have been with the company for 6 or more months?	
Types of Credentials Received (check all that apply):	
<input type="checkbox"/>	Secondary School Diploma/or equivalency
<input type="checkbox"/>	AA or AS Diploma/Degree
<input type="checkbox"/>	BA or BS Diploma/Degree
<input type="checkbox"/>	Occupational Licensure
<input type="checkbox"/>	Occupational Certificate
<input type="checkbox"/>	Occupational Certification
<input type="checkbox"/>	Other Recognized Diploma, Degree, or Certificate (specify): _____
<input type="checkbox"/>	No recognized credential

ANTICIPATED OUTCOMES OF TRAINING PROJECT (Check all that apply and insert number in blanks)	
	Will create _____ new jobs within our company
	Will create _____ openings in entry-level positions
	Will save _____ jobs within our company
	Will lower employee turnover at our company and retain _____ jobs
	Will promote _____ employee(s) within our company
	Will enable _____ employees to receive certifications or credentials
	Will improve the short-term or long-term wage levels of trainees
	Critical to the long-term viability of our company
	Will be an important component of our company's overall workforce employee development efforts
	Employee(s) will maintain employment during training and at least 90 days post training

Briefly describe your training needs and explain how funding will assist in achieving the company's high priority occupation goals:

Without compromising individual confidentiality, briefly describe the characteristics of any training participants with historical barriers to employment that are represented (i.e., *Individuals with Disabilities, English Language Limited, Ex-Offenders, Low-income Individuals, Single Parent, Older Worker, etc.*).

Trainee Information:

4. In the chart below, please provide the following:
- The job title of each position for which training is being requested.
 - The number of employees to receive training and skill upgrading through the proposed project.
 - The hourly wage range to be provided to the employee upon the successful completion of training. (The minimum wage is the current minimum hourly wage that a trainee is paid, and the maximum wage is the highest hourly wage that a trainee can be paid.) Only include hourly wages of those workers who will be participating in training.
 - ***(Important: It is a statutory requirement that the wages for each occupation must be equal to or greater than the prevailing wage for that occupation in the local labor market. For further information, see the Frequently Asked Questions document on TWC's [Skills Development Fund website](#).)***
 - The average percentage increase in wages that will be paid to trainees in upgraded jobs upon the successful completion of training.

Job Title	# of Employees in this Occupation Receiving Training	Hourly Wage Range Minimum Wage	Hourly Wage Range Maximum Wage	% Wage Increase Post Training

Table of Training Courses to Be Provided:

5. In the chart below, please provide training information and budget details.
(Insert rows as needed)

Name of Training Provider	Training Course Name	Number of Trainees	Course Training Hours	Cost per Trainee	Total Course Cost	Employer Contribution	Method of Delivery (In-person, Online, Other)

ATTACHMENT A - CERTIFICATION OF LEGAL AND SIGNATORY AUTHORITY

I, _____ (typed or printed name) certify that I am the
_____ (typed or printed title) of the eligible
entity named as bidder and respondent herein, and I am legally authorized to sign and submit
this proposal to Workforce Solutions Capital Area (WFS) on behalf of said organization by
authority of its governing body.

I certify that _____ (typed or printed name) who signed
the cover sheet of this proposal has the legal authority to enter into and execute a contract
with WFS to provide the services and activities authorized and detailed in this proposal. I agree
to submit upon request by WFS such information and documentation as may be necessary to
verify the certification contained herein.

I further certify that the information contained in this proposal and all attachments is true and
correct. I certify that no officer, employee, board member, or authorized agent of WFS has
assisted in the preparation of this proposal. I acknowledge that I have read and understand
the requirement and provisions of this RFQ and that this organization will comply with all
applicable federal, state, and local laws, rules, regulations, policies and directives in the
implementation of this proposal. I certify that I have read and understand the governing
provisions, limitations and administrative requirements of this RFQ and will comply with all
terms and conditions.

Name of Organization (Proposer)

Signature of Authorized Representative

Date

Typed/Printed Name and Title of Authorized Representative

**ATTACHMENT B - CERTIFICATONS REGARDING LOBBYING, DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS, AND DRUG---FREE WORKPLACE REQUIREMENTS**

Lobbying: This certification is required by the Federal Regulations, implementing Section 1352 of the Program Fraud and Civil Remedies Acts, Title 31 U.S. Code, for the Department of Agriculture (7 CFR part 3018), Department of Labor (20 CFR Part 93), Department of Education (34 CFR Part 82), Department of Health and Human Services (45 CFR Part 93).

The undersigned contractor states that:

No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of Congress, or any employee of a Member of Congress in connection with the awarding 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.

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, and 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.

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.

* * * * *

Debarment, Suspension and Other Responsibility Matters: This certification is required by the Federal Regulations implementing Executive Order 12549, Government---wide Debarment and Suspension, for the Department of Agriculture (7 CFR Part 3017), Department of Labor (29 CFR Part 98), Department of Education (34 CFR Parts 85, 668 and 682), and Department of Health and Human Services (45 CFR Part 76).

The undersigned contractor certifies that it or its principals:

Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency

Have not within a three---year period preceding this proposal been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph 2 of this certification; and

Have not within a three---year period preceding this contract had one or more public transactions (federal, state, or local) terminated for cause or default.

Where the prospective recipient of Federal assistance funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

Drug---Free Workplace: This certification is required by the Federal Regulations, implementing Sections 5151---5160 of the Drug---Free Workplace Act, 41 U.S.C. 701; for the Department of Agriculture (7 CFR Part 3017), Department of Labor (29 CFR Part 98), Department of Education (34 CFR parts 85, 668 and 682) and Department of Health and Human Services (45 CFR Part 76).

The undersigned contractor certifies that it shall provide a drug---free workplace by:
Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the work place and specifying the actions that will be taken against employees for violation of such prohibition.

Establishing an on---going drug---free awareness program to inform employees of the dangers of drugs in the workplace, the Contractor's policy of maintaining a drug---free workplace, the availability of drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed on employees for drug abuse violations occurring in the workplace.

Providing each employee with a copy of the Contractor's policy statement.

Notifying the employees in the Contractor's policy statement that, as a condition of employment under the grant, employees will abide by the terms of the policy statement and notifying the Contractor in writing within five (5) days after any conviction for a violation by the employee of a criminal drug statute in the workplace.

Notifying the grantor agency, Workforce Solutions Capital Area in writing, within ten (10) calendar days of the Contractor's receipt of a notice of conviction of an employee.

Taking appropriate personnel action against an employee convicted of violating a criminal drug statute or requires such employee to participate in a drug abuse assistance or rehabilitation program.

These certifications are 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.

Name of Proposer/Organization

Name and Title of Authorized Representative

Signature of Authorized Representative

Date

ATTACHMENT C - CERTIFICATION REGARDING IMPLEMENTATION OF THE NON---DISCRIMINATION & EQUAL OPPORTUNITY PROVISIONS AND THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)

As a condition to the award of financial assistance from the Department of Labor (DOL) under Title I of the Workforce Innovation and Opportunity Act (WIOA), the bidder assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

Section 188 prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I—financially assisted program or activity;

Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;

Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and

Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The bidder also assures that it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance applies to the bidder's operation of the WIOA Title I---financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I---financially assisted program or activity. The bidder understands that the United States has the right to seek judicial enforcement of this assurance.

Applicant's signature below indicates organization is agreeing to comply fully with the assurance and certifications as part of its responsibilities as a successful contractor.

Signature of Authorized Representative

Date

Name and Title of Authorized Representative

ATTACHMENT D - TEXAS CORPORATE FRANCHISE TAX CERTIFICATION

Pursuant to Article 2.45, Texas Business Corporation Act, state agencies may not contract with for-profit corporations that are delinquent in making state franchise tax payments. The following certification that the corporation making this contract is current in its franchise taxes must be signed by the individual authorized on Form 2031, Corporate Board of Directors Resolution, to sign the contract for the corporation.

The undersigned certifies that the following statement is true and correct and that the undersigned understands making a false statement will prevent Workforce Solutions Capital Area from contracting with the proposing organization.

Indicate the certification that applies to your corporation by checking the appropriate box:

The corporation is a for-profit corporation and certifies that it is not delinquent in its franchise tax payments to the State of Texas.

The corporation is a non-profit corporation or is otherwise not subject to payment of franchise taxes to the State of Texas for the following reason(s):

Not applicable. Proposer is not a corporation.

Signature of Authorized Representative

Name of Proposer's Organization

Name and Title of Authorized Representative

Date

ATTACHMENT E - STATE ASSESSMENT CERTIFICATION

Proposer must certify that they are current in all Unemployment Insurance taxes, Payday and Child Labor

Law monetary obligations, and Proprietary School fees and assessments payable to the State of Texas. Applicants must also certify that they have not outstanding Unemployment Insurance overpayment balances due to the State of Texas.

The undersigned authorized representative of the Applicant certifies that the following statements are true and correct and that the undersigned understands that making a false statement will prevent Workforce Solutions Capital Area from contracting with the organization.

The corporation certifies, by checking the boxes below, that:

It is current in Unemployment Insurance taxes, Payday and Child Labor Law monetary obligations, and Proprietary School fees and assessments payable to the State of Texas.

It has no outstanding Unemployment Insurance overpayment balance payable to the State of Texas.

Signature of Authorized Representative

Name of Proposer's Organization

Name and Title of Authorized Representative

Date

ATTACHMENT F - UNDOCUMENTED WORKER CERTIFICATION

Effective September 1, 2007, HB 1196 amended Subtitle F, Title 10, of the Texas Government Code to add Subsection 2264. Chapter 2264 directs public agencies, state or local taxing jurisdictions, and economic development corporations (public entities) to require that any business submitting an application to receive public subsidies include in the application a statement certifying that the business, or branch, division or department of the business does not and will not knowingly employ an undocumented worker.

In the event that a business grantee is found in violation of 8U.S.C. subsection 1324a(f), consistent with the requirements of Texas Government Code subsection 2264, Boards are permitted to bring a civil action to recover any amounts owed, as well as court costs and reasonable attorney's fees.

Penalties incurred by business grantees shall be assessed damages at a rate of 20% of contract award. Said damages shall be made payable to Workforce Solutions Capital Area within 120 days of receiving the notice of violation.

DEFINITION OF TERMS

Public Subsidy – is broadly defined Texas Government Code §2264.001 (3) as a public program or public benefit or assistance of any type that is designed to stimulate the economic development of a corporation, industry, or sector of the state's economy or to create or retain jobs in Texas. The term includes, among other things, bonds, grants, loans, loan guarantees, benefits relating to an enterprise or empowerment zone, infrastructure development and improvements designed to principally benefit a single business or defined group of businesses, and matching funds. The Commission's Office of General Counsel has found that HB 1196 does not apply to the acquisition of goods and services.

Undocumented Worker – is defined as an individual who, at the time of employment, is not lawfully admitted for permanent residence in the United States, or is not authorized under law to be employed in that manner in the United States. CERTIFICATION Contractor certifies that no undocumented workers will be employed during the execution of this contract. By the signature indicated below, the contractor verifies their understanding of the terms and conditions of this requirement.

CERTIFICATION

Name of Individual or Organization submitting a proposal: _____

Name and Title of Authorized Signatory: _____

Signature of Authorized Representative: _____ Date: _____

ATTACHMENT G - CERTIFICATE REGARDING CONFLICT OF INTEREST

By signature of this Certificate, Proposer covenants and affirms that:

- No manager, employee or paid consultant of the proposer is a member of the Policy Board, the Chief Executive Officer, or an employee of Workforce Solutions Capital Area (WFS);
- No manager or paid consultant of the proposer is married to a member of the Policy Board, the Chief Executive Officer, or an employee of WFS;
- No member of the Policy Board, the Chief Executive Officer or an employee of WFS owns or controls more than a 10 percent share in the proposer's organization;
- No spouse of a member of the Policy Board, Chief Executive Officer, or employee of WFS receives compensation from proposer for lobbying activities as defined in Chapter 305 of the Texas Government Code;
- Proposer has disclosed within the proposal response any interest, fact or circumstance which does or may present a potential conflict of interest;
- Should Proposer fail to abide by the foregoing covenants and affirmations regarding conflict of interest, Proposer shall not be entitled to the recovery of any costs or expenses incurred in relations to any contract with WFS and shall immediately refund to WFS any fees or expenses that may have been paid under the contract and shall further be liable for any other costs incurred or damages sustained by WFS relating to that contract.

Name of Individual or Organization submitting a proposal:

Name and Title of Authorized Signatory:

Signature of Authorized Representative:

Date:

ATTACHMENT H - CERTIFICATION OF PROPOSER

I hereby certify that the information contained in this application and any attachments is true and correct and may be viewed as an accurate representation of proposed services to be provided by this organization. I certify that no employee of Workforce Solutions Capital Area (WFS), executive or agent has assisted in the preparation of this application. I acknowledge that I have read and understand the requirements and provisions of the RFA and that this organization will comply with WFS policies and other applicable local, state, and federal regulations and directives governing this procurement process.

I, _____, certify that I am the _____
(Typed Name) (Title)

of the corporation, committee, commission, association, or public agency named as Proposer herein and that I am authorized to sign this proposal and submit it to WFS on behalf of said organization by authority of its governing body or owners. I authorize Capital Area to verify references and stated performance data and to conduct other background checks, as it deems necessary.

ATTEST:

(Proposer's Signature)

(Collateral Signature)

(Typed Name)

(Typed Name)

(Typed Title)

(Typed Title)

(Date)

(Date)