



REQUEST FOR PROPOSAL
FOR
REGIONAL WORKFORCE PLANNING ALIGNED WITH
ECONOMIC DEVELOPMENT
FOR
WORKFORCE SOLUTIONS CAPITAL AREA

Release Date: January 28, 2022, 12:00 PM (CST)
Response Due: February 11, 2022, 12:00 PM (CST)

9001 N I-35, Suite 110E
Austin, Texas 78753
(512) 597-7100

www.wfscapitalarea.com

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SECTION I – GENERAL INFORMATION

A. PURPOSE OF REQUEST FOR PROPOSAL (RFP)

Workforce Solutions Capital Area Workforce Board (Board) is seeking quotations from qualified individuals and entities to support the Boards' planning efforts within the workforce system to consistently deliver information of value to and with economic development entities in Texas. With this information, the Consultant shall create an Action Plan for the State's Public Workforce System consistent with the Goals listed in the Scope of Work below.

B. BACKGROUND INFORMATION

The Workforce Solutions Capital Area Workforce Board (hereinafter, "WFS", "the Board", "Workforce Solutions") serves as the leadership and governing body for the Austin/Travis County workforce system. The Board administers workforce development services/programs with its Board of Directors representing business, education, labor, economic development, community-based organizations, and public entities.

The Board was organized in 1984 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.

The Board also serves as the designated grant recipient and administrative entity for workforce development program funds allocated to the Austin/Travis County workforce development area.

Under this solicitation, WFS is representing the work of three contiguous workforce development boards, Workforce Solutions Rural Capital, Workforce Solutions Alamo, and Workforce Solutions Capital Area. The initiative will ultimately be shared and potentially adopted by the entire State of Texas public workforce system.

The Chief Executive Officers (CEOs) of each board serve on the Advisory Group overseeing this project. However, for the purposes of streamlining contractual management, the Capital Area will serve as the primary point of contact for the selected proposer.

C. ELIGIBLE PROPOSERS

Organizations and individuals possessing the capacity and demonstrated ability to perform successfully under the terms and conditions of a contract with the Board may respond to this RFP. Eligible individuals include those who can demonstrate experience and expertise of similar scope as this RFP. Eligible firms/brokers include public entities, community-based organizations, faith-based organizations, non-profit organizations, private for-profit corporations, and other qualified providers. Minority, disadvantaged, veteran and/or women-owned businesses are encouraged to respond to this RFP.

Entities that are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency are not eligible to respond to this RFP or receive a contract.

D. QUALIFICATIONS

Respondents to the RFP must have the following qualifications:

- Demonstrated experience providing professional and/or consulting services related to workforce development and preferably economic development
- Demonstrated experience running and/or interpreting labor market and educational outcome data
- Demonstrated experience calculating and projecting resource needs (staffing and financing) to support strategic plans
- Demonstrated experience facilitating small and large groups in a comprehensive and inclusive strategic planning capacity
- Demonstrated experience working with business leaders and business associations on workforce development and/or economic development goals
- Demonstrated experience working with local, state, and federal elected officials to educate and inform about the impact of policy on workforce development, education, and/or economic development
- Demonstrated ability to work with volunteer leaders on an Advisory Group
- Demonstrated ability to plan and help manage public events and media related to comprehensive planning processes
- Demonstrated ability to produce a regional workforce or economic development outcome consistent with the Scope of Work below.

E. SCOPE OF WORK

Project Goals:

1. Explore ways Workforce Solutions entities can add value to the decision-making process when employers are contemplating Texas as a potential site to expand or locate their businesses; and
2. Identify data necessary to unlock insights for economic development entities seeking a healthy and robust workforce now, and in the future, and explore the data available from TWC and other state agencies that might be used for this purpose; and
3. Explore ways for Texas to differentiate itself from other states by providing unmatched service when establishing new industries; and
4. Explore the value of rural workforce by examining ways it can be bolstered through expanded educational/training opportunities and highlighted for its strength and diversity; and
5. Share best practices with workforce partners across the State.

Business Objectives of Project:

Create an Action Plan for the State's Public Workforce System consistent with the Goals listed above.

Assessment and Inventory: One of the first efforts will be to convene the Advisory Group, a pre-determined consortia of economic development and workforce development leaders (State and Workforce Board level from pilot group) in order to:

1. Clarify the goals and outcomes.
2. Determine the process to organize and prioritize the most common economic development questions of the workforce system.

3. Determine the process to catalog and evaluate existing and recent efforts by workforce boards to support economic development, including addressing common questions; and
4. Determine the process to catalog and evaluate State and local data and data systems in response to the most common economic development questions.

After the assessment and inventory efforts, the vendor will submit a proposal, entitled a Work Plan (Deliverable 1), for review and input from the Advisory Group, led by the Capital Area, Rural Capital Area, and Alamo Workforce Board CEOs. The Work Plan should propose activities (including a possible summit, trainings, procurement of software tools, etc.), timelines, additional research and analytics needed, and proposed budget related to fulfilling the Work Plan.

Project Outcomes:

1. Understand the available data in State and locally managed systems to get a clearer picture of what is possible; and
2. Focus on shared goals which can be supported by meaningful data that will be the most compelling to stakeholder groups; and
3. Identify consistent data sets that workforce boards can access and provide to economic development and businesses; and
4. Tell effective stories using data to communicate progress as Workforce Boards help Texans become reskilled and/or gain employment.
5. Consider tools for aggregating data for use in reporting the data or storytelling information as identified by the group.

Project Deliverables:

Deliverable 1: Work Plan and Work Plan Budget for the State's Public Workforce System based on initial assessment and inventory discovery process.

Deliverable approval provided by the Advisory Group, with Capital Area having final determination.

No later than May 31, 2022.

Deliverable 2: Organize and manage the execution of the Work Plan.

Between May 31, 2022 – December 31, 2022

Deliverable 3: Action Plan and Budget for the State's Public Workforce System consistent with the Goals approved by the Advisory Group, demonstrating recommended next steps for advancing the work.

The execution of the Action Plan will be a next phase of work, implemented outside of the scope of this procurement unless otherwise negotiated. Workforce Solutions Capital Area reserves the right to negotiate and extend a subsequent contract to cover implementation of the Action Plan without further procurement at its sole discretion predicated on performance, Advisory Group need, and funding availability.

Deliverable approval provided by the Advisory Group, with Capital Area having final determination.

No later than December 31, 2022.

F. PROCUREMENT STANDARD

It is the policy of the Board 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 RFP 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

A. AWARD

The proposal most advantageous to the Board in terms of proposer’s qualifications and quality of the proposal will be recommended for contract negotiations.

B. CONTRACT PERIOD

The contract period for the successful proposal will be from the date of the award through December 31, 2022. The contract may be extended up to 4 one-year renewal terms without further procurement based on satisfactory performance and available resources, at the discretion of WFS. The contract may be terminated by either party with a 30-day written notice.

C. FUNDING CLAUSE

Workforce Solutions reserves the right to negotiate fees and costs with any vendor who is qualified per the evaluation criteria.

Funding for the contract agreement is made possible from allocations contracted to Workforce Solutions through the Texas Workforce Commission. Any contract award resulting from this RFP will be subject to early termination in the event funding from Texas Workforce Commission is terminated or reduced to a level that continued funding of contracted services is no longer feasible. Such termination shall be without penalty. The selected contractor must be willing to accept this Funding Clause and incorporate it into any resulting contract agreement.

SECTION III – SUBMISSION INFORMATION

A. SUBMISSION

Electronic copy must be emailed to **WFS Procurements** at wfs.procurements@wfscapitalarea.com by Response Deadline, **12:00PM (CST) on February 11, 2022**. Proposals received after the due date and time will not be accepted or considered under this procurement. No exceptions will be made to this requirement for any reason.

B. PROCUREMENT SCHEDULE*

RFP Release Date	January 28, 2022 by 12:00PM (CST)
Response Deadline	February 11, 2022 by 12:00PM (CST)
Electronic Submission Email	wfs.procurements@wfscapitalarea.com
Estimated Contract Start Date	March 1, 2022
Proposers Questions Deadline	February 3, 2022 by 12:00PM (CST) <i>Send questions to wfs.procurements@wfscapitalarea.com</i>

** Dates are subject to change.*

C. TECHNICAL ASSISTANCE

No bidder's conference related to this RFP will be held. After this RFP is issued, questions will be accepted by email only to:

Email: wfs.procurements@wfscapitalarea.com

Questions will be addressed and provided to all respondents if they are received by February 3, 2022, 12:00 p.m. (CST). Responses to all questions received will be posted on the Boards website at <http://www.wfscapitalarea.com/About-Us/Procurements-Eligible-Training-Providers> by February 8, 2022, 12:00 p.m. (CST). Neither Workforce staff, contractor employees nor board members may provide individual assistance in writing proposals; only technical questions may be answered.

Proposals may be withdrawn upon written request if made before the response deadline. The cost of submissions or returning proposals that are withdrawn shall be the responsibility of the proposer. Once the response deadline is passed, all proposals will become the property of Workforce Solutions and will not be returned.

D. AVAILABILITY OF RFP

The RFP will be posted on The Board's website at <http://www.wfscapitalarea.com/About-Us/Procurements> and the Electronic State Business Daily Search at <http://www.txsmartbuy.com/sp>.

E. PROPRIETARY INFORMATION AND THE TEXAS PUBLIC INFORMATION ACT

Proposer is hereby notified that the Board strictly adheres to all statutes, court decisions and the opinions of the Texas Attorney General with respect to disclosure of public information. The Board may seek to protect from disclosure all information submitted in response to this RFP until a final agreement is executed. Upon execution of a final agreement, the Board will consider all information, documentation, and other materials requested to be submitted in response to this RFP 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 IV – PROPOSAL RESPONSE REQUIREMENTS

A. PROPOSAL VALIDITY PERIOD

Each proposal will remain valid for the Board's acceptance for a minimum of ninety (90) days after the submittal deadline, to allow for evaluation, selection and Board action, if applicable.

B. PROPOSAL NARRATIVE

Please provide a brief narrative that addresses the items below:

1. Describe your experience working on and/or producing a similar actionable plan for workforce development and/or economic development.
2. Describe the team assigned to this project. Please list the individuals' qualifications and role within the proposer's organization.
3. Describe your approach to the requested scope of work. What challenges do you anticipate, and how would you seek to mitigate these challenges?
4. Please provide an initial timeline to meet the deliverables.
5. Describe your experience calculating and projecting resource needs (staffing and financing) to support strategic plan outcomes. Please provide relevant examples.
6. Describe your experience facilitating small and large groups in a comprehensive and inclusive strategic planning capacity.
7. Describe your experience working with business leaders and business associations on workforce development and/or economic development goals. Please provide relevant examples.
8. Briefly describe your experience working in the State of Texas, and why you feel that you are the best entity/person to provide the requested services.
9. Include a budget to perform the requested services and deliverables. Please include any applicable hourly rates. Describe what costs are included and not included in your proposed fee structure, and if any discount is available. **Note that fulfillment of the Action Plan (Deliverable 3) is NOT included in the budget requested under this solicitation.**

Note: Finalists may be asked to provide a list of specific references.

SECTION A – 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 another 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 V – PROPOSAL REVIEW AND SELECTION PROCESS

A. EVALUATION PROCESS

The evaluation process will consist of:

1. An initial review of responsiveness and compliance with the technical specifications and other criteria specified in the RFP by the Board staff.
2. All responsive proposals will be evaluated and scored by a team of reviewers. Proposals will be evaluated on specific criteria by reviewers using a standardized instrument.
3. Presentation of scoring and recommendations to the CEO. The CEO will have final contracting approval, but reserves the option to consult with representatives of the Board of Directors in the evaluation process. Proposers may be asked to interview with the CEO, members of the WFS Board Team, and/or WFS Board members as part of the selection process.

B. PROPOSAL EVALUATION CRITERIA

Proposers must achieve an overall score of at least **60 points** to be considered for the award of funds. The review and evaluation of proposals shall be based upon the following criteria:

1. **Qualifications & Demonstrated Experience (for the organization): 30 points**
2. **Key Personnel (experience of those who will work on the project): 20 points**
3. **Project Approach and Innovation: 30 points**
4. **Cost: 20 points**

Historically Underutilized Business / Bonus:

5 bonus points

Proposals that document HUB status will be awarded five bonus points. HUBs must attach a copy of the notice of certification to be eligible for points awarded under this section.

TOTAL POSSIBLE POINTS:

105 points

SECTION VI – RFP GENERAL INFORMATION

A. 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 proposal 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 proposal 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 proposal evaluation process. Materials provided in the debriefing include a blank copy of the proposal 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 proposal 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 proposals. The debriefing is an educational opportunity for proposers, which hopefully will help them to improve the quality of any future proposals.

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 RFP, 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’s name, address, phone number, 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

B. EQUAL OPPORTUNITY/NON-DISCRIMINATION

As a condition of the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

- Section 188 of the Workforce Innovation and Opportunity Act of 2014 (WIOA), which 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 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.
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination of the basis of sex in education programs.

The proposer also assures that it will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant'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 financially assisted program or activity.

In addition, the proposers' assurance that it will fully comply with the nondiscrimination and equal opportunity provisions of the following:

- The Americans with Disabilities Act of 1990, as amended.
- The Non-Traditional Employment for Women Act of 1991, as amended.

C. OPEN RECORDS

Proposer is hereby notified that the Board strictly adheres to all statutes, court decisions, and the opinions of the Texas Attorney General with respect to disclosure of public information. Proposals submitted in response to this RFP are subject to the Texas Public Information Act, Government Code Chapter 552, and may be disclosed to the public upon request. Therefore, any confidential or proprietary information contained within a proposal must be clearly identified by the proposer in the proposal itself (each applicable page clearly marked as confidential). Such information will be kept confidential by WFS to the extent that State law permits.

REQUEST FOR PROPOSAL**REGIONAL WORKFORCE PLANNING ALIGNED WITH
ECONOMIC DEVELOPMENT**

Legal Name of Proposing Entity	
Mailing Address	
Authorized Contact/Signatory Authority	
Phone Number	
E-Mail	
Type of Organization	<input type="checkbox"/> Private for-profit <input type="checkbox"/> Private non-profit <input type="checkbox"/> Government Agency <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Other (specify)
Date Established	
Federal EIN	
Texas State Comptroller ID Number	
Historically Underutilized Business?	<input type="checkbox"/> Yes (if yes, attach current certificate) <input type="checkbox"/> No
Typed Name & title of Authorized Signatory	
Signature	

ATTACHMENT B - CERTIFICATION OF PROPOSER

I hereby certify that the information contained in this proposal and any attachments is true and correct and may be viewed as an accurate representation of proposed services to be provided and the administrative, management and financial systems of this organization. I certify that no employee of Workforce Solutions has assisted in the preparation of this proposal.

I acknowledge that I have read and understand the requirements and provisions of the RFP and that the organization will comply with applicable local, state and federal regulations and directives in the implementation of the program. I also certify that I have read and understand the Limitations and Condition section presented in this RFP and will comply with the terms.

This proposal is a firm offer for a minimum of 90 days.

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

_____ of the corporation, partnership, organization, or other
(Typed Title)

entity named as Respondent herein and that I am authorized to sign this proposal and submit it to the Workforce Solutions Capital Area Workforce Board on behalf of said organization by authority of its governing body.

(Signature)

(Address)

(Phone)

ATTACHMENT C - 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 Act, Title 31 U.S. Code, for the Department of Education (34 CFR Part 82), Department of Health and Human Services (45 CFR Part 93).

The undersigned contractor certifies that:

- (1) 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 an 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.
- (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, 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.
- (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.

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), Department of Health and Human Services (45 CFR Part 76).

The undersigned contractor certifies that neither it nor its principals:

- (1) Are presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency.
- (2) Have not within a three-year period preceding this contract been convicted of 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;

- (3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity with commission of any of the offenses enumerated in Paragraph (2) of this certification; and,
- (4) Have not within a three-year period preceding this contract had one or more public transactions 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 recipient shall attach an explanation to this certification.

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:

- (1) Publishing a policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace and specifying the consequences of any such action by an employee;
- (2) Establishing an ongoing drug-free awareness program to inform employees of the dangers of drug abuse in the workplace, the Contractor's policy of maintaining a drug-free workplace, the availability of counseling, rehabilitation and employee assistance programs, and the penalties that may be imposed on employees for drug abuse violations in the workplace;
- (3) Providing each employee with a copy of the Contractor's policy statement;
- (4) Notifying the employees in the Contractor's policy statement that as a condition of employment under this contract, employees shall abide by the terms of the policy statement and notifying the Contractor in writing within five days after any conviction for a violation by the employee of a criminal drug statute in the workplace;
- (5) Notifying Workforce Solutions within ten days of Contractor's receipt of a notice of a conviction of an employee; and,
- (6) 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.

Signature and Date

Type Name and Title

ATTACHMENT D - TEXAS CORPORATE FRANCHISE TAX CERTIFICATION

Pursuant to Article 2.45, Texas Business Corporation Act, state agencies may not contract with a for-profit corporation that is delinquent in making state franchise tax payments. The following certification that the corporation entering into this contract is current in its franchise taxes must be signed by the individual on Form 203, Corporate Board of Directors Resolution, to sign the contract for the corporation.

The undersigned authorized representative of the corporation contracting herein certifies that the following indicated statement is true and correct and that the undersigned understands making a false statement is a material breach of contract and is grounds for contract cancellation.

Indicate the certification that applies to your corporation:

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

Signature

Date

Type Name and Title

ATTACHMENT E - STATE ASSESSMENT CERTIFICATION

The undersigned authorized representative of the firm or individual contracting herein certifies that the following indicated statement is true and correct and that the undersigned understands making a false statement is a material breach of contract and is grounds for contract cancellation.

The firm or individual certifies that:

_____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.

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

Signature and Date

Type Name and Title

ATTACHMENT F - CERTIFICATION REGARDING CONFLICT OF INTEREST

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

- (1) no manager, employee or paid consultant of the Proposer is a member of the Board, the Executive Director, or an employee of the Board;
- (2) no manager or paid consultant of the Proposer is married to a member of the Board, the Executive Director, or an employee of the Board;
- (3) no member of THE BOARD, the Chief Executive Officer or employee of the Board owns or controls more than a 10 percent interest in the Proposer;
- (4) no spouse or member of the Board, Chief Executive Officer or employee of the Board is a manager or paid consultant of the Proposer;
- (5) no member of the Board, the Chief Executive Officer or employee of the Board receives compensation from Proposer for lobbying activities as defined in Chapter 305 of the Texas Government Code;
- (6) Proposer has disclosed within the Proposal any interest, fact or circumstance which does or may present a potential conflict of interest;
- (7) 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 relation to any contract with the Board and shall immediately refund to the Board 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 the Board relating to that contract.

Disclosure of Potential Conflict of Interest (Please describe): _____

Name of Organization

Signature of Authorized Representative

Date

Typed/Printed Name and Title of Authorized Representative

ATTACHMENT G - 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 RFP 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 RFP 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 H - 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 I - 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: _____