

**REQUEST FOR PROPOSALS**

**FOR**

**THE OPERATION AND MANAGEMENT OF WORKFORCE SOLUTIONS CAPITAL AREA CAREER CENTERS**

**Issued March 01, 2022, 1:00 p.m.**

**Notice of Intent to Bid Due -March 23, 2022, 12:00 p.m. (Noon)**

**Bidder’s Conference -March 24, 2022, 10:00 a.m.**

**Response Deadline -April 20, 2022, 4:00 p.m.**

**Austin, Texas 78753**

**9001 N IH 35, Suite 110E(512) 597-7100**

[**www.wfscapitalarea.com**](http://www.wfscapitalarea.com)



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

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# SECTION I – INTRODUCTION AND BACKGROUND

## Introduction

The Workforce Solutions Capital Area Workforce Board (“Board”) serves as the leadership and governing body for the Austin/Travis County workforce system. The Board is a public/private partnership, with its Directors representing business, education, labor, economic development, community-based organizations, and public entities.

The Board 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.

The Board’s responsibilities include, but are not limited to:

* Strategic and operational planning;
* Design of the local workforce development delivery system, including the establishment of one-stop career centers;
* Oversight and evaluation of workforce development activities in the local area;
* Connecting and aligning the components of the regional workforce system;
* Leveraging and investing workforce development resources;
* Providing policy guidance;
* Advocacy for workforce issues and needs;
* Building partnerships in support of local workforce initiatives; and
* Serving as the link between the workforce system and its owners (taxpayers).

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.

**OUR MISSION**

The mission of Workforce Solutions Capital Area Workforce Board is to lead the region’s workforce system in the development of a world-class workforce.

**OUR VISION**

All people (our human capital) are productive, and the region is prosperous.

**OUR VALUES**

*Diversity –* Our greatest strength is our individual differences (backgrounds, experiences, perspectives, etc.) which are a reflection of the community. We encourage and appreciate open discussion and consideration of diverse perspectives and inclusion.

*Leadership* – We inspire and empower others into action to achieve our vision. We give of our time and talents to build a prosperous community.

*Collaboration* – We value and foster partnerships with the community to achieve our goals and attain our vision. We treat everyone with respect, listen to each other, and act together for the betterment of all.

*Innovation* – We value creativity and foster an environment that produces innovative ideas and solutions to address changing needs.

*Accountability and Results* – As stewards of public trust, we operate with high standards of integrity and professionalism. We are responsible for our actions and accountable for results. We are transparent in conducting our business.

**LONG RANGE RESULTS FOR THE WORKFORCE SYSTEM**

A globally competitive workforce

A strong employer base

Economic equity

**GUIDING PRINCIPLES**

* Our mission and goals can only be achieved through strong strategic alliances and partnerships.
* We believe that everyone should be treated with respect and dignity.
* We expect the highest standards of excellence and ethics in all aspects of our business.
* We embrace diversity as an essential component of doing business.
* We demand accountability for results.
* We support life-long, continuous learning.
* We expect quality customer service and continuous improvement.
* Creativity and innovation are essential in meeting the changing workforce needs of our customers.

**OUR CUSTOMERS**

Workforce Solutions Capital Area believes in a demand-driven system, where employers are our primary customer. By focusing on meeting the needs of employers, we are also able to meet the needs of job seekers. We serve two (2) customers:

* ALL employers in the region, regardless of size or industry.
* ALL job seekers who live in the region, regardless of employment status, educational level, skills or abilities, or age.

**GOALS**

* Employers have access to a skilled workforce.
* The workforce has the literacy, workforce readiness, education and occupational skills to obtain and maintain meaningful employment.
* Job seekers have access to meaningful employment opportunities.
* Workforce Solutions Capital Area is recognized by customers, stakeholders, partners and the general public as the responsive and innovative system of choice.

## The Career Center System

The career center is the focal point and public face of the local workforce development delivery system. It provides access to a broad array of services and information in one place. It is designed to serve a diverse range of customers with diverse needs and is a vital link in connecting job seekers and employers. The career center also helps to link Workforce Solutions to the broader workforce system and community.

*Career Center Principles*

*Universality* – access to a broad array of information and services available to all customers – job seekers and employers.

*Empowered Individuals –* through access to up-to-date and relevant information, customers are empowered to make well-informed decisions regarding choices and opportunities that exist for employment, education and training.

*Integration* – the system should be flexible, responsive and seamless. It should feel like a single system with no separate identification of programs or agencies. Services are streamlined and easy to use.

*Performance-Driven* – the system must be accountable for achieving the outcome of a skilled workforce. Customer feedback, quantitative and qualitative data should be used to measure success and serve as the foundation for continuous improvement activities.

The Board is committed to the maintenance of a career center system that is universal, integrated, seamless, holistic, customer-driven, accountable, and provides high-quality services to its customers. The Board expects the career center contractor to:

* Work to functionally integrate all workforce development activities of the centers, removing program/funding stream silos;
* Assist customers in the identification, access and use of services with responsive, knowledgeable and respectful staff;
* Ensure that customers receive services in a consistent manner regardless of which center or satellite location they visit;
* Ensure customers receive the most appropriate services along a continuum of services to meet their goals;
* Ensure employers have access to a local talent supply; and
* Maintain regular and open communication with the Board and other center partners and contribute to the continuous improvement of operations.

Workforce Solutions Capital Area has established three (3) full-service career centers in Austin/Travis County. The centers are operated/managed by an independent contractor. The contractor is responsible for providing services under a number of workforce programs funded by the Board, including programs funded by the City and County. The program design for the City and County funded services is not being solicited in this RFP; funding and program design will be provided by the Board and the contractor is responsible for implementing negotiated services. The contractor will also coordinate with other partner agencies and programs that are co-located in the career centers.

*Basic Career Center Operating Standards*

1. Services must be consistent with the requirements of the Workforce Innovation and Opportunity Act 2014 (WIOA). U.S. Department of Labor requirements for one-stop centers, and TWC rules governing one-stop centers.
2. Comply with the requirements of applicable program laws, rules, regulations and policies.
3. Comply with and maintain procedures consistent with Board policies.
4. Meet or exceed contracted performance measures.
5. Support, emulate and contribute to the achievement of the Board’s mission, vision, values, goals and principles.
6. Expand and enhance existing partnerships and create new ones with other community organizations to leverage resources and increase services and opportunities for our customers.
7. Implement timely and efficient referral and follow-up processes with other entities for employment-related services.
8. Focus on providing business-driven services that are aligned with the Board’s targeted industries and occupations.
9. Increase the awareness and use of center services by employers and job seekers.
10. Provide reasonable accommodation and accessibility services to individuals with disabilities.
11. Provide appropriate language accommodation for individuals with limited English proficiency.
12. Provide understandable service information and orientation to customers.
13. Ensure that staff is trained, knowledgeable and experienced in all required programs and services.
14. Implement a tiered service delivery strategy ranging from self-service (Basic Career Services) to specialized (Individualized Career Services, Training, and Follow up).
15. Prepare job seekers for better, higher wage jobs through the attainment of higher skills.
16. Provide employers with a high quality and skilled workforce.
17. Demonstrate creativity and innovation in addressing workforce needs.
18. Contribute to Workforce Solutions’ reputation as the region’s leader in developing and supplying talent.
19. Perform with the highest level of integrity and business ethics.
20. Work to continuously improve the performance of the career centers, the experience of our customers, and the quality of services provided.
21. Work towards a Two Generation (“2Gen”) service delivery model. This model of service delivery focuses on creating opportunities for and addressing needs of both vulnerable children and their parents in a coordinated and supportive manner.

# SECTION II – GENERAL INFORMATION

NOTE: *For purposes of this RFP, the words “Bidder”, “Proposer” and “Respondent” are interchangeable and refer to an entity submitting a proposal in response to this RFP. The term “Contractor” refers to an entity selected and awarded a formal contract by the Board. The words “Board”, “Workforce Solutions”, “Workforce Solutions Capital Area”, “WFS Capital Area”, “WFS” and “WFSCA” are interchangeable and refer to the Workforce Solutions Capital Area Workforce Board, the issuer of this RFP.*

## Purpose of the Request for Proposal (RFP)

The Workforce Solutions Capital Area Workforce Board is soliciting proposals from qualified and eligible independent entities for the operation and management of career centers and the related programs/initiatives therein established by the Board and located in the Austin/Travis County workforce development area. The scope of work may include management of staff in satellite offices, as identified by the Board.

The Board expects to enter into a relationship with a single contractor for the operation and management of its career centers and services as a result of this RFP.

While this procurement is for the operation and management of the career centers and related programs, WFSCA anticipates releasing a procurement for WIOA Youth services in 2024.

## Activities and Services Solicited in This RFP

Services solicited in the RFP include the operation and management of the Board’s career centers and services, and the provision of quality services to employer and job seeker customers. Center operations will encompass the coordinated and integrated delivery of workforce programs and services consistent with local and state plans as well as applicable federal, state and local laws, rules, regulations, policies, and directives.

The operation of the career centers includes, but is not limited to, the provision of allowable services and activities under the following programs funded by the Board:

* Workforce Innovation and Opportunity Act (WIOA) Adults and Dislocated Workers (including Rapid Response activities)
* Temporary Assistance to Needy Families (TANF) - Choices
* Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T)
* Trade Adjustment Assistance (TAA)
* Non-Custodial Parent Choices (NCP) Program
* Reemployment Services and Eligibility Assessment (RESEA) Program
* Wagner-Peyser Employment Services
* Workforce and Education Readiness Continuum (WERC)
  + This program is funded by the City and County and services are not included in this solicitation. WERC staff are incorporated into the Career Center system and the selected contractor will be responsible for the WERC budget and oversight of WERC case management staff. Additional information, regarding this program, can be found at <http://www.wercaustin.com/index.html>.
* RE:WorkNOW (RWN)
  + This program is funded by the City and County under the American Rescue Plan Act to serve individuals affected by COVID-19. This grant runs through December 2023 and although services are not included in this solicitation, the program is incorporated into the Career Center system. The selected contractor will be responsible for the budget and oversight of RWN case management staff.

Workforce Solutions reserves the right to assign to the Contractor responsibility for managing additional workforce programs and funds that may be awarded or made available to Workforce Solutions.

The Contractor will be expected to coordinate with several other agencies and programs that are co-located in the career centers including, but not limited to:

* Texas Workforce Commission (TWC) Wagner-Peyser Employment Service (ES)
* Texas Veterans Commission (TVC) Veterans Employment Service
* Child Care Development Fund: Child Care Delivery Services
* AARP – Senior Employment Program
* Management and Training Corporation (Job Corps)
* Texas Workforce Solutions, Vocational Rehabilitation Services
* Austin Community College (ACC) Adult Education and Carl Perkins
* City of Austin Human Resources Department

A detailed description of programs, activities and services solicited under this RFP is contained in Section IV - Scope of Work.

## Activities and Services Not Solicited in This RFP

The following programs, functions, activities, and services are not solicited in the RFP:

* Planning, general administration, and general oversight of programs and contractors
* Child Care Delivery System
* WIOA Title I Youth Services
* Vendors /providers of occupational training
* Adequate facilities are in place to house existing operations which include three (3) full-service centers
* Sufficient equipment is in place for the current operation of the career centers, including fax machines, telephones, copiers, printers, furniture, and computer systems (desktops/laptops/servers)
* General IT services including IT personnel to assist with break/fix tasks, general service requests, infrastructure capacity planning and maintenance

## Procurement Standards/Method

This RFP provides a uniform method for the procurement of specified services, providing for full and open competition. It contains the necessary background, information, requirements, and instructions for responding to this RFP. This procurement is conducted in accordance with 2 CFR part 200 the applicable OMB Circular, supplemented by the final rules promulgated by the Office of the Texas Governor under the Uniform Grants Management Standards, and the Texas Workforce Commission’s Financial Manual for Grants and Contracts. Services solicited under this RFP shall be procured under the competitive negotiation method of procurement.

## Legislative Authority

All contracts funded from this RFP are subject to and Contractors must fully comply with applicable federal, state and local laws, rules, regulations, and policies including, but not limited to the following:

* Workforce Innovation and Opportunity Act 2014;
* Wagner-Peyser Act of 1933, as amended;
* Portions of Public Assistance Programs under the Social Security Act;
* Personal Responsibility and Work Opportunity and Reconciliation Act of 1996 (PRWORA);
* Agricultural Act of 2014;
* Food, Conservation and Energy Act of 2008;
* Bipartisan Budget Act of2015;
* Deficit Reduction Act of 2009;
* Federal regulations 7 C.F.R. Parts 271-273;
* Federal regulations 20 C.F.R. Parts 652 and 675 through 683;
* Federal regulations 45 C.F.R. Chapter II;
* Texas Labor Code, Chapter 302, Chapter 307;
* Sections of the Texas Administrative Code Title 1, Part 10, Chapter 202, Subchapter B Information Security Standards and the Information Resources Management Act (Texas Government Code Chapter 2054);
* Sections of the Texas Administrative Code Title 40, Part 20; and
* Sections of the Texas Government Code Title 10 Chapter 2308.

## RFP Schedule of Events

The following schedule of events is subject to change at the discretion of the Board. All requestors of this RFP will be notified of any and all changes. All times shown in the RFP are Central Standard Time (CST).

|  |  |
| --- | --- |
| Issuance of RFP | March 01,2022, 1:00 p.m. |
| Letter of Intent to Bid Due Date | March 23, 2022, 12:00 p.m. (Noon) |
| Deadline for Submitting Bidder’s Questions | March 23,2022, 12:00 p.m. (Noon) |
| Bidder’s Conference | March 24, 2022, 10:00 a.m. |
| Bidder’s Questions/Answers Posted | March 30, 2022 |
| Proposal Due Date | April 20, 2022, 4:00 p.m. |
| Begin Proposal Evaluation Process | April 20, 2022 |
| Assigned Committee Action/Potential Interviews | May 31, 2022 |
| Board Action | June 30, 2022 |
| Contract Negotiation and Transition Time Begins | July 1 – September 30, 2022 |
| Contract Start Date | October 1, 2022 |

## Issuance/Availability of RFP

This RFP is issued at 1:00 p.m., Tuesday March 01, 2022, by the Workforce Solutions Capital Area Workforce Board, under the direction of Tamara Atkinson, Chief Executive Officer, 9001 N IH 35, Suite 110E, Austin, Texas 78753. Copies of the RFP are available at this location during normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.), except for holidays. The RFP may also be obtained electronically by downloading it from the Board’s website at [www.wfscapitalarea.com](http://www.wfscapitalarea.com) or on the Electronic State Business Daily Search website at [www.txsmarbuy.com/sp](http://www.txsmarbuy.com/sp).

## Letter of Intent to Bid

A **Letter of Intent to Bid** (Attachment A) is required for all bidders planning to submit a proposal. The **Letter of Intent to Bid** must be submitted and received by Workforce Solutions no later than 12:00 p.m., Wednesday, March 23, 2022. Proposals will NOT be accepted from proposer’s who did not submit the required letter by the required submission date. Submitting a **Letter of Intent to Bid** does not commit the respondent to submitting a proposal. **The Letter of Intent to Bid must be emailed to:** [wfs.procurements@wfscapitalarea.com](mailto:wfs.procurements@wfscapitalarea.com) .

## 

## Response Deadline

Proposals must be submitted electronically to Workforce Solutions Capital Area **no later than 4:00 p.m., on Thursday, April 20, 2022.** Official receipt of proposals will be recorded on a log of proposals received. All Proposers who submit a proposal that is received on or before the deadline will be sent an e-mail confirming Board receipt of the proposal.

**Proposals submitted by mail, courier, fax and or hand delivered will not be accepted. Proposals**

**must be emailed to:** [wfs.procurements@wfscapitalarea.com](mailto:wfs.procurements@wfscapitalarea.com) .

The timely delivery of proposals is the sole responsibility of the proposer. Disputes concerning late or non-delivered proposals cannot be appealed.

Any modifications or amendments to a proposal (i.e., one already submitted prior to the deadline) must also comply with the above requirements and response deadline. Any proposals or amendments delivered/received after the specified deadline date and time will not be considered and will be deemed as late and non-responsive to the RFP – **absolutely no exceptions**. Late proposals and/or amendments will be returned without review.

The proposer is responsible for ensuring that the electronic submission contains all required elements as specified in the RFP. Incomplete submissions may result in the proposal being deemed as non-responsive and ineligible for consideration.

## Withdrawal of Proposals

Proposals may be withdrawn upon written request if made before the response deadline. Once the response deadline is passed, all proposals will become the property of Workforce Solutions and will not be returned.

## Open Records

Proposals are 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, privileged, or proprietary information contained within a proposal must be clearly identified by the proposer in the proposal itself (each applicable page clearly marked). Such information will be kept confidential by Workforce Solutions to the extent permitted by State law.

## Bidder’s Conference

**Only bidders who have submitted the Letter of Intent to Bid (Attachment A) will receive a Zoom link; and may participate in the Bidder’s Conference on March 24, 2022, 10:00 a.m., virtually or in-person at 9001 N IH 35, Suite 110E, Austin, Texas.** It is requested that potential bidder’s provide questions to the Board in advance of the bidder’s conference. In order to provide sufficient responses, we request that questions be submitted **via email to** [**wfs.procurements@wfscapitalarea.com**](mailto:janee.white@wfscapitalarea.com) **by 12 Noon on March 23, 2022.** Questions may be posed during the Bidder’s Conference, but complete answers may not be available until a question/answer document is released following the conference. A formal question/answers document will be posted at [www.wfscapitalarea.com](http://www.wfscapitalarea.com) repeating all questions and answers resulting from the Bidder’s Conference **no later than March 30, 2022.**

The Bidder’s Conference and resulting Question/Answers document will be the only opportunities for potential bidders to obtain guidance on the scope and nature of the work required in this RFP or to ask technical questions concerning this solicitation.

Other than as described above, Workforce Solutions board members, officers, staff, and authorized representatives or agents of Workforce Solutions are precluded from answering questions concerning this RFP or the procurement process. Contact with board members or staff regarding this RFP (except as noted above) from the date that this RFP is released until a contract is awarded is strictly prohibited. **Violations of this prohibition will result in the automatic disqualification of the offending bidder.**

## Contract Type

The Board expects to execute a single contract as a result of this RFP. The Board will use a cost-reimbursement contract unless a different type of contract is determined by the Board to be more advantageous. All contracts are contingent upon the receipt of sufficient funding by Workforce Solutions from the Texas Workforce Commission and other funding sources. Negotiated contract amounts will be contingent upon funding actually received. Final contracts are also subject to any changes in legislation, regulations, or policies issued by funding sources. Workforce Solutions reserves the right to vary or change the terms of any contract executed as a result of this RFP, including funding levels, the scope of work, performance standards, and shortening or extending the contract period, as it deems necessary and in the best interests of Workforce Solutions.

The Board is committed to service excellence and in achieving results. For this reason, the Board may provide a financial incentive for successfully meeting Board established criteria. The incentive will be classified as profit in the case of for-profit contractors, and a performance incentive bonus for non-profit contractors. Profit/incentive funds will be negotiated with the successful proposer.

## Contract Period

The initial contract will be for one year, beginning October 1, 2022, and ending September 30, 2023. The Board may extend the contract for up to four (4) additional one-year periods. In no event shall the total term of a contract exceed five (5) years. Contract extensions are at the sole discretion of the Board, based on satisfactory performance, compliance with contractual obligations, and other factors as determined by the Board. The Board reserves the right to terminate the contract annually or earlier based on contractor performance and compliance with contractual terms and conditions.

## Eligible Proposers

Individuals, private and public, for-profit, and non-profit organizations, community-based organizations, or other entities are eligible to respond to this RFP.

Partnerships, consortiums, or joint ventures may submit a proposal. All parties must be eligible proposers and a signed certification (Attachment E- Certification of Bidder) must be obtained from each party attesting to their agreement to all terms of the proposal and any resulting contract, if awarded. Proposals from partnerships, consortiums or joint ventures must clearly identify the lead entity that will be responsible for overall operations, financial accountability, legal obligations, and all reporting requirements. A copy of the partnership/consortium/joint venture agreement must be submitted as part of the proposal. The agreement must detail the roles and responsibilities of each party to the agreement. Workforce Solutions reserves the right to have such arrangements reviewed by its legal counsel to ensure that they are legally binding.

Proposals may also be submitted using a Managing Director/PEO Model. An agreement must be in place between the Managing Director and the Professional Employer Organization (PEO) or staff leasing company prior to submitting a proposal and the agreement must be submitted as part of the proposal. A contract awarded under this model will be between the Board and the managing director only. It is the sole responsibility of the managing director to contract with a third entity, such as a PEO.

*Subcontracting* – Subcontracting of services is permissible, though not encouraged. However, all subcontracts are subject to applicable federal, state, and local laws, rules, regulations, and policies governing procurement. No more than twenty (20) percent of funds awarded under a contract may be used for subcontracting. The use of any subcontracts must be specified in the proposal. The bidder must identify which services will be subcontracted and the rationale behind using a subcontractor rather than providing the services itself. The bidder must describe how subcontracts were (or will) be procured, their qualifications, and the basis for payments. Subcontracts shall be subject to the same requirements as the bidder under this RFP and any resulting contract. Workforce Solutions must approve all subcontracts prior to the final execution of a contract.

*Ineligible Entities* - Entities that are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in any procurement of non-procurement programs by any Federal department or agency are not eligible to respond to this RFP or receive a contract. Additionally, any entity that has an outstanding Unemployment Insurance overpayment balance payable to the State of Texas or any for-profit corporation that is delinquent in its franchise tax payments to the State of Texas is ineligible to respond to this RFP. Entities that directly provide developmental services (training or education services) are ineligible to respond to this RFP.

*Proposer Competency* – Proposer must have the technical competence, knowledge and expertise, management and administrative capabilities and capacity, professional staff, financial resources and stability, and administrative and fiscal systems to carry-out the work described in this RFP. Proposers must meet high standards of public service and fiduciary responsibility. The Board requires assurance that the Contractor’s performance of the terms and conditions of the contract will be undertaken in accordance with the highest level of integrity and business ethics. Proposers must be capable of implementing a system of self-monitoring, including the review of key data related to performance, quality assurance, financial integrity and accuracy, and center operations. Proposers are responsible for being knowledgeable of all laws, regulations, rules, and policies of the funding sources identified in this RFP. Information on relevant workforce programs including pertinent statutes and regulations can be found through the Texas Workforce Commission’s website at www.state.tx.us. Workforce Solutions will provide training on any Board-specific documents, policies, and procedures, as necessary, to the selected contractor. Additional information about the Board can be obtained through its website at [www.wfscapitalarea.com](http://www.wfscapitalarea.com). If the Board determines, at its sole discretion, that the awardee of a contract is not responsible, that it does not possess the administrative, fiscal, and/or technical resources and capabilities necessary to successfully perform under the terms and conditions of a contract, it shall terminate the contract immediately.

*Outstanding Monitoring, Audit or Legal Concerns* – Bidders must disclose and satisfactorily resolve any and all outstanding monitoring and/or audit concerns from any of the bidder’s other contracts prior to receiving a contract resulting from this RFP. Additionally, bidders must disclose any legal judgments, claims, arbitration proceedings, lawsuits or other legal proceedings pending or outstanding (unresolved) against the organization, its owners, officers, and/or principals.

## Governing Provisions and Limitation

1. The only purpose of this RFP is to ensure uniform standards and information in the solicitation of proposals for the operation and management of local career centers. This RFP is not to be construed as a purchase agreement of contract or as a commitment of any kind; nor does it commit Workforce Solutions to pay for costs incurred in the preparation of a response or any other costs incurred prior to the execution of a formal contract unless such costs are specifically authorized in writing by Workforce Solutions.
2. The Board reserves the right to accept or reject any or all proposals received, to cancel and/or reissue this RFP in part or its entirety.
3. The Board reserves the right to award a contract for any item/services or group of items/services solicited in this RFP in any quantity the Board determines is in its best interest.
4. This is a negotiated procurement utilizing the Request for Proposal method, and as such, the selection and award of a contract does not have to be made to the respondent submitting the lowest priced offer, but rather to the respondent submitting the most responsive proposal that satisfies the Board’s requirements and is determined to be in its best interests.
5. The Board reserves the right to waive any defect in this procurement or to correct any error(s) and/or make changes to this solicitation as it deems necessary. The Board will provide notification of any changes to all bidders that have submitted a Letter of Intent to Bid.
6. The Board reserves the right to extend, shorten, increase or decrease any contract awarded as a result of this RFP.
7. The Board reserves the right to request additional information, clarification, or explanation of any aspect of a proposal submitted in response to this RFP.
8. The Board reserves the right to negotiate the final terms of any and all contracts or agreements with proposers selected and any such terms negotiated as a result of this RFP may be renegotiated and/or amended in order to successfully meet the needs of the Board.
9. The Board reserves the right to contact any individual, agency, employer, or grantee listed in a proposal, to contact others who may have experience or knowledge of the proposer’s relevant performance and/or qualifications, and to request additional information from any and all proposers.
10. The Board reserves the right to conduct reviews of records, systems, procedures, credit, and criminal background checks, etc. of any entity selected for funding. This may occur prior to or subsequent to the award of a contract or agreement. Any misrepresentation of a proposer’s ability to perform as stated in the proposal may result in the disqualification of the proposer or the cancellation of any contract or agreement awarded as a result of this RFP.
11. Proposer selected for contract award must meet the requirements of Workforce Solutions’ key control certification system to ensure the financial integrity of the selected entity prior to the execution of a final contract (Attachment C – Fiscal Management Systems Survey). Workforce Solutions or its designee will conduct a pre-award review of the selected proposer prior to the execution of a final contract.
12. The Board reserves the right to withdraw or reduce the amount of any award or to cancel any contract or agreement resulting from this procurement if adequate funding is not received from the Texas Workforce Commission or other specific funding source of Workforce Solutions or due to legislative changes.
13. The Board reserves the right to impose additional requirements and refinements to the terms and conditions, scope of work, performance measures, and funding amounts during the course of any contract.
14. Proposers shall not, under penalty of law, offer or provide any gratuities, favors, or anything of monetary value to any board member, officer, employee, or authorized agent of Workforce Solutions, or elected official for the purpose of having an influencing effect on this procurement.
15. Proposers shall not attempt in any manner to advocate for, lobby, or otherwise attempt to influence any board member, officer, employee, proposal evaluator, authorized agent of Workforce Solutions, or elected official for purpose of having an influencing effect on this procurement.
16. Proposer shall not engage in any activity which would restrict or eliminate competition. Violation of this provision may cause a proposer to be disqualified. This does not preclude partnerships, consortiums, joint ventures, or subcontracts.
17. No board member, officer, employee, or agent of Workforce Solutions shall participate in the selection, award or administration of a contract supported by Board funds if a conflict of interest, real or apparent, would be involved.
18. All proposals must be an original work product of the proposing entity. The copying, paraphrasing or otherwise using substantial portions of the work product of others and submitted hereunder as original work of the proposer is not permitted. Failure to adhere to this instruction may cause the proposal to be disqualified and rejected.
19. All proposals and accompanying attachments will become the property of Workforce Solutions after submission (unless withdrawn before the submission deadline) and will not be returned.
20. The contents of a successful proposal may become a contractual obligation and be incorporated into a contract. Proposers must intend to fulfill all of the representations made in their proposal. Failure of proposer to accept this obligation may result in cancellation of the award. No plea of error or mistake shall be available to a successful proposer as a basis for release of proposed services at stated price/cost. Any damages incurred by Workforce Solutions as a result of a successful proposer’s failure to contract may be recovered from the proposer.
21. The Board reserves the right to deem non-responsive or disqualify any proposal that, in its sole determination, does not comply with or conform to the terms, conditions, and/or requirements of this RFP.
22. A contract with the selected proposer may be withheld, at the Board’s sole discretion, if an issue of contract or regulatory compliance, or questioned/disallowed costs, audit or monitoring findings, or legal issues exist, until such issues are resolved to the satisfaction of the Board. The Board may withdraw award of a contract if the resolution is not satisfactory to the Board.

## Administrative Requirements and Other Limitations

1. Employees of a contractor are subject to the exclusive control and supervision of the contractor. The Contractor is solely responsible for the oversight, management, supervision, hiring, discipline, termination, training, evaluation, etc. for its employees.
2. The successful proposer will have management authority over Texas Workforce Commission (TWC) personnel funded under the Wagner-Peyser Act providing Employment Services under the Texas Model. The contractor shall ensure that such staffs are integrated into the overall delivery of services in the career centers.
3. Contractors must have a single audit performed annually by an independent auditor in accordance with the Single Audit Act of 1984, as amended; OMB 2 CFR 200; and the requirements set forth in the TWC Financial Manual for Grants and Contracts. A copy of the audit, including management letter, must be submitted to the Board. Workforce Solutions reserves the right to conduct or cause to be conducted an independent audit of all funds received under a contract issued by the Board, not-withstanding the afore-mentioned requirement. Such audits will be conducted in accordance with applicable laws, rules, regulations, and established professional standards and practices.
4. Contractor must agree to comply with all rules, policies, directives and plans issued by the Board and the Texas Workforce Commission.
5. Contractor shall be responsible for ensuring compliance with all applicable laws, rules, regulations, policies, and directives governing the programs identified under this RFP.
6. All contractors are subject to compliance monitoring (fiscal and program). At any time during normal business hours, and as often as deemed necessary by Workforce Solutions staff, TWC, the U.S. Department of Labor, other State and Federal agencies, or their duly authorized representatives shall have complete access to any and all records or papers that are related to a contract resulting from this RFP for the purpose of verifying performance and compliance with contractual terms and conditions, and applicable laws, rules, regulations, and policies.
7. Contractor must have its own internal monitoring systems and procedures.
8. Contractors must provide reports or information on clients, finances, performance, and program operations as may be requested or required by the Board.
9. Contractors will be responsible for maintaining the physical appearance and condition of career centers as well as equipment and furnishings.
10. Contractors shall be responsible for meeting or exceeding all assigned state, federal and/or local performance measures associated with programs that are part of this RFP and any resulting contract. Contractors shall also be responsible for any changes in performance measures, including targets that may occur during the contract period.
11. Contractors will be required to prepare and maintain participant and financial records in accordance with policies and instructions issued by the Board. All records from a program and/or contract year must be retained forfive (5) years from the date closeout reports are submitted and accepted by the Board, unless any litigation, claim, negotiation, audit or other action involving the records has been initiated before the end of the retention period. No records shall be disposed of without prior written approval of the Board.
12. Contractors will be required to maintain a case file for each workforce program participant in accordance with standards established by the Board. Such files are considered the property of the Board and must be turned over to the Board upon request or upon the end of the contract.
13. Contractors will be required to input data on career center customers into The Workforce Information System of Texas (TWIST), the Work-In-Texas (WIT) system and any other automated management information system as may be required by TWC and/or the Board. Contractors will be responsible for ensuring the integrity of all data, records, and reports. Contractors shall ensure that the input of data is done in a timely and accurate manner and in compliance with the requirements established by TWC and/or the Board.
14. Contractors shall ensure that the confidentiality of all client date is maintained in accordance with state and federal law. Contractors shall also ensure the security of client data in hard copy and/or electronic files in accordance with Board and/or TWC.
15. Contractors, including all of its employees, must comply with all information Technology access and user policies and requirements of the Board and/or TWC.
16. Contractors will be expected to fully cooperate with the Board in planning and implementing any changes to the service delivery system, including changes in the number, type and/or configuration of facilities as deemed necessary and appropriate by the Board.
17. Contractors will be expected to fully cooperate with the Board in the development and implementation of partnerships and collaborations with other community organizations to maximize resources and services for the benefit of career center customers. This includes any Memorandum of Understanding (MOU) or other agreement as may be entered into by the Board.
18. Contractors must ensure that career centers are open to the public, at a minimum of Monday through Friday, from 8:00 a.m. to 5:00 p.m. (CST), except for authorized holidays or other authorized closures, and at such other times the Board deems necessary to meet local need for services. The Board may require all or specific centers to maintain extended hours of operation, including weekends. Proposers may propose additional/extended service hours.
19. Any and all purchases/procurements of goods and services by a contractor with funds received under a contract issued by the Board must comply with all applicable federal, state and local laws, rules, regulations, and policies, including the requirements specified in the TWC Financial Manual for Grants and Contracts.
20. Any and all purchases/procurements of a technology solutions, computer hardware, software, network devices, storage devices, printing equipment, telephone and web services by a contractor with funds received under a contract issued by the Board will require prior approval to ensure selected solutions is compatible and meets required security standards.
21. The Contractor must ensure that centers are adequately staffed at all times during the duration of the contract to provide required services and activities as specified in this RFP.
22. Contractors may not charge customers eligible for workforce programs a fee for any service. However, fee-for-service for non-eligible individuals or outside organizations is permissible. If the proposer intends to offer any fee-for-services, the service and fee structure must be fully described in their proposal and approved by the Board prior to implementation. The Board reserves the right retain all or a portion of any income generated from such activities.
23. Contractors must have a cost allocation plan as required by regulations governing multiple funding sources. The cost allocation plan is a separate document from an approved indirect cost rate plan.
24. Indirect Rates or Management Fees are allowable but must meet the requirements specified in the TWC Financial Manual for Grants and Contracts. Rates and fees must be supported by appropriate documentation. Indirect rates must be approved by a recognized cognizant agency. **Indirect cost rate/percentage must be clearly identified and justified.** Indirect rates and/or management fees may only be applied to funds available under each program, as allowable, against operational and administrative costs only (excludes costs associated with direct client services – i.e., training and supportive services).
25. **Administrative cost rate/percentage must be clearly identified and justified. Administrative costs should be determined based upon** the total funds available under each program and shall be calculated against the operational budget (excludes costs associated with direct client services - i.e., training and support services).
26. Profit (in the case of for-profit entities only or a performance bonus for non-profit entities) is an allowable cost. **Proposers must submit profit percentage proposed, justify, and shall be tied to the achievement of performance benchmarks**. The amount of profit, performance benchmarks, and payment schedule will be subject to negotiation.
27. Contractors must have the financial resources or the ability to obtain financial resources sufficient to meet their cash flow needs for a minimum of four to six weeks.
28. Contractors must comply with applicable cost principles and administrative requirements set out in Federal OMB Super Circular 2, CFR Part 200, and 46 CFR Chapter 1, Part 31, as supplemented by final rules promulgated by the Texas Office of the Governor under the Uniform Grants and Contract Management Standards and TWC’s Financial Manual for Grants and Contracts.
29. Proof of insurance is not a requirement for the submission of a proposal, but selected proposers will be required to obtain and provide proof for all insurances specified in this RFP and provide the Board with proper certificates or policies prior to commencing work under a contract resulting from this RFP. Workforce Solutions and its Board of Directors must be listed as an additional insured on each policy. Polices must remain in full force for the duration of the contract. Any changes in insures, coverage, deductibles, modifications, alterations, or cancellations of coverage during the term of the contract must be immediately communicated to the Board. The following insurances/bonding are required:

*General Liability* – Contractors are required to carry general liability insurance coverage sufficient to cover any liability that may arise from the performance of a contract resulting from this RFP. General liability insurance must cover bodily injury and property damage to a third party and personal injury: $1,000,000 each occurrence and $2,000,000 aggregate, and $10,000 medical expense (any one person) is required.

*Errors and Omissions* – Contractors must carry Errors and Omissions insurance or the equivalent. The cost of such insurance may not be paid for from contract funds. If such coverage is part of another type of insurance, then that portion of the policy related to Errors and Omissions must be paid for from non-contract funds.

*Directors and Officers –* Contractors must carry Directors and Officers insurance providing $2,000,000 per loss/aggregate.

*Motor Vehicle* – If the contractor or its employees use a motor vehicle in the conduct of business under a contract resulting from this RFP, liability insurance covering bodily injury and property damage must be provided through a commercial insurance policy. Such insurance shall provide a minimum coverage of $100,000 liability per occurrence. In addition, coverage of $300,000 aggregate liability; $100,000 property damage; personal injury protection; uninsured motorist protection; and a maximum deductible of $500. If Contractor does not provide such insurance for its employees, then proof of insurance must be obtained from each employee for like coverage.

*Workers Compensation* – Contractors must ensure that all employees are covered by workers’ compensation insurance at a minimum of $1,000,000 per accident or disease. If self-insured, the Contractor must warrant that it will maintain coverage sufficient to cover any liability as specified above. If the Contractor is a State agency and is self-insured, then the Contractor must be able to pay any obligation that it incurs from performance under a Contract resulting from this RFP.

Contractors must ensure that all WIOA program participants engaged in work experience are provided with appropriate insurance coverage. To the extent that the state workers’ compensation law applies, workers’ compensation must be provided to participants in programs and activities under Title I of WIOAon the same basis as the compensation is provided to other individuals in the state in similar employment. Workers’ compensation must be available for injuries suffered by the participant in such work experience. If the workers’ compensation law does not apply to a participant in work experience, insurance coverage must be secured for injuries suffered by the participant in the course of such work experience.

*Crime Policy (ERISA included)* – Contractors must have a Crime Policy (ERISA included) against acts of dishonesty, forgery or alteration, and computer fraud at $1,000,000.

Professional Liability Policy – Contractors must maintain a Professional Liability Policy providing minimum coverage in the amount of $500,000 aggregate.

*Umbrella Policy* – Contractor must maintain an Umbrella Policy providing minimum coverage of $1,000,000 aggregate.

*Cyber Policy* – Contractor must maintain a Cyber Policy providing minimum coverage of $1,000,000 aggregate.

1. Contractors must ensure that all activities and services provided pursuant to an executed contract comply with the requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, with respect to physical and program accessibility.
2. Contractors must comply with the Board’s Marketing Standards and Guidelines regarding the use of contractor name and logo on all printed materials, advertising, and marketing.

## Equal Opportunity/Nondiscrimination

As a condition to 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 (including pregnancy, childbirth, and related medical conditions, transgender status and gender identity), 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;
* Titles VI and VII 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;
* Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs;
* The age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
* Americans with Disabilities Act of 1990, as amended;
* Non-Traditional Employment for Women Act of 1991, as amended;
* All applicable rules and regulations issued under these laws.

The Contractor 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 Contractor’s operation of the WIOA Title I-financially assisted program or activity, and to all agreements the Contractor makes to carry out the WIOA Title I-financially assisted program or activity. The Contractor understands that the United States has the right to seek judicial enforcement of this assurance.

## Transition Planning

Proposers will need to include a Transition Plan in their proposals, with all activities being completed by September 30, 2022. The Board requires that any entity awarded a contract resulting from this RFP:

* Give first consideration in employment to current employees providing services in the career centers who may be displaced as a result of this procurement;
* Provide for open enrollment into insurance/benefits for staff transitioned from the previous contractor with coverage available on the first day of employment (October 1, 2022); and
* Subject to negotiation with the Board, Contractor will accept rollover of accrued, unused leave time as allowed under the previous contractor’s policies for transitioned staff.

## Funding

Funding for all activities and services is contingent upon the receipt of sufficient programs funds from the Texas Workforce Commission and other funding sources of Workforce Solutions. Projected funding levels to be used in developing proposal budgets are contained in Exhibit A of this RFP.

# SECTION III – PROPOSAL REVIEW AND SELECTION PROCESS

The selection and award of a contract resulting from this RFP will be made only to a “responsible contractor” who has the demonstrated competence and qualifications, including but not limited to: a satisfactory record of past performance; integrity and business ethics; fiscal accountability; sufficient financial and technical resources; established management and monitoring systems; and ability to meet the requirements and expectations of this RFP.

## Evaluation Process

The evaluation process will consist of the following steps:

1. All proposals received by the submission deadline will be initially reviewed by Board staff for responsiveness and compliance with the technical specifications and requirements contained in the RFP.
2. All responsive proposals will be subject to review and scoring. The Board will contract with qualified independent outside evaluators to review and score each responsive proposal.
3. Internal evaluators such as a program staff who conduct program evaluations may be recruited to review and score each responsive proposal.
4. Proposals will be scored independently by each evaluator. The final scores will be the average of the independent scores of all evaluators.
5. Proposals will be reviewed and scored based on the criteria identified in this RFP using a standardized instrument provided by the Board.
6. Board staff will conduct a verification of references in the proposals.
7. The results of the independent evaluation of proposals, including scoring, ranking and recommendations by Workforce Solutions staff will be presented to an assigned committee of the Board. Select proposers may be requested to participate in a question-and-answer session with the assigned committee and/or Board. The results of the Q&A session will also be used in making a recommendation to the full Board.
8. Recommendations of the assigned committee will be presented to the Board for final action.
9. Action by the Board in selecting a proposal for contract award will be subject to successful contract negotiations.

**NOTE: The Board is not required to contract with the entity receiving the highest score/ranking as a result of the evaluation process. The Board reserves the right to depart from the scoring/ranking if it deems such departure better serves the interests of the Board and the workforce system’s customers.**

## Evaluation Criteria

Proposals must achieve an overall average score of at **least 70%** (210 points) to be considered for selection and award. Proposals will be evaluated based on proposer’s responses to questions asked and information requested in this RFP. The evaluation criteria and point values are as follows:

* **Organizational Capability and Capacity 50 Points**

Capability refers to the organization’s ability to accomplish its work through the knowledge, skills, and abilities of its people (i.e., qualifications and experience of staff). Capacity refers to the organization’s ability to ensure sufficient staffing, work processes, technology, etc. to successfully deliver services.

* **Design and Approach 110 Points**

This area will examine the proposed overall approach, design, strategies, and processes used for service delivery; as well as effectively and efficiently manage and operate the career centers, in support of the Board’s mission, vision, goals, expectations, etc. Transition plans will also be considered.

* **Financial and Organizational Stability 35 Points**

The proposing entity must demonstrate that it is in sound financial condition and has effective fiscal and administrative management systems, fiscal organizational structures, financial resources, financial capacity, and knowledge in accordance with GAAP. The Board utilizes Gazelle software to track the issuance and expenditures of ITAs and support services. The contractor will be required to utilize this system.

* **Demonstrated Experience/Effectiveness 55 Points**

The proposing entity must demonstrate a history of successfully providing the same or similar services to those specified in the RFP, specifically relating to the types of activities, targeted populations, performance outcomes (measures/targets), expenditure benchmarks, contractual compliance, etc. Other areas of review will include collaboration; participant flow; how customer needs will be identified and matched to appropriate services; monitoring systems; use of data, including customer satisfaction to improve services; outreach and recruitment of targeted populations; etc.

* **Cost Analysis/Value 50 Points**

Budgets will be reviewed to determine that proposed costs are reasonable, necessary, allocable, and allowable. Other areas of review will include; cost allocation methodology, competitive indirect rate or management fees, overhead costs, profit, in-kind or matching funds.

**TOTAL POSSIBLE POINTS FOR PROPOSAL RESPONSE 300 POINTS**

* **Historically Under-utilized Business Bonus Points 10 Points**

## Proposer Inquiry and Appeal Process

Policy Statement

Workforce Solutions Capital Area Workforce Board (Board) is the responsible authority for handling complaints, disputes or protests regarding the procurement and proposal selection process at the local level. No protest shall be submitted to the grantor (State) until all administrative remedies at the Grantee (Board) level have been exhausted. This includes, but is not limited to; disputes, claims, protests of selection or non-selection for award, source evaluation or other matters of a contractual or procurement nature. Matters concerning violations of law shall be referred to such authority as may have proper jurisdiction. All proposers will be notified in writing of the final results of the procurement process within fifteen (15) working days following the final decision of the board.

Policy/Procedure for Submitting Appeals

This policy shall apply to appeals by service providers that have applied for an award of grant funds from the Board pursuant to any federal, state, or local funded program or activity.

Issues Subject to Appeal

Vendors/proposers/bidders (“Bidder”) affected by procurement actions or decisions of the Board may appeal pursuant to this policy and procedures as to the following issues:

1. The action or decision of the WFSCA is alleged by the Bidder to be in violation of applicable federal and/or state law, regulation or policy regarding procurement and selection; or
2. The action or decision of the WFSCA is alleged by the Bidder to be based upon an error of material and relevant fact(s); or
3. The action or decision of the WFSCA is alleged by the Bidder to be invalid because of an alleged denial of procedural due process (i.e., failure to review a complaint or protest).

Issues NOT Subject to Appeal

1. Unless substantiated by material and relevant fact(s), the scoring and ranking of proposals is not subject to appeal.
2. An appeal cannot be submitted based solely on the belief that the appealing party believes their proposal is better than the one selected for contract award.

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

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

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 IH 35, Suite 110E

Austin, Texas 78753

The Board shall acknowledge receipt of the Request for Debriefing in writing within three (3) business 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) business days from the receipt of the Request for Debriefing.

1. **Step 2. Debriefing** – The purpose of the debriefing is to promote the exchange of information. In the debriefing the respondent will obtain information on the procurement process, including the proposal evaluation process. Materials provided in the debriefing will include a blank copy of the proposal scoring sheet used by readers, spread sheet of rankings provided to the Board of Directors, and written third-party evaluators’ comments. Board staff will meet with the appealing party and review how the appealing party’s proposal or bid was scored or ranked.
2. **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 appeal should also include 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) business days of receipt of the Board debriefing meeting. All appeals must be filed with and received by the Office of the Chief Executive Officer 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. 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 IH 35, Suite 110E

Austin, Texas 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 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) business 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.

1. **Step 4. Informal Hearing** *–* An Informal Hearing will be held at the offices of Workforce Solutions Capital Area within fifteen (15) business days of the receipt of the Notice of Appeal. The Executive Director’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 identifies 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 Executive Director 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.
2. **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) business 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.
3. **Step 6. Formal Hearing** – The Formal Hearing shall be conducted within fifteen (15) business days of the date of the Request for Formal Hearing. An independent Hearing Officer selected by the Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer 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.

# SECTION IV – SCOPE OF WORK

Prospective proposers are strongly encouraged to carefully review the information contained in Section I of this RFP in order to gain a better understanding and appreciation of what the Board is looking for in a contractor and its expectations. Career center operations will include, but are not limited to, the delivery of allowable services and activities under the following programs funded by the Board:

* Noncustodial Parent Choices
* RE: Work Now
* Supplemental Nutrition Assistance Program Employment and Training – SNAP E&T
* Temporary Assistance for Needy Families – TANF Choices
* Trade Adjustment Assistance Program
* Wagner-Peyser Employment Services\*
* Workforce and Education Readiness Continuum
* Workforce Innovation and Opportunity Act – Adult
* Workforce Innovation and Opportunity Act– Dislocated Worker (includes Rapid Response)

\*Note: Wagner-Peyser Employment Services (ES) are provided by staff located within each career center who are employed by the Texas Workforce Commission (TWC). Contractor will be responsible for the integration of ES services and the day-to-day direction of program staff as prescribed under the Texas Model.

Contractor will be responsible for contributing to the achievement of the Board’s mission, vision, and goals, as well as TWC contracted performance measures (Exhibit B).

## A. Business/Employer Services

Employers are distinguished, by the Board, as the primary customer of the workforce system. By the same token, the Board values industry specialization and the use of data and other intel to provide tiered levels of services for employers. It is essential that employers have access to a skilled workforce and other human resource services to maintain a competitive edge in the global economy and to maximize economic development opportunities for the Capital Area. The goal is for Workforce Solutions to be recognized as the premier talent development and talent provider in the region.

Business services should be provided through a business service team approach. To meet the needs of employers, the Contractor is required to provide a full range of services, including (but not limited to):

* Industry Sector Focus- aligning with the Board’s priority industry sectors as identified in the Board’s Strategic Plan, work with Board staff and Contractor staff to build employer relationships through individualized employer relationships and collectively under the auspices of industry sector partnerships managed by the board for these critical industries.
* Outreach and Recruitment - engaging new employers to the workforce system and expanding existing employer relations.
* Employee Recruitment and Placement Services – job matching services to identify, pre-screen and refer qualified job applicants to employers, including using data about job seekers to strategically outreach for opportunities; use of career centers for hiring events and interviewing; and customized job fairs.
* Job Order Taking – providing information and assistance to employers in establishing and managing accounts in the Work-In-Texas online job matching system.
* Labor Market and Other Information Services – providing employers with local labor market, economic, demographic and unemployment information. In addition, providing employers with information and assistance on available worker tax credit programs, labor laws, and unemployment insurance claims and appeals.
* Training Service – communicating TWC’s Skills Development Fund, Texas-Back-Work, on-the-job training, and related customized training options available to employers to help train new hires. This service also includes promoting the Board’s initiatives related to training incumbent workers.
* Outplacement Service – includes Rapid Response activities in coordination with Board staff to employers/employees faced with mass layoffs or closings.

## B. Job Seeker Services

The primary purpose of the career center is to engage as many job seekers as possible by providing easy access to a broad array of services and information to help them get a job, keep a job, or get a better job leading to economic self-sufficiency. Services are to be provided through a seamless, integrated system utilizing a tiered or sequential service delivery approach. The idea is to customize services for each customer seeking assistance, so that the mix and intensity of services provided varies based on the needs of the individual customer.

The Board expects the Contractor to implement strategies that further promote integration and streamline services through improved customer flow processes, use of technology, data, braiding of funding to enhance service delivery, integration of staff, and other innovative solutions to continuously improve the quality of services and customer experience. The goal is for Workforce Solutions to be recognized as best in class.

The Workforce Innovation and Opportunity Act of 2014 (WIOA) is the federal legislation that reauthorized the Workforce Investment Act. WIOA establishes two levels of employment and training services for adults and dislocated workers: career services and training services.

**Basic Career Services** are predominately self-serve, informational and accessed through a public resource room within each Career Center. Such services can be made accessible online or by other delivery methods. Basic Career Services are made available to all job seekers, without regard to program eligibility, and they must include the following services:

* Determinations of whether the individual is eligible to receive assistance from the WIOA adult or dislocated worker programs;
* Outreach and intake (including worker profiling), and orientation to information and other services available through the Texas workforce system, including other programs offered in the Career Center;
* Initial assessment of skills levels, including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and support service needs;
* Labor exchange services, including:
  + Job search and placement assistance, and, when needed by an individual, career counseling, including the provision of information on nontraditional employment and in demand industry sectors and occupations; and
  + Appropriate recruitment and other business services on behalf of the employers.
* Provision of referrals to and coordination of activities with other programs and services, including programs and services within the Texas workforce system and, when appropriate, other workforce development programs;
* Provision of workforce and labor market employment statistics information, including information relating to local, regional, and national labor market areas, including:
  + job vacancy listings in labor market areas;
  + information on job skills necessary to obtain the vacant jobs listed; and
  + information relating to the local Target Occupations List and the earnings skills requirements, and opportunities for advancement in those jobs;
* Provision of performance information and program cost information on eligible providers of training services by program and provider type;
* Provision of information, in usable and understandable formats and languages, relating to the availability of support services or assistance, and appropriate referrals to those services and assistance, including:
  + childcare;
  + child support;
  + medical or child health assistance available through the state’s Medicaid program and Children’s Health Insurance Program;
  + benefits under the Supplemental Nutrition Assistance Program (SNAP);
  + assistance through the earned income tax credit; and
  + assistance under a state program for Temporary Assistance for Needy Families (TANF), and other support services and transportation provided through that program;
* Provision of information and assistance regarding filing claims for unemployment compensation, including meaningful assistance that occurs:
  + in Workforce Solutions Offices, using staff members who are well-trained in unemployment benefits claim filing activities and, on the rights, and responsibilities of unemployment claimants (claimants), and information necessary to file a claim; or
  + by phone or via technology, as long as the assistance is provided by appropriately trained and available staff and within a reasonable time.
* Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA.

**Individualized Career Services** are based on specific program eligibility and must be made available if determined to be appropriate in order for an individual to obtain or retain employment. These include the following services, as consistent with WIOA requirements and federal cost principles:

* Comprehensive and specialized assessments of the skills levels and service needs of adults and dislocated workers, which may include:
  + diagnostic testing and use of other assessment tools to identify aptitudes, career interest and abilities; and
  + in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
* Development of an individual employment plan to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information regarding eligible training providers;
  + The information collected from the comprehensive and specialized assessment process should identify the participant’s educational background, work history, financial needs, and barriers to employment, and be used to develop an Individual Employment Plan with the participant. The Individual Employment Plan is expected to be updated at points of transition during service delivery;
* Group Counseling;
* Individual Counseling;
* Career Planning;
  + Counseling and Career Planning are provided to ensure the achievement of positive customer outcomes. It is the responsibility of career center staff to ensure that barriers to program participation and employment are overcome through appropriate services and resources. Regular, personal contact between career center staff and the customer is essential.
* Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training;
* Internships and work experience that are linked to careers, including transitional jobs as described in WIOA §134(d)(5)
* Workforce preparation activities;
* Financial literacy services as described in WIOA § 129(b)(2)(D);
* Out-of-area job search and relocation assistance; and

English language acquisition and integrated education and training programs. **Follow-up Services** must be made available, as appropriate--including counseling regarding the workplace--for participants in adult or dislocated worker activities who are placed in unsubsidized employment for a minimum of 12 months after the first day of employment.

Development of internships, work experience, community service, and subsidized employment opportunities as allowed and meet the requirements of individual workforce programs.

**Supportive Services** are provided on a case-by-case basis, upon identification of individual need and availability of resources. The need for supportive services is discussed at the time of initial assessment and is reassessed throughout program participation. Support services assist the customer in participating in program activities and/or employment. Such services include, but are not limited to; childcare assistance, transportation assistance, housing and utilities payments, tools, uniforms, and fees required for high school equivalency testing, and licensure or certification for employment.

**Referrals** to Appropriate Resources – in order to maximize resources and meet customer needs, appropriate referrals for services, including supportive services, are made to community resource partners.

**Coordination** with employers, economic development organizations, chambers of commerce, community-based organizations, faith-based organizations, public entities, and other agencies to maximize resources and avoid duplication of service is expected.

Training Services

WIOA is designed to increase participant access to training services. Training services are available under specific workforce programs for job seekers who are unable to find employment at the Board’s defined self-sufficiency wage and are provided to equip individuals to enter the workforce and retain employment. Following a comprehensive assessment and the development of an Individual Employment Plan, a customer may be referred to training services. Examples of training services include:

* occupational skills training;
* on-the-job training, as described in WIOA §3(44);
* registered apprenticeship;
* incumbent worker training, at the board level, in accordance with WIOA §134(d)(4);
* workplace training and cooperative education programs;
* private sector training programs;
* skills upgrading and retraining;
* entrepreneurial training;
* job readiness training provided in combination with other training described above;
* adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, in combination with training;
* customized training; and
* development of internships, work experience, community service, and subsidized employment opportunities as allowed and meet the requirements of individual workforce programs.

Occupational skills training must be provided in a manner that maximizes customer choice and is aligned with the Board’s targeted occupations and the Eligible Training Provider System (ETPS). Training services are provided and documented through the issuance of Individual Training Accounts (ITAs). A list of Board approved targeted occupations for BCY2022 is contained in Exhibit G.

A matrix of workforce activities and services by program is contained in Exhibit C. Proposers should also familiarize themselves with the allowable services, activities, and requirements of workforce programs found in statute, rule, regulation, and policy.

## Resources

The Contractor selected as a result of this RFP will assume complete responsibility for the management and operation of local career centers, including staff, equipment, supplies, and materials, on October 1, 2022.

Staffing – proposer should make an independent analysis and projection of staffing needs. The Board expects staffing to be organized around functions as opposed to programs or funding streams, to the extent that is practical. To assist in staff planning, information on service levels by workforce program are contained in Exhibit D. Information on current contractor staffing is listed in Exhibit H. Information regarding ES, Veterans ES, and other partner staff co-located in the career centers is listed in Exhibit E.

The Board encourages the successful proposer to give consideration for employment to current career center employees who may be displaced as a result of this procurement.

Facilities and Equipment – adequate facilities and equipment are currently in place for career center operations. After the bidder’s conference, a group tour of the North office career center will be given if requested; this will be the only time that a tour will be facilitated and allowed. The locations and hours of operation for all local career centers are contained in Exhibit F. Proposers are reminded that questions and/or requests for technical assistance related to this procurement after the Bidder’s Conference are prohibited.

## Performance

The Contractor must have a thorough knowledge of the programs and their performance requirements. The Contractor will be responsible for achieving performance standards and providing quality services to workforce system customers. At a minimum the Contractor must meet assigned TWC contracted performance measures and be competitive with other mid-size workforce boards in Texas. The Board may pass down to the Contractor additional performance measures or changes as received ~~by TWC~~. The Board reserves the right to adjust, change and/or add additional measures as deemed appropriate. Exhibit B identifies the anticipated Contractor performance measures and targets. Performance measures are subject to change based on TWC action.

## Budgeting

For purposes of this procurement, the proposed budget should be limited to administrative and operational costs, including but not limited to personnel wages, fringe benefits, travel, and professional development/training; consumable office supplies and materials; insurance and bonding; audit services; advertising; professional services; indirect costs; management fees; and profit or performance bonus.

**The cost of facilities, including rent, utilities, phones, copiers, fax machines, technology, and maintenance and repair are NOT to be included in the budget. Costs associated with outreach and marketing activities related to customer outreach and recruitment are NOT to be included in the budget. These costs are covered by the Board.**

## Security Management

WFS Capital Area adheres to the Texas Cyber Security Framework as mandated by TWC. As such all WFS contractors must adhere to the same framework and maintain a minimum level 3 cyber security maturity and agree to annual security assessments**.**

* The Contractor shall take appropriate actions to assure compliance with 1 TAC, Chapter 202, the Texas Cybersecurity Framework (TCF) at <https://pubext.dir.texas.gov/portal/internal/resources/DocumentLibrary/Texas%20Cybersecurity%20Framework%20Controls%20and%20Definitions.pdf> and all other state or federal rules, regulations, and laws as applicable to Contractor programs. The Contractor shall:
  + Implement Information Security Management (ISM) compliance policies and procedures for Contractor staff and Contractor subrecipient, contractor and subcontractor staff (hereinafter referred to as “Contractor staff” for the purposes of this section); and
  + Assure and be responsible for Contractor staff compliance with such ISM requirements.
* Contractor staff shall follow all Agency security guidance when making use of Agency information resources, Agency-provided data, and/or Agency-administered systems including but not limited to Exhibit I- Safeguards for TWC Information and Exhibit J-Contractor Security Guidelines
* The Contractor shall in the event of a security violation, if a breach is detected, or if the Contractor has any reason to suspect that the security or integrity of the Agency’s data has been, or may be, compromised in any way:
  + Notify the Agency’s Chief Information Officer immediately and no later than twenty-four (24) hours via email to [angelica.benavides@wfscapitalarea.com](mailto:angelica.benavides@wfscapitalarea.com) ; and
* The time period for notifying WFS under this section is reduced to one (1) hour for suspected security violations that involve protected health information of a covered under 45 C.F.R. Parts 160, 162, and 164, such as Medicaid Information provided from, by or accessed through the Health and Human Services Commission systems as required by the Health Information and Portability and Accountability Act (HIPAA) and the Health Information Technology Act (HITECH).
* Comply with the notification requirements of Section 521.053, Business & Commerce Code, to the same extent as a person who conducts business in this state; and
* Comply with Agency directives in resolving any incidents.
* The Contractor shall designate an information security officer who:
  + reports to the Contractor’s executive-level management;
  + has authority over information security for the Contractor;
  + possesses the training and experience required to perform these duties; and
  + to the extent feasible, has information security duties as their primary duties.

## Texas Cybersecurity Framework

The Texas Cybersecurity Framework (TCF) consists of forty-six(46) Control Objectives and five(5) Functional Areas as follows; Identify, Protect, Detect, Respond and Recover. TCF is also based on the National Institute of Standards and Technology (NIST) Cybersecurity Framework.

* The Contractor security program will undergo a TCF assessment at least once every two years to evaluate the programs overall maturity, measured on the CMMI scale (0-5) and the maturity level of each of the TCF controls. This assessment will be conducted by a third-party assessor contracted by the Agency.
* Control objectives below a CMMI level 3 will require submission of a management response with corrective action plan to the Agency.
* Corrective Action Plan status reports will be made every six months, starting from the plan submission date.

**Cyber Security Maturity Levels**

|  |  |
| --- | --- |
| Level 0: | Non-Existent There is no evidence of the organization meeting the objective. |
| Level 1: | Initial - The organization has an ad-hoc, inconsistent, or reactive approach to meeting the objective. |
| Level 2: | Consistent - The organization has a consistent overall approach to meeting the objective, but the approach is mostly reactive and undocumented. The organization does not routinely measure or enforce policy compliance. |
| **\*Level 3:** | Defined - The organization has a documented, detailed approach to meeting the objective and regularly measures its compliance. |
| Level 4: | Risk-Based - The organization uses an established risk management framework to measure and evaluate risk and integrate improvements beyond the requirements of applicable regulations. |
| Level 5: | Optimized - The organization has refined its standards and practices, focusing on ways to improve its capabilities in the most efficient and cost-effective manner. |

# SECTION V – PROPOSAL PREPARATION AND SUBMISSION

## Instructions for Submitting a Proposal

1. EMAIL SUBMISSION – Submit Proposal by email to [wfs.procurements@wfscapitalarea.com](mailto:wfs.procurements@wfscapitalarea.com), no later than 4:00 p.m., on Thursday, April 20, 2022. The Email subject line must be as follows: [**Career Center Proposal-Proposing Entity Name**]. Amendments to a proposal already submitted must contain the amendment number in the email subject line as follows: [**Amendment No.1-Career Center Proposal-Proposing Entity Name**]. Proposals and amendments emailed after the deadline will not be considered and will be deemed late and non-responsive to this RFP and procurement process.
2. FILE FORMAT – All documents in the proposal response checklist must be complete, legible, and saved in an appropriate file format. If multiple files are being attached to a single email submission; then each file attachment must contain a label that is descriptive of its contents, followed by the Proposing Entity Name. For example, if attaching the Proposal Narrative, Budget Forms and Certificates in separate files; then the three(3) attachments must be labeled as follows: [Proposal Narrative-Your Organization Name], [Budget Forms-Your Organization Name], and [Certifications-Your Organization Name]. Proposals lacking the required elements as specified in the RFP or missing materials will be deemed unresponsive and will not be considered for review under this procurement.
3. PAGE LIMITS – Total Narrative maximum page limit is 50 pages, excluding attachments C-K, budgets, and other required forms.
4. CONFIDENTIAL AND PROPRIETARY INFORMATION – All confidential or proprietary information and data contained within a proposal must be clearly marked and labeled as such. Confidential/proprietary information submitted in response to this RFP will be handled in accordance with State law. Workforce Solutions is subject to the Texas Open Records Act. Proprietary information will be kept confidential by Workforce Solutions to the extent that State law permits. Proposals become the property of Workforce Solutions.

## Response Checklist and Order of Submission

The proposal must be submitted with all required elements and assembled in accordance with Attachment L - Response Checklist and Order of Submission.

## Proposal Cover Sheet

Complete all items on the proposal cover sheet (Attachment B). Indicate a signatory authority – a person in the proposing entity that has the legal authority to negotiate and sign a contract on behalf of the proposing entity. This is the person who must sign the Certification forms in the Attachments. Proposers who are certified as a Historically Under-utilized Business (HUB) should indicate the certification number on the cover sheet and attach a copy of the notice of the current certification.

## Table of Contents

Proposal responses must have a table of contents that lists each item of the proposal, including attachments, with corresponding page numbers. All items must be in the specified order.

## Executive Summary

Provide a brief summary (2-3 pages) of proposal, to include: 1) organizational history and structure; unique qualifications and experience; 2) overall approach and philosophy to managing and operating career centers and delivering customer services; 3) how you will manage and measure contract results (not only TWC performance measures); and 4) any unique or innovative aspects of your proposal. Describe what extra benefit or value-add your organization would bring to the Board – what is it that separates you from other proposers?

## Instructions for the Proposal Narrative

The proposal should provide a complete description of the proposed management and operation of local career centers and quality customer services in narrative form, according to the following instructions. Narrative responses for each item should be clear and concise and presented in the exact order as provided. Optimal page limit is 50 pages.

### Organizational Capacity and Capability

1. Explain the history of your organization and what it took to reach its current design; include year established, location of home/corporate office, locations of any regional offices, number of employees, lines of business, etc. Attach a proof of incorporation or agency status.

* If your organization is governed by a board, attach a list of board members and corporate officers.
* If you are submitting a proposal as a partnership, consortium, or joint venture; list the roles and responsibilities of each party, identify the lead entity, and attach the partnership, consortium, or joint venture agreement.
* If you are submitting a proposal using a Managing Director/ Professional Employer Organization (PEO) Model, attach the agreement between the Managing Director and the PEO or staffing agency.
* If you are subcontracting services; specify the services that will be subcontracted, explain the rationale behind using a subcontractor rather than providing the services yourself attach examples of how the subcontracts were procured, include their qualifications, and the basis for payment.

1. Describe the governance and oversight role of your organization (upper management). How do you report contract performance, including monitoring reports, compliance, etc.? How often do you provide such reports? Provide a sample report if available
2. Tell us how your organization achieves its mission on a day-to-day basis. Articulate how your vision and values relate to the operation of career centers, delivering services to job seeker and employer customers, the communities and to the mission, vision, and values of the Capital Area Board. How are they shared with your staff and instilled as part of your organizational culture?
3. Illustrate your proposed organizational structure responsible for the management of the career centers. Attach an organizational chart for the entire organization that include lines of authority and responsibility. Section 1) Identify upper management only, and Section 2) local project staff.
4. Provide job descriptions for all key staff directly related to the management, operation and administration of the career centers that will be charged to a Board contract. List the minimum qualifications for each position. If you currently have staff for these positions, attach a resume for each and indicate which position the staff will be assigned to.
5. If applicable, describe your corporate model. How is the local project and Director supported?
6. Give examples of how performance targets, policies, directives, and other information was communicated to staff throughout your organization, within the last three (3) months.
7. Tell us how you measure employee effectiveness. Give examples of the metrics, performance goals or processes put in place to evaluate the work of supervisors and frontline staff. How often did you evaluate employee performance within the last year? How did you identify poor employee performance, and what steps did you take to help them improve?
8. Tell us about a time that you had to ensure that staff has a good foundation of sufficient skills and knowledge to help customers achieve their goals. Provide an example of the training developed or provided within the last six (6) months for new hires and existing staff.
9. Give an example of how the organization has ensured that diversity, equity, and inclusion practices are incorporated into training and practice for all career center staff.
10. Give an example of how your organization evaluated customer service within the last year. What metrics do you have in place to evaluate the quality of the services staff are providing? Describe a situation in which you had to take action to improve customer service. Describe the issue and the steps taken to address it.
11. Organizational capacity refers, in part, to the ability to ensure sufficient staffing, organizational support, and technology to accomplish work and successfully deliver quality services to customers. Describe your ability to assess capacity needs, including how you will use approved technology and/or deploy corporate resources to accomplish work. Describe any “workflow” technologies or other systems, processes to be used to improve services, increase system effectiveness and efficiency, and impact costs.
12. Describe in detail your quality assurance systems to ensure that the centers are operating effectively and efficiently, achieving performance results, complying with applicable federal, state and local laws, rules, regulations, policies, and providing quality customer service, including enrollment into training and support services. Provide a specific example of how you have used an internal monitoring report to improve operations.
13. Describe your organization’s ability to assess talent, evaluate staff performance, maintain staff accountability, provide staff training and development opportunities, and reward people to achieve high performance.
14. Describe how management, locally and at the corporate level, propose to communicate and coordinate with Board staff.
15. Describe your succession plan, process, and strategy for ensuring that the loss of key management and/or operational staff does not result in failure to perform a key function.
16. Provide any additional information that would support your organization’s capacity and capability to manage/operate career centers in the Capital Area.

### Design and Approach

#### Employer/Business Services

1. Describe your proposed service delivery design for meeting the needs of employers/businesses with regard to the following:

* Assisting employers with identifying their workforce challenges
* Providing solutions for their needs
* Ensuring quality referrals are made to employer job postings
* Simplifying processes and materials that make employer access smooth
* Use of market segmentation and tiered levels of services for employers
* Meeting/exceeding employer and re-employment performance measures

1. Tell us about the recruitment strategies you used with a specific employer or industry and explain how those strategies have changed to meet the needs of the employer or industry, today.
2. Describe how you will organize and deliver employer/business services. Include staffing plan and how employer/business services will be coordinated and/or integrated with ES services and program staff.
3. Give examples of how you will outreach employers/businesses and expand market share, particularly in:
   * Industry sectors targeted by the Board; and
   * Job openings that align with occupations targeted by the Board.
4. Tell us about the relationship between your business services staff and the Board business services staff. How are the roles different? How do they complement one another?
5. What is your experience collaborating with a Board on employer/business services fulfillment with regard to the following?
   * Providing a last-minute media request for a success story or a client story, and
   * A time you couldn’t fulfill an employer/business service. What happened, what was learned, and what actions were taken to improve your system operations?
6. Describe your experience in working with a Workforce Board on market segmentation or tiered services approach with employers. How did you identify which employers the system was best suited to serve? How did you triage services? What was the result?
7. Describe how your employer/business services unit will work with program frontline staff in coordinating job development and placement efforts. How will you coordinate job development assistance for customers in need of work experience opportunities? Describe your strategy and process for coordinating job placement assistance for customers enrolled in training to ensure their placement in training related occupations?
8. What are your key performance indicators to measure effectiveness of your employer/business services unit beyond contracted performance measures? Please give examples of what KPIs you would recommend using in the Capital Area.
9. Illustrate how you’ve measured employer satisfaction beyond job openings filled.
10. Describe training strategies designed to ensure your employer/business services unit is/remains well versed in the employment trends of employers/businesses in the local market, especially those within the industries targeted by the Board.
11. Do you use a customer relationship management tool (CRM)? If so, which one? How do you manage the tool within your business service unit?

#### Job Seeker Services

1. What are your plans for outreach in the community?
2. Identify specific strategies for how you will outreach job seekers, particularly targeted populations such as UI claimants, persons with disabilities, veterans, ex-offenders, individuals with limited English proficiency, etc. Provide examples of successful efforts you have used in other areas.
3. Provide examples of your previous experience outreaching job seekers and organizations that haven’t historically had a direct pathway into career center services, such as LGBTQ, religious, refugees, communities within Travis County, but outside the city of Austin, etc.
4. How do you measure the effectiveness of outreach efforts?
5. In this environment and for the foreseeable future, there is a “no worker left behind” philosophy in the Capital Area. Job seekers should be served in ways that meet their needs and not solely by program. Describe your process for determining the needs of each customer and providing them with appropriate services/activities. How will customers be made aware of and made eligible for the full array of services available? Please describe a process for co-enrollment across two or more funding streams.
6. Give examples of recent efforts to communicate in ways that job seeking customers want to receive information. What was the outcome of the effort?
7. Give examples of how your organization has created a positive customer experience for job seekers. Tell us about a time when you became aware of and corrected a poor customer experience.
8. Describe your assessment process for job seekers that include, job skill, employability skills and job readiness assessments. Include in your response your experience in assessments, type of assessment instruments used, how assessment results will be used in the development of an individual employment plan (IEP) and the provision of support services.
9. Given the employer focus on soft skills, what are your proposed classes/seminars to assist job seekers with soft skills? What other types of classes/seminars will be offered to assist job seekers?
10. Describe your process for referring customers to community agencies, when appropriate, including coordination and co-enrollment with the WIOA Youth program (administered by Goodwill Industries of Central Texas).
11. Briefly explain your case management philosophy and service delivery approach used to provide job seekers with high-quality services that support their entry into a job/career.
12. Provide an analysis of your service delivery approach that identifies appropriate, accountable, and supportive case management within your programs.
13. Describe your process for determining whether a customer should be enrolled in training or on-the-job training (OJT). What factors will you consider? Who makes the final decision?
14. Give examples of the job development strategies used within the last six (6) months and contributed to job seekers obtaining productive employment, in jobs related to training. How did you coordinate services with employers? Include the job titles of the staff who were responsible for case management and those responsible for job development. How will these different staff, if applicable, coordinate services on behalf of job seekers and employers? Please provide an example of when this has worked well for your organization.
15. Illustrate the customer flow through the system that clearly identifies services available for various customer populations, customer decision points within the system, and potential outcomes for customers. Attach a visual flowchart demonstrating a customer’s progression through the system. How long does the average intake to enrollment process take? How do you measure conversion rates from outreach to enrollment to identify and rectify bottlenecks?
16. Describe some of your previous approaches to innovative service delivery. How did they improve service and performance? What can you implement in the Capital Area?
17. Career centers must, at a minimum, be open Monday through Friday, 8:00 a.m.-5:00 p.m. If you are proposing additional operating hours/days, please list (by center location) and provide rationale for the proposed operating hours.

### Transition Plan

All proposers must include a transition plan with all activities to be completed by September 30, 2022. The Board expects that the parties involved in a transition will work together to ensure that services to customers are not impacted.

The Board requires that any entity awarded a contract resulting from this RFP to:

* Give first consideration in employment to current employees providing services in the career centers who may be displaced as a result of this procurement.
* Provide for open enrollment into insurance/benefits for currently employed staff who are transitioned from the previous contractor with benefits/coverage available on the first day of employment (10/1/22).
* Based on negotiations with the Board, accept rollover of accrued, unused leave time as allowed under the previous contractor’s polices for transitioned staff. The contractor may implement new policies and limits after the transition.

1. Describe the activities required of each party for the smooth transition of workforce center management and operations. Provide timelines for the completion of each activity.
2. Describe the process for notifying customers, training providers, vendors, workforce center partners, community organizations, etc. about the change in workforce center operator.
3. Describe specific steps you will take to minimize the disruption of services to customers. Cite examples from other areas that you have employed.
4. Discuss your strategy for assessing current workforce center staff, any proposed probationary period for those transitioned, any revisions to staffing structure, recruiting any needed additional or new staff, and negotiating salaries and benefits.
5. Discuss plans for transferring or receiving customer files and records and financial records from the former contractor.
6. Identify your key staff that will be responsible for transition activities.

### Demonstrated Experience and Effectiveness

1. Describe your organization’s experience in operating/managing one-stop career centers and/or working with workforce programs such as WIOA, TAA, NCP and TANF Choices, SNAP E&T, etc.
2. Describe your knowledge and experience in working with the Texas Model, Work-In-Texas, and The Workforce Information System of Texas (TWIST).
3. Provide a list of all Board clients in Texas (current and for the past three (3) years). For each client, provide the following:

* Name of Board area
* Date(s) of contract(s)
* Programs included under the contracts
* Amount of contract funds
* Performance outcomes for all contracted measures (target and actual)

1. Provide a list of all other (non-Texas board) relevant workforce service contracts (current and for the past three (3) years). For each contract, provide the following:

* Name of entity contracted with – name of contact person, mailing address, phone number, and e-mail.
* Date(s) of contract(s)
* Programs included under the contract(s)
* Amount of contract
* Contracted performance outcomes/results

1. Describe any awards, recognitions, or noteworthy achievements that your organization has received during the past two (2) years under the contracts listed above.
2. Provide three (3) references from organizations you have contracted with during the past year. Include name of contact person, mailing address, phone number, and e-mail.
3. Attach all monitoring reports (internal and external) from the past two (2) years. Disclose any findings, exceptions, or disallowed costs. Provide information as to the resolution or current status of each.
4. Have you ever been identified as a “High Risk” contractor or auditee? If so, describe the circumstances.
5. Are you currently operating under any form of corrective action, technical assistance, or performance improvement plan? If so, for what purpose and what is your progress?
6. Are you currently, or within the past two (2) years, been under any form of sanction? If so, describe the basis for the sanction and duration.
7. Identify any contracts that you have “lost” within the past two (2) years – i.e., terminated early. Specify the reason(s) for the early termination.
8. Has your organization been involved in any litigation involving a contract with a local workforce board? If so, describe the circumstances, including resolution or current status.
9. Provide a summary of ALL EEO related complaints you have received during the past two (2) years. Include resolution or current status for each.
10. Describe your plan to receive feedback from staff on needs or enhancements within the system.
11. Describe your performance/data analysis processes. What type of data is collected, analyzed and how often? How are results used? What data analysis tools do you use? Describe how analysis reports are shared with management and staff. Provide a sample of an analysis report. Provide an example of how you have used data analysis to improve performance. Describe the situation before and after the data analysis and improvement action.
12. How will you ensure that performance measures are met or exceeded? Describe your methods for tracking and evaluating performance. Identify any performance indicators that you will track and analyze to measure impact on performance measures.
13. If your performance drops or is not satisfactory, describe how it will be addressed and what actions will be taken for immediate improvement. Provide a specific example using a program such as WIOA Entered Employment Rate.
14. What internal systems will you utilize to identify operational problems and take appropriate corrective action?
15. How will you ensure the accuracy, integrity, security, and timeliness of data entry for customer data and information? Give specific examples.
16. What reports, information and/or methods will be used by frontline staff to manage their individual performance and caseloads? How will frontline staff know the status of each customer in their center’s performance denominator at all times and how will they be made aware of their impact on performance measures?
17. Describe your complaint management process. Include how you will ensure that both staff and customer complaints are resolved effectively and efficiently. Describe how customer complaints are analyzed for use in overall organizational improvement. Provide a specific example of how a complaint was used for improvement purposes (i.e., policy or procedural changes, etc.).
18. Describe any tools, technology, services, training, etc. available to the local project by the corporate or upper organizational management level.

### Financial Management and Organizational Stability

1. Describe your organization’s financial management system, fiscal organizational structures, cash management system, grant management system, financial capacity and knowledge in accordance with GAAP. Identify the type of accounting software used. WFS Capital Area utilizes the Gazelle System to track direct client payments on behalf of the clients. Gazelle will be utilized in any financial management model proposed.
2. Identify the proposer’s key staff that will be responsible for financial/accounting functions, include a summary of each person’s qualifications and experience, including any licenses held.
3. Describe your organization’s internal fiscal monitoring systems and techniques used to measure budget vs. actual expenditures and to assure that expenditures are accurate and allowable.
4. Describe your organization’s current sources of funding and the percentage of the total each source represents.
5. Describe your encumbrances and expenditures processes (accrual accounting) inclusive of tracking training obligations and vendor payments, including average turn-around time.
6. Describe your payroll, leave, and travel policies, and how related documentation and files are maintained. All allowable travel expenditures will be reimbursed based on State law.
7. Describe how any disallowed costs and/or over-expenditures will be repaid. Include any lines of credit, unrestricted cash, and unrestricted cash equivalents (asset with the ability to be converted to cash within 90 days) that can be used to repay any disallowed costs and/or over-expenditures. Will these funds be designated for any other funding sources? If yes, please list details of the funding designation. Has the organization ever incurred a disallowed cost or over-expenditure? If yes, detail any disallowed cost or over-expenditures totaling, per instance, over $5,000. Please explain the nature and amount of the disallowed cost or over-expenditure.
8. Describe how you will meet the Board’s requirement for having sufficient financial resources to cover expenses for up to 4 to 6 weeks before being reimbursed. Please note that cash advances are typically not provided by the Board.
9. Describe, if applicable, your experience using the Gazelle system to track ITAs and for tracking and managing such items as gas-cards, gift cards or other non-monetary incentives. If not familiar with Gazelle, what mechanisms have you used to track ITAs, gas-cards, gift cards and other non-monetary incentives?
10. Please respond to this scenario – Based on obligations and expenditures, it has been identified that you will run out of WIOA Adult funding for training six (6) months into the contract year. Describe the steps you would take to manage this situation, convey the information to customers, and identify possible solutions. Identify how you would manage funds from inception to limit or prevent a situation like this from occurring.
11. Identify any potential liabilities (e.g., delinquent taxes, lawsuits, claims, injunctions, audit exceptions, etc.) which might affect the organization’s ability to perform under a contract resulting from this RFP. Provide information on resolution or current status any potential liabilities. Also identify all current unrestricted debt (debt not specifically funded by a specific funding source). Include plans for repayment of this debt.
12. Complete and attach the Financial Management Survey (Attachment C) and the Administrative Management Survey (Attachment D).
13. Submit as an attachment a copy of your last three (3) audits and a copy of your accompanying Management Letter for each audit.
14. Provide a copy of your most recent IRS form 990 (non-profit proposers only).
15. Provide copies of Certificates of Insurance (if available) or a statement of insurability. Certificates are not required at time of proposal submission but must be in place before a final contract is executed (prior to October 1, 2022).

### Cost Analysis and Value

The budget included with the proposal will be used as a basis for review and comparison of proposals.

1. Provide a copy of your cost allocation plan. Explain how the cost allocation methodology will be applied in distributing costs among funding sources and cost categories.
2. Provide a copy of your approved indirect cost plan and/or cognizant agency letter approving an indirect cost rate. If proposing a management fee, provide details including rate. Indirect costs or management fees must be competitive.
3. Profit/performance bonuses must be competitive. Complete the Profit/Performance Bonus section of the Budget. All profit/incentives are subject to negotiation.
4. All costs will be reviewed for their relationship to the services to be performed under a contract and whether they are allocable, allowable, and reasonable.
5. Proposer’s are encouraged to identify matching/in-kind funds or leveraged resources that they can offer in support of workforce center operations. Describe any matching/in-kind or leveraged resources to be offered and their estimated value.

### Security Management and Texas Cybersecurity Framework

**Contractor Onboarding Requirements**

Contractors are required to answer an online vendor onboarding questionnaire to establish an initial risk rating and score.  Once the questionnaire has been completed the contractor will receive a follow-up email including a portal link to upload evidence of compliance for each control.  Attachment L - TCF Documentation Requirements provides you with a description of each control along with an example of the type of appropriate evidence required to satisfy the control.

In addition to the Texas Cybersecurity Framework controls, please include a response to the following questions:

1. How is our data protected?
2. How is data classification is applied?
3. What safeguards are in place to protect our data?
4. How is data backed-up?
5. What guidelines do you follow for back-ups?
6. How often are back-ups tested?
7. What is RTO and RPO for major systems i.e., financials? Along with what other systems that are critical to deliver services including third party vendors such as PEOs.
8. What security controls do you have in place to protect from ransomware attacks?
9. Do you conduct annual Cyber Security Training?
10. Do you carry Cyber Security Insurance?
11. What is your Cyber Security Insurance coverage and limits?
12. Does your Cyber Insurance coverage include corporate and board co-located employee errors?
13. Can you provide a Certificate of Insurance verifying your Cyber Insurance coverage and limits?
14. What is your breach notification policy?

# SECTION VI – BUDGET

The proposed budget must support the proposal narrative and include only those costs related to the operation and management of career centers in the Capital Area. All costs must be necessary, reasonable allowable, and allocable under a federal or state award and meet the general allowability criteria established by the Office of Management and Budget Circulars and/or the Uniform Grant Management Standards, as applicable. Please refer to the TWC Financial Manual for Grants and Contracts for detailed information. If successful, the proposed budget will serve as a basis for contract negotiations.

## A. Limitations

* Training and Support Services **–** a minimum of thirty (30) percent of WIOA Adult and Dislocated Worker funds must be budgeted for training and support services.
* Direct Client Services –a minimum of twenty (20) percent of SNAP E&T, TANF and NCP Choices funds must be budgeted for direct client services.

## B. Cost Category Definitions

* Administration – costs (personnel and non-personnel) associated with the overall management and administration of the career centers NOT related to the direct provision of customer services.
* Operations – costs (personnel and non-personnel) associated with the direct provision of customer services (excluding training and supportive services).
* Training and Support Services (Customer Pass**-**through) – costs for occupational training, short-term prevocational training, work experience, internship, subsidized employment, participant incentives, transportation, emergency support, etc.

## C. Budget Forms

Required budget forms include:

* Budget Form A – Distribution of Allocated Funds
* Budget Form B – Line-Item Budget Proposed Distribution of Allocated Funds
* Budget Form C – Budget Narrative
* Budget Form D – Salary Allocation Plan
* Budget Form E – Profit/Incentive Schedule

The following costs are NOT to be included in the proposed budget:

* Costs associated with career center facilities (i.e., rent, utilities, repair and maintenance, janitorial services, security, phone, data systems, servers, copiers, computers, etc.)
* Costs related to marketing activities (i.e., marketing/advertising related to customer outreach and recruitment

## Instructions for Completing Budget Forms

**The proposed budget should represent a ONE-YEAR projection of expenses.**

1. Budget Form A - Proposed Distribution of Allocated Funds – Using the basic information obtained in the RFP, allocate the estimated available funds to the identified categories. The distribution should be such that services for the clients are maximized.
2. Budget Form B - Proposed Line-Item Budget Based Upon Proposed Distribution of Allocated Funds – Prepare the line-item budget to present your best estimates of the costs to operate and manage the programs assigned to the career centers.

**Personnel Costs** – include wages/salaries, fringe benefits, travel costs, and other costs of all regular staff positions as described in the proposal narrative. The total column for salaries must match the total of the column labeled “Paid by Board Funds” in the Salary Allocation Plan.

* Salaries – include wages/salaries for all project personnel consistent with the proposal narrative.
* Fringe Benefits – the cost of all fringe benefits (medical insurances, FICA, U.I., Workers’ Comp, retirement, etc.) associated with all project personnel.
* Staff Travel – all costs such as mileage reimbursement, per diem, lodging, transportation, etc. Travel costs must comply with state travel reimbursement rates.
* Staff Training – costs associated with conference registration fees, workshop or seminar fees, and reimbursable employee training and education costs (i.e., tuition/fees as allowed by personnel policies.
* Temporary Staffing – costs associated with any temporary staffing.
* Other – other personnel costs not included in any of the line-items above. Such costs must be individually listed and explained in the Budget Narrative.

**Non-Personnel Costs** – including supplies, postage, printing, membership dues, publications, advertising, public notices only), phones, insurance, etc.

* Supplies/Materials – cost of all consumable office supplies and materials used by project staff.
* Printing/Reproduction – costs associated with any outside printing, binding, or reproduction of materials.
* Advertising – costs associated with advertising job vacancies, procurements, legal or public notices.
* Memberships/Dues/Subscriptions – fees and dues associated with membership in professional organizations and the costs for any subscriptions (e.g. newspapers). The cost of membership in an organization substantially engaged in lobbying is unallowable.
* Postage/Shipping – costs of postage, shipping, and courier services.
* Telephone/Communications – cost of cell phones, pagers and other personal communication devices. Phone and data systems are provided for all career centers by the Board.
* Insurance – costs of all required insurances: general liability, fidelity bonding, crime, etc.
* Equipment Lease/Rental – cost of any leased or rented equipment. Such costs must be individually listed and explained in the Budget Narrative.
* Other – any other non-personnel costs not already included in the above line-items. Such costs must be individually listed and explained in the Budget Narrative.

**Contractual Services** – includes other contractual professional services.

* Accounting/Bookkeeping – expenses related to any outside accounting or bookkeeping services.
* Audit Services – expenses related to annual audit, including the cost of preparing IRS Form 990, if applicable.
* Legal Services – expenses related to outside legal services.
* Consulting Services – expenses related to professional consulting services.
* Other Professional Services – fees and expenses related to security, technology, or training services rendered by persons who are not owners, officers, or employees of the organization.

**Indirect Costs** – indirect costs are allowable only if the proposer is an entity with an approved indirect costs plan/rate. If indirect costs are requested, a copy of your approved indirect cost plan and/or cognizant agency letter approving the indirect cost rate is required. The proposer may also choose to charge indirect based on the de minimis rate (please indicate in the proposal if choosing this option). A proposer may not charge both Indirect and a Management Fee.

**Management Fee** – allowable line-item only if the bidder cannot itemize costs and is proposing a management fee. Bidder may not charge both Indirect and a Management Fee.

**Profit/Incentive Bonus** – profit is an allowable line-item only if the proposer is a for-profit entity. An incentive bonus is an allowable line-item only if the proposer is a non-profit entity. All profit/incentive bonus is negotiable.

**Client Pass Through Funds** – includes costs associated with Individual Training Accounts (ITAs), short-term prevocational training, work experience wages/fringes, on-the-job training, customized training, subsidized employment, participant incentives, transportation, emergency assistance and other support services, or other allowable pass-through expenses for participants. **Pass-through Funds are not subject to Indirect, Management Fee, Profit, or Incentive.**

**Matching/In-Kind Provided** – Use to report any matching or in-kind to be provided. Such costs should be individually listed and explained in the Budget Narrative.

1. Budget Form C - Budget Narrative – is used to explain the purpose of each line-item in the proposed Line-Item Budget and provide a breakout showing the exact amount of each cost item and how it was calculated. Such information is necessary for the Board to determine if budgeted costs meet its standards of “reasonable, necessary, allowable, and allocable”. For each item, explain the purpose of the expense as it relates to the proposed activities, and how the exact amount of that cost was calculated. For example, if costs of Staff Travel/Per Diem are included, an explanation should include staff positions involved, purpose of travel, and method of computing expense.
2. Budget Form D - Salary Allocation Plan – provides sufficient back-up for “Salaries” under Personnel Costs in the Line-Item Budget. List, by title, all positions necessary for the operation and management of the career centers
3. Budget Form E - Proposed Profit/Incentive Bonus Worksheet – complete Budget Form E if any profit and/or an incentive bonus is being requested. The amounts requested and the justifications given for the request will be considered in the RFP evaluation process.

## Budget Form A – Distribution of Allocated Funds

**EXCEL WORKSHEET – BUDGET FORM A - DISTRIBUTION of ALLOCATED FUNDS – Editable versions are available for download on the Board’s website.**

[**http://www.wfscapitalarea.com/AboutUs/ProcurementsTrainingProviders.aspx**](http://www.wfscapitalarea.com/AboutUs/ProcurementsTrainingProviders.aspx)



## Budget Form B – Line-Item Budget Proposed Distribution of Allocated Funds

**EXCEL WORKSHEET BUDGET FORM B – LINE-ITEM BUDGET PROPOSED DISTRIBUTION of ALLOCATED FUNDS – Editable versions are available for download on the Board’s website.**

[**http://www.wfscapitalarea.com/AboutUs/ProcurementsTrainingProviders.aspx**](http://www.wfscapitalarea.com/AboutUs/ProcurementsTrainingProviders.aspx)



## Budget Form C – Budget Narrative

**BUDGET FORM C**

**BUDGET NARRATIVE**

**FOR THE PERIOD OCTOBER 1, 2022, THROUGH SEPTEMBER 30, 2023**

*Attach additional sheets as necessary – be sure to label each item.*

**A. Personnel Costs:**

1. **Salaries** – Complete Budget Form B - Salary Allocation Plan. The information entered on Financial Attachment D should be consistent with the proposal narrative and the total salaries should match the amount entered on Attachment D of the Line-Item Budget.

2. **Fringe Benefits** – List all fringe benefits provided to staff. Provide the cost and percentage of salary each represent.

3. **Travel** – Identify all travel costs (mileage reimbursement, per diem, lodging, transportation, etc. as paid by the State of Texas). List in-state and out-of-state travel costs separately. Explain all out-of-state travel.

4. **Staff Training** – Explain the type and purpose of each training exercise to be provided to the staff and breakdown of all related costs (tuition, registration fees, trainer costs, etc.).

5. **Temporary Staffing** – Explain the purpose of any temporary staffing needs and identify type(s) of positions.

6. **Other** **Personnel Costs** – Identify and explain any other personnel costs not included in items Salaries and Fringe benefits.

**B. Non-Personnel Costs:**

1. **Supplies/Materials** – Consumable supplies and materials to be used by staff.

2. **Printing/Reproduction** – Identify printing/binding and reproduction items and costs.

3. **Advertising** – Advertising costs related to help wanted ads, legal notices, etc. only.

4. **Memberships, Dues, Subscriptions** – Identify all organizations fees and dues will be paid to. List all subscriptions.

5. **Postage/Delivery/Shipping** – Costs associated with postage, shipping (e.g., UPS, FedEx), and courier services.

6. **Telephone/Communications** – Identify costs for items such as cell phones, pagers, etc. Identify who such items will be issued to.

7. **Insurance** – List each type of insurance and cost separately. Explain how premiums are allocated if costs are share with non-workforce uses.

8. **Equipment Lease/Rental –** Identify each piece of equipment to be leased and/or rented and their related cost.

9. **Other Non-Personnel Costs** – List and explain all other non-personnel costs not included in the specific cost items.

**C. Contractual Costs:**

1. **Accounting/Bookkeeping Services** – Identify all costs related to contractual accounting and bookkeeping services. If known, identify the contracted parties, including contact information.

2. **Audit Services** – Provide estimated cost of conducting an annual audit. If known, provide the name and contact information of the auditor.

3. **Legal Services** – Provide basis of legal services, daily/hourly rates or other calculation of costs. If known, provide name and contact information of legal counsel/firm.

3. **Consulting Services** – List each consulting service to be purchased. Provide an explanation/reason for each service. Along with hourly/daily rates and any related costs.

4. **Other** **Contractual Services** – Identify and explain any other contractual costs not already included disclosed.

**D.** **Indirect Costs/Management Fees:** Indirect is only available to for-profit entities. Specify the rate used and describe the method of calculation used in deriving the rate. You must submit a copy of your approved plan and/or cognizant agency letter approving an indirect cost rate. Management Fees are only available to not-for-profit entities. Identify the amount or percent of fee used and the method of calculation used in deriving the rate of the fee. Indirect and/or Management Fees are negotiable and may not be computed on Client Pass Through expenditures.

**E.** **Profit/Incentive Bonus:** Profit is available to only for-profit entities. Indicate the percentage used to calculate profit. The Incentive Bonus is only available to not-for-profit entities. Indicate incentive amount, together with the expected basis of qualifying for an incentive payment. Profit and/or Incentive Bonuses are negotiable and may not be computed on Client Pass Through expenditures. See Budget Form E for the Profit/Incentive Bonus Worksheet.

**F. Matching/In-Kind Funds:** List and explain any in-kind contributions that the proposing entity will bring to the project.

## 

## Budget Form D – Salary Allocation Plan

**SEE ATTACHED EXCEL WORKSHEET BUDGET FORM D – SALARY ALLOCATION PLAN Editable versions are available for download on the Board’s website.**

[**http://www.wfscapitalarea.com/AboutUs/ProcurementsTrainingProviders.aspx**](http://www.wfscapitalarea.com/AboutUs/ProcurementsTrainingProviders.aspx)



## Budget Form E – Profit/Incentive Schedule

**BUDGET FORM E**

**PROPOSED PROFIT/INCENTIVE BONUS WORKSHEET**

**FOR THE PERIOD OCTOBER 1, 2022, THROUGH SEPTEMBER 30, 2023**

BUDGET FORM/INCENTIVE AWARD SCHEDULE

The Board may provide a financial incentive for successfully meeting contracted performance measures. In the case of for-profit proposers, the incentive will be classified as “profit”. For non-profit proposers, the incentive will be classified as a performance incentive bonus. Any performance incentive bonus earned by a non-profit contractor must be used for allowable costs/services.

Proposed Schedule

\_\_\_\_% Profit/Incentive Bonus Proposed

\_\_\_\_ % to be earned for “meeting” performance measure targets

\_\_\_\_% to be earned for “exceeding” performance measure targets

For-Profit Proposers

Do you plan to reinvest any earned profit back into allowable costs/services in support of the local project? \_\_\_\_ Yes \_\_\_\_No. If yes, what percent? \_\_\_\_% Provide a description of how the funds will be reinvested back into allowable costs/services in support of the project.

Non-Profit Proposers

Provide a description of how any incentive bonus funds earned will be reinvested back into allowable costs/services in support of the project.

# SECTION VII – ATTACHMENTS & EXHIBITS

Attachment A – Letter of Intent to Bid

Attachment B – Proposal Cover Sheet

Attachment C – Fiscal Management Survey

Attachment D – Administrative Management Survey

Attachment E – Certification of Bidder

Attachment F – Certificate Regarding Debarment

Attachment G – Certificate Regarding Drug-Free Workplace

Attachment H – Certificate Regarding Lobbying

Attachment I – Certificate Regarding Conflict of Interest

Attachment J – Texas Corporate Franchise Tax

Attachment K – Cyber Security Requirements

Attachment L – Response Checklist and Order of Submission

Exhibit A – Funding Estimates

Exhibit B – Performance Measures

Exhibit C – Services/Activities Matrix

Exhibit D – Customers Served

Exhibit E – Partner Staffing at Career Centers

Exhibit F – Career Center Locations

Exhibit G – Targeted Industries and Occupations

Exhibit H – Information on Current Contractor Staffing

Exhibit I – Safeguards for TWC Information

Exhibit J – Board Guidelines for Security

Exhibit K – TCF Documentation Requirements



## Attachment A – Letter of Intent to Bid

**LETTER OF INTENT TO BID**

E-Mail **To:** wfs.procurements@wfscapitalarea.com

WFS Procurements

Workforce Solutions Capital Area

9001 N IH 35, Suite 110E

Austin, TX 78753

**Reference:**  *Request for Proposal for the Operation and Management of Career Centers*

Release Date: March 23, 2022

This is to notify you that it is our intent to submit a proposal in response to the above referenced RFP. The individual to whom information regarding this RFP should be transmitted to is:

**Contact Name:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**Address:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**City, State& Zip:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Phone Number:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**E-mail Address:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Representative Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Typed Name & Title of Representative

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Typed Name of Company

This Letter of Intent to Bid must be received on or before **12:00 p.m. (Noon), March 23, 2022**. Proposals will NOT be accepted from proposers who do not submit this letter by the required deadline.

## Attachment B – Proposal Cover Sheet

**PROPOSAL COVERSHEET**

**Career Center Operation and Management**

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

## Attachment C – Fiscal Management Survey

**FISCAL MANAGEMENT SYSTEMS SURVEY**

Answer the following questions regarding your fiscal management system. If selected for award of a contract, some items listed below may be required to be provided during the pre-award survey prior to the development of a contract with the Board. Answering a detailed questionnaire may be required upon selection for award of a contract, and modifications to systems may be required to meet regulatory requirements.

Yes, No or N/A

1. Do you have a copy of the Workforce Innovation and Opportunity Act Federal

Regulations and subsequent amendments? \_\_\_\_\_\_\_\_\_\_\_

2. Do you have a copy of the Texas Workforce Commission Financial

Management Manual for Grants and Contracts? \_\_\_\_\_\_\_\_\_\_\_

3. Do you have a copy of the Uniform Grants and Contract Management

Standards? \_\_\_\_\_\_\_\_\_\_\_

4. Does your accounting system provide you with adequate information

to prepare a monthly financial report? (Such report must be derived

from a balance sheet and income and expense statements). \_\_\_\_\_\_\_\_\_\_\_

5. Does your accounting system provide control and accountability over

all funds received, property and other assets? \_\_\_\_\_\_\_\_\_\_\_

6. Can your accounting system provide for financial reports on an accrual

basis? \_\_\_\_\_\_\_\_\_\_\_

7. Does your accounting system provide for identification of receipt and

expenditure of funds separately for each funding source? \_\_\_\_\_\_\_\_\_\_\_

8. Are your accounting records maintained in such a manner as to facilitate

the tracking of funds to source documentation of the unit transaction? \_\_\_\_\_\_\_\_\_\_\_

9. Does your accounting system have the capability to develop procedures for

determining the allowability and allocability of costs in accordance with the

provisions of the WIA regulations, the Uniform Grants and Contract

Management Standards, and the TWC Financial Management Manual for

Grants and Contracts? \_\_\_\_\_\_\_\_\_\_\_

10. Are State and Federal funds which are advanced to you deposited in a

bank with federal insurance coverage? \_\_\_\_\_\_\_\_\_\_\_

11. Has the bank in which you deposit State and Federal funds insured the

account(s) or put-up collateral or both, which is equal to the largest sum

of money which would be in such bank account(s) at any one point in

time during the contract period? \_\_\_\_\_\_\_\_\_\_\_

12. Do you make monthly reconciliation of your bank accounts? \_\_\_\_\_\_\_\_\_\_\_

13. Are these reconciliations made by the same person who performs the

recordkeeping for receipts, deposits and disbursement and transactions? \_\_\_\_\_\_\_\_\_\_\_

14. Do you record daily your cash receipts and disbursement transactions? \_\_\_\_\_\_\_\_\_\_\_

15. Are there individuals or positions in your organization which have,

as one of their duties, the receipt, distribution or handling of money

covered under bond or crime insurance? \_\_\_\_\_\_\_\_\_\_\_

16. Is there a person who is responsible for the receipt of all

financial transactions? \_\_\_\_\_\_\_\_\_\_\_

17. Is there a person who is responsible for the receipt of all purchased

goods? \_\_\_\_\_\_\_\_\_\_\_

a. Does this person immediately assign, upon receipt, an

inventory number to the required items? \_\_\_\_\_\_\_\_\_\_\_

b. Does this person perform an inventory audit at least once a year? \_\_\_\_\_\_\_\_\_\_\_

c. Do you maintain records on all property acquisition, disposition

and transfer? \_\_\_\_\_\_\_\_\_\_\_

18. Do you have written procedures and internal controls established for the

procurement of goods and services? \_\_\_\_\_\_\_\_\_\_\_

19. Is a competitive bid process incorporated in your purchasing procedures

for acquisition of subcontractors, major goods and services, equipment

and office space? \_\_\_\_\_\_\_\_\_\_\_

20. Is documentation (i.e., timesheets, etc.) properly kept in support of each

payroll disbursement? \_\_\_\_\_\_\_\_\_\_\_

21. Are records maintained to support authorized leave (sick, etc.)? \_\_\_\_\_\_\_\_\_\_\_

22. Is proper documentation maintained to support travel disbursement?

(Please attach a copy of travel disbursement policy, if yes.) \_\_\_\_\_\_\_\_\_\_\_

23. Has a formal audit of your organization's financial record been

conducted within the past year?  \_\_\_\_\_\_\_\_\_\_\_

24. Is your accounting system bound by any outside agency

(city, county, etc.)? \_\_\_\_\_\_\_\_\_\_\_

25. Do you have an indirect cost plan with current approval by a

cognizant agency? \_\_\_\_\_\_\_\_\_\_\_

26. Is your organization funded by more than one source? \_\_\_\_\_\_\_\_\_\_\_

27. Does your organization have a written lease for all rented or

leased properties? \_\_\_\_\_\_\_\_\_\_\_

28. Does your organization have written accounting procedures? \_\_\_\_\_\_\_\_\_\_\_

29. Does your organization follow GAAP? \_\_\_\_\_\_\_\_\_\_\_

## Attachment D - Administrative Management Survey

**ADMINISTRATIVE MANAGEMENT SURVEY**

Answer the following questions regarding your administrative management system. If selected for award of a contract, some items listed below may be required to be provided during the pre-award survey prior to the development of a contract.

Yes, No or N/A

1. Does your organization have current Articles of Incorporation? \_\_\_\_\_\_\_\_\_\_\_

2. Does your organization have written personnel policies? \_\_\_\_\_\_\_\_\_\_\_

3. Do your written personnel policies contain procedures for:

a. Open employees recruitment, selection and promotional

opportunities based on ability, knowledge and skills; \_\_\_\_\_\_\_\_\_\_\_

b. providing equitable and adequate compensation; \_\_\_\_\_\_\_\_\_\_\_

c. training of employees to assure high-quality performance; \_\_\_\_\_\_\_\_\_\_\_

1. retaining employees based on the adequacy of their performance, and

for making adequate efforts for correcting inadequate performance; \_\_\_\_\_\_\_\_\_\_\_

1. assuring fair treatment of applicants and employers in all aspects of

personnel without regard to political affiliation, race, color, national

origin, sex, age, disability, religion or creed, with proper regard for

their privacy and constitutional rights as a citizen; and \_\_\_\_\_\_\_\_\_\_\_

1. assuring that employees are protected against coercion for

partisan political purposes and are prohibited from using

their official authority for the purpose of interfering with or

affecting the result of an election or nomination for office? \_\_\_\_\_\_\_\_\_\_\_

4. Can your organization revise its present written personnel policies

to include the above procedures? \_\_\_\_\_\_\_\_\_\_\_

5. Do your written personnel policies contain a prohibition against

nepotism? (Private, non-profits ONLY) \_\_\_\_\_\_\_\_\_\_\_

1. Do your written personnel policies contain a prohibition against

employees using their positions for private gain for themselves or

other parties? (Non-profit) \_\_\_\_\_\_\_\_\_\_\_

1. Does your organization have an authorized, written travel policy for

employees and authorized agents that provides for reimbursement

for mileage and per diem at a specified rate? \_\_\_\_\_\_\_\_\_\_\_

1. Does your organization have a written employee grievance

procedure used to resolve employment complaints? \_\_\_\_\_\_\_\_\_\_\_

1. Does your organization have the capacity or staff to produce

and maintain participant records and other information as

needed by the Board? \_\_\_\_\_\_\_\_\_\_\_

1. If certain costs are determined to be disallowed, does your

organization have a procedure or source for reimbursing such

costs to the Board? \_\_\_\_\_\_\_\_\_\_\_

1. Is your organization governed by a Board/Council? \_\_\_\_\_\_\_\_\_\_\_
2. Does your organization operate under local rules or by-laws? \_\_\_\_\_\_\_\_\_\_\_
3. Has your Board/Council reviewed and approved this proposal? \_\_\_\_\_\_\_\_\_\_\_
4. Does your organization have a current approved Fidelity Bond? \_\_\_\_\_\_\_\_\_\_\_

(Attach copy of binder/proof of coverage)

1. Does your organization have an EEO/Affirmative Action Plan? \_\_\_\_\_\_\_\_\_\_\_
2. Does your organization have a Complaint or Grievance process? \_\_\_\_\_\_\_\_\_\_\_

## Attachment E – Certification of Bidder

**CERTIFICATION OF BIDDER**

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 Governing Provisions and Limitations (Section 1.15) and the Administrative Requirements and Other Limitations (Section 1.16) 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)

Subscribed and sworn to before me this day of , 20 , at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, State of \_\_\_\_\_\_\_\_\_\_\_\_\_.

Notary Public in and for County, \_\_\_\_\_\_\_\_\_\_\_\_\_.

SEAL

## Attachment F – Certificate Regarding Debarment

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTIONS**

Subgrantee/Contractor Organization:

This certification is required by regulations implementing Executive Order 12549, Debarment and Suspension, 29CFR Part 98, Section 98.510 Participant’s responsibilities. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (Pages 19160 19211).

(1) The prospective recipient of Federal assistance funds certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in the transaction by Federal department or agency.

(2) 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 its proposal.

|  |  |
| --- | --- |
| Signature of Authorized Official | Title |
| Applicant Organization | Date Submitted |

## Attachment G – Certificate Regarding Drug-Free Workplace

**CERTIFICATION REGARDING DRUG-FREE WORKPLACE**

Contractor certifies that it will provide a drug free workplace by:

A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

B. Establishing a drug free awareness program to inform employees about:

1. the dangers of drug abuse in the workplace;

2. the contractor's policy of maintaining a drug free workplace;

3. any available drug counseling, rehabilitation, and employee assistance programs; and

4. the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

C. Making it a requirement that each employee to be engaged in the performance of the contract, be given a copy of the statement required by paragraph A;

D. Notifying the employee in the statement required by paragraph A that, as a condition of employment under the contract, the employee will:

1. abide by the terms of the statement, and

2. notify the employer of any criminal drug statutes conviction for a violation occurring in the workplace no later than five working days after such conviction.

E. Notifying the Capital Area Workforce Development Board within 5 days of receipt of notice from employee, under subparagraph D.2.

F. Taking one of the following actions, within 30 days of receipt of notice under subparagraph D.2. with respect to any employee who is so convicted:

1. taking appropriate personnel action against such an employee, up to and including termination; or

2. requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose by Federal, State, or local health, law enforcement, or other appropriate agency;

G. Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs A, B, C, D, E, and F.

1. Certification is a precondition of receiving a new contract after July 1, 1990.

2. This policy does not require drug testing.

3. Costs incurred to comply with the requirements of this policy are allowable costs under the contract.

4. Contractors are not required to pay for rehabilitation programs for employees.

5. The requirements of this policy must be in place and certification must be made to WFS Capital Area Workforce Board at the time that the contract is executed.

6. Alcohol is not covered by this policy.

CONTRACTOR STATEMENT OF COMPLIANCE WITH THE DRUG FREE WORKPLACE ACT OF 1988

Contractor will provide a Drug Free Workplace in compliance with the Drug Free Workplace Act of 1988. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on the contractor's premises or any of its facilities. Any employee who violates this prohibition will be subject to disciplinary action up to and including termination. All employees, as a condition of employment, will comply with the policy.

Signature

Title

Date

## Attachment H – Certificate Regarding Lobbying

**Certification Regarding**

**Lobbying Certification for Contracts,**

**Grants, Loans and Cooperative Agreement**

The undersigned certifies, to the best of his or her knowledge and belief, 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 an agency, a Member of Congress, or an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any Federal loan, the entering into of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant local, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the 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 subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Name of Applicant Organization: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name and Title of Authorized Signatory:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: Date: \_\_\_\_\_\_\_\_\_\_\_\_

## Attachment I – Certificate Regarding Conflict of Interest

**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 Workforce Solutions;

(2) no manager or paid consultant of the Proposer is married to a member of the Board, the Executive Director, or an employee of Workforce Solutions;

(3) no member of the Board, the Executive Director or employee of Workforce Solutions owns or controls more than a 10 percent interest in the Proposer;

(4) no spouse or member of the Board, Executive Director or employee of Workforce Solutions is a manager or paid consultant of the Proposer;

(5) no member of the Board, the Executive Director or employee of Workforce Solutions 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 Workforce Solutions and shall immediately refund to Workforce Solutions 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 Workforce Solutions relating to that contract.

Disclosure of Potential Conflict of Interest\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Applicant Organization:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Authorized Signatory:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title of Authorized Signatory:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Attachment J – Texas Corporate Franchise Tax

**TEXAS CORPORATE FRANCHISE TAX CERTIFICATION**

Pursuant to Article 2.45, Texas Business Corporation Act, state agencies may not contract with for profit corporation that are 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 non-profit corporation or is otherwise not subject to payment of franchise taxes to the State of Texas.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name and Title of Authorized Representative

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature

## K. Attachment K – Cyber Security Requirements

**CYBER SECURITY REQUIREMENTS**

I acknowledge and understand our organization will be required to adhere to WFS cyber security requirements and provisions including:

* Submitting proof of Cyber Security Insurance
* Acknowledgement and agreement that the organization will abide by the terms of WFS Information Security Policies and Guidelines
* Organization will complete the Cyber Security Vendor Onboarding Questionnaire within 5 business days of receipt.
* Employees assigned to this project and/or access to WFS data and data systems will complete WFS required Cyber Security, Privacy training and submit the required documentation.

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)

## L. Attachment L - Response Checklist and Order of Submission

The proposal must be submitted with all required elements and assembled in the following order:

* Proposal Cover Sheet – Attachment B
* Table of Contents
* Executive Summary
* Proposal Narrative
* Budget Forms – Section VI - Budget
* Form A – Distribution of Allocated Funds
* Form B – Line Item
* Form C – Budget Narrative
* Form D – Salary Allocation Plan
* Form E – Profit/Incentive Bonus Worksheet
* Cost Allocation Plan
* Indirect Cost/Management Fee Plan (if applicable)
* Fiscal Management Survey – Attachment C
* Administrative Management Survey – Attachment D
* Certification of Bidder – Attachment E
* Certificate Regarding Debarment – Attachment F
* Certificate Regarding Drug-Free Workplace – Attachment G
* Certificate Regarding Lobbying – Attachment H
* Certificate Regarding Conflict of Interest – Attachment I
* Texas Corporate Franchise Tax Certification– Attachment J
* Cyber Security Requirements– Attachment K
* Current HUB Certification (if applicable)

Submit the following required items as Additional Attachments:

* Proof of incorporation or organizational status
* Current list of Board of Directors and/or principals/chief officers, owners; include name and position or title
* Agreements for proposals submitted as partnerships, consortium or joint venture; or Managing Director/PEO (if applicable)
* Certificates of Insurance or statement of insurability
* Organization charts
* Job descriptions/resumes
* Customer flowcharts
* List of Texas workforce board contracts & information
* List of Other Non-Texas board contracts & information
* Monitoring Reports
* Audits/Management Letters
* IRS Form 990 (non-profit proposers only)
* Other (identify)

## Exhibit A – Funding Estimates

**EXHIBIT A**

**ESTIMATED FUND AVAILABILITY**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  | **Funds to Be Budgeted** | |
|  |  |  |  | **10-01-22** |
|  |  |  |  | **thru** |
| **Program** |  |  |  | **09-30-2023** |
|  |  |  |  |  |
| Employment Services | |  |  | $ 10,000 |
| NCP Choices | | |  | $ 293,380 |
| SNAP | |  |  | $ 276,928 |
| SNAP ABAWD | |  |  | $ 52,302 |
| TANF |  |  |  | $ 2,086,634 |
| Trade Act | |  |  | $ 1,017,626 |
| WIOA Adult | | |  | $ 1,076,632 |
| WIOA Dislocated Workers | | |  | $ 1,306,997 |
| WERC |  |  |  | $ 1,066,280 |
|  |  |  |  |  |
| TOTAL |  |  |  | $ 7,186,779 |

*Initial funding estimates only. Amounts are subject to change.*

**Notes:**

* A minimum of thirty (30) percent of funds made available for WIOA Adult and Dislocated Worker funds must be budgeted for training and support services.
* A minimum of twenty (20) percent of TANF/Choices, SNAP, NCP funds must be budgeted for direct client services. **SNAP ABAWD & NON-ABAWD will be tracked and reported separately but are combined for the budget submission under this RFP.**
* Employment Service funds are for costs associated with consumable supplies/materials used by ES program staff. **ES funding is referenced in the funding chart above but will NOT be part of the budget submission under this RFP.**
* Workforce Solutions Capital Area received a grant from the City of Austin in 2012 to fund a collaborative of eight (8) community partners providing a continuum of services. The collaborative is called Workforce and Education Readiness Continuum (WERC). In 2014, WFS made the decision to merge the Rapid Employment Model program (REM), funded by Travis County, with the WERC program. The REM program essentially turned into WERC Travis County, a subset of WERC that funds four workforce partners, including the center Contractor. The career center contractor is a partner in WERC and will receive funding under the grant. **WERC funding is referenced in the funding chart above** **but will NOT be part of the budget submission under this RFP.** **The RE:WorkNOW project and funding will be negotiated separately with the selected Contractor.**

## M. Exhibit B – Performance Measures

**EXHIBIT B**

**CONTRACTED PERFORMANCE MEASURES**

|  |  |
| --- | --- |
| Contracted Performance Measure | BCY2022Target |
| Claimant Reemployment within 10 Weeks | 55% |
| Number of Employers Receiving Workforce Assistance | 6,271 |
| Choices Full Engagement Rate | 50% |
| Adult Employed Q2 Post Exit | 69.8% |
| Dislocated Worker Employed Q2 Post Exit | 74.1% |
| Adult Employed Q4 Post Exit | 70.7% |
| Dislocated Worker Employed Q4 Post Exit | 77.2% |
| Adult Credential Rate | 82.7% |
| Dislocated Worker Credential Rate | 80.8% |
| Adult Median Earnings Q2 Post Exit | $6,500 |
| Dislocated Worker Median Earnings Q2 Post Exit | $8,600 |
| Adult Measurable Skills Gains | 66.20% |
| Dislocated Worker Measurable Skills Gains | 64.60% |
| All Job Seekers – Employed/Enrolled Q2 Post Exit | 63.3% |
| All Job Seekers – Employed/Enrolled Q2-Q4 Post Exit | 80.25% |
| All Job Seekers – Credential Rate | 70.1% |

Contracted performance measures are defined by the Texas Workforce Commission. Performance measures and targets are subject to change based on actions of the Texas Workforce Commission and or the Board.

## 

## N. Exhibit C – Services/Activities Matrix

**EXHIBIT C**

**PROGRAM ACTIVITY/SERVICE MATRIX**

*Please note that the matrix below may not contain all allowable activities/services under the programs listed. Proposers should consult program legislation and regulations for more information.*

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Activity/Service | ES | NCP | RWN | SNAP  E&T | TAA | TANF | WERC | WIOA Adult | WIOA Dislocated Worker |
| Outreach and Intake | X | X |  | X |  | X | X | X | X |
| Eligibility Determination |  |  | X |  | X |  | X | X | X |
| Orientation | X | X |  | X |  | X |  | X | X |
| Occupational Training |  | X | X | X |  | X | X | X | X |
| On-the-Job Training | X | X |  |  |  | X |  | X | X |
| Customized Training | X | X | X |  |  | X |  | X | X |
| Entrepreneurship Training | X | X |  |  |  | X |  | X | X |
| Short-term Work Readiness Services |  | X |  | X |  | X |  | X | X |
| Basic Education Skills/ABE/ESL/GED | X | X |  | X |  | X | X | X | X |
| Subsidized Work Experience |  | X |  |  |  | X | X | X | X |
| Unpaid Work Experience |  | X |  | X |  | X | X | X | X |
| Internship | X | X |  |  |  | X | X | X | X |
| Community Service | X | X |  |  |  | X |  |  |  |
| Work-based Literacy |  |  |  |  |  |  |  |  |  |
| Case Management | X | X |  | X |  | X | X | X | X |
| Career Counseling | X | X |  | X |  | X | X | X | X |
| Comprehensive Assessment | X | X | X | X | X | X | X | X | X |
| Employment Planning |  | X | X | X | X | X | X | X | X |
| Job Development & Placement Assistance | X | X |  | X |  | X | X | X | X |
| Job Readiness/ Employment Skills | X | X |  | X |  | X | X | X | X |
| Follow-up Services |  |  |  |  |  |  | X | X | X |
| Job Search Workshops | X | X |  | X |  | X | X | X | X |
| Financial Literacy |  | X |  | X |  | X | X | X | X |
| Supportive Services |  | X |  | X |  | X | X | X | X |
| Referrals to Other Community Resources | X | X | X | X | X | X | X | X | X |
| Workfare |  |  |  | X |  |  |  |  |  |

## 

## Exhibit D – Customers Served

**EXHIBIT D**

**CUSTOMERS SERVED**

|  |  |  |
| --- | --- | --- |
| **Program** | **2019-2020** | **2020-2021** |
| Employment Services |  |  |
| NCP Choices | 68 | 51 |
| RE:WorkNOW | N/A | 485 |
| SNAP E&T | 311 | 306 |
| Trade Adjustment Assistance | 25 | 25 |
| TANF Choices | 212 | 164 |
| WERC | 760 | 687 |
| WIOA Adult | 117 | 244 |
| WIOA Dislocated Worker | 183 | 200 |

## Exhibit E – Partner Staffing at Career Centers

**EXHIBIT E**

**PARTNER STAFFING IN CAREER CENTERS**

|  |  |  |  |
| --- | --- | --- | --- |
| **Partner Agency** | **South Center** | **East Center** | **North Center** |
| TWC Employment Service | 5 | 3 | 12 |
| TWC Trade Adjustment Act |  |  |  |
| TVC Veterans DVOP/LVER | 2 | 1 | 2 |
| TWC Veterans Leadership Program |  |  | 1 |
| TWC Vocational Rehabilitation |  |  |  |
| City of Austin Human Resources |  |  | 1 |
| Austin Community College |  |  |  |
| Management and Training Corporation (Job Corps) |  |  | 1 |

## Exhibit F – Career Center Locations

**EXHIBIT F**

**WORKFORCE SOLUTIONS CAPITAL AREA**

**CURRENT CAREER CENTER LOCATIONS**

North Austin

9001 N IH 35, Ste 110

Austin, Texas 78753

Current Operation Hours: 8:00 a.m. – 5:00 p.m. Monday-Friday

East Austin

Austin Community College Eastview Campus

3401 Webberville Rd., Building 1000

Austin, Texas 78702

Current Operation Hours: 8:00 a.m. – 5:00 p.m. Monday-Friday

South Austin

6505 Burleson Road

Austin, Texas 78744

Current Operation Hours: 8:00 a.m. – 5:00 p.m. Monday-Friday

(The South Austin career center is a shared facility with Goodwill Industries. Workforce Solutions shares public resource room, assessment room, and classroom space with Goodwill under an Operations Agreement).

## Exhibit G – Targeted Industries and Occupations

**EXHIBIT G**

**TARGETED INDUSTRIES AND OCCUPATIONS BCY2022**

Targeted Industries

|  |  |
| --- | --- |
| NAICS Code | Title |
| 5413 | Architectural, Engineering & Related Services |
| 2382 | Building Equipment Contractors |
| 5415 | Computer Systems Design and Related Services |
| 6111 | Elementary and Secondary Schools |
| 4841 | General Freight Trucking |
| 6221 | General Medical and Surgical Hospitals |
| 6216 | Home Health Care Services |
| 5416 | Management, Scientific & Technical Consulting Services |
| 2362 | Nonresidential Building Construction |
| 6231 | Nursing Care Facilities |
| 6211 | Offices of Physicians |
| 2361 | Residential Building Construction |
| 3344 | Semiconductor & Other Electronic Components Manufacturing |
| 4542 | Specialized Freight Trucking |

Targeted Occupations

| **SOC** | **Occupation** | **Industry** |
| --- | --- | --- |
| 13-2011 | Accountants & Auditors | Professional & Business Services |
| 49-2023 | Automotive Service Technicians and Mechanics | Skilled Trades |
| 43-3031 | Bookkeeping, Accounting and Auditing Clerks | Professional & Business Services |
| 49-3031 | Bus and Truck Mechanics and Diesel Engine Specialists | Skilled Trades |
| 47-2031 | Carpenters | Skilled Trades |
| 17-3022 | Civil Engineering Technologists and Technicians | Skilled Trades |
| 15-1231 | Computer Network Support Specialists | Information Technology |
| 15-1150 | Computer Support Specialists, includes both: | Information Technology |
| 15-1211 | Computer Systems Analysts | Information Technology |
| 15-1232 | Computer User Support Specialists | Information Technology |
| 15-1245 | Database Administrators | Information Technology |
| 31-9091 | Dental Assistants | Health Sciences |
| 29-1292 | Dental Hygienists | Health Sciences |
| 29-2032 | Diagnostic Medical Sonographers | Health Sciences |
| 17-3023 | Electric Engineering Technology | Skilled Trades |
| 17-3023 | Electrical & Electronics Engineering Technician | Skilled Trades |
| 47-2111 | Electricians | Skilled Trades |
| 29-2042 | Emergency Medical Technicians | Health Sciences |
| 17-3020 | Engineering Technicians, Except Drafter | Skilled Trades |
| 49-9021 | Heating, Air Conditioning, and Refrigeration Mechanics and Installers | Skilled Trades |
| 53-3032 | Heavy & Tractor-Trailer Truck Drivers | Skilled Trades |
| 49-9041 | Industrial Machinery Mechanics | Skilled Trades |
| 51-9061 | Inspectors, Sorters, Testers, Samplers and Weighers | Skilled Trades |
| 41-3021 | Insurance Sales Agents | Professional & Business Services |
| 29-2061 | Licensed Practical and Licensed Vocational Nurses | Health Sciences |
| 51-4041 | Machinists | Skilled Trades |
| 49-9071 | Maintenance and Repair Workers, General | Skilled Trades |
| 13-1111 | Management Analysts | Professional & Business Services |
| 13-1161 | Market Research Analyst and Marketing Specialist | Professional & Business Services |
| 29-2012 | Medical and Clinical Laboratory Technicians | Health Sciences |
| 31-9092 | Medical Assistants+ (requires obtaining 31-9097 Phlebotomists certification) | Health Sciences |
| 29-2098 | Medical Dosimetrists, Medical Records Specialists, Health Technologists & Technicians, Other | Health Sciences |
| 43-6013 | Medical Secretaries and Administrative Assistants | Health Sciences |
| 15-1244 | Network & Computer Systems Administrators | Information Technology |
| 31-1131 | Nursing Assistants (CNAs) | Health Sciences |
| 29-2052 | Pharmacy Technicians | Health Sciences |
| 31-2021 | Physical Therapist Assistants | Health Sciences |
| 47-2152 | Plumbers, Pipefitters, and Steamfitters | Skilled Trades |
| 29-2034 | Radiologic Technologists | Health Sciences |
| 29-1141 | Registered Nurses | Health Sciences |
| 29-1126 | Respiratory Therapists | Health Sciences |
| 43-6014 | Secretaries & Administrative Assistants, Except Legal/Medical and Executive | Professional & Business Services |
| 47-2211 | Sheet Metal Workers | Skilled Trades |
| 15-1256 | Software Developers and Software Quality Assurance Analysts and Testers | Information Technology |
| 29-2055 | Surgical Technologists | Health Sciences |
| 49-3000 | Vehicle & Mobile Equipment Mechanics, Installers & Repairers, includes both: | Skilled Trades |
| 15-1257 | Web Developers and Digital Interface Designers | Information Technology |
| 51-4121 | Welders, Cutters, Solderers, and Brazers | Skilled Trades |

## Exhibit H – Information on Current Contractor Staffing

Career Center Management and Program Staff

|  |  |
| --- | --- |
| 1 | Managing Director |
| 1 | HR Generalist |
| 1 | Deputy Director - Operations |
| 1 | Deputy Director-Business Solutions |
| 1 | Manager - Fiscal Operations |
| 4 | Fiscal Support Specialist |
| 1 | Resource Connection Manager |
| 2 | Special Projects Coordinator |
| 2 | Special Project Managers |
| 1 | Manager – Continuous Improvements |
| 4 | Quality Assurance Specialist |
| 1 | Business Solutions Supervisor |
| 1 | Business Solutions Analyst |
| 4 | Business Solutions Recruiters |
| 4 | Business Solutions Liaisons |
| 3 | Career Center Managers |
| 3 | Career Center Supervisors |
| 18 | Career Counselors |
| 4 | Program Solutions Technician |
| 18 | Customer Solutions Representatives |

## City and County-Funded WERC/RE:WorkNOW Staff

|  |  |
| --- | --- |
| 1 | Manager |
| 3 | Data Analysts |
| 1 | Job Developer |
| 7 | Career Counselors |

## Exhibit I – Safeguards for TWC Information

# SAFEGUARDS FOR TWC INFORMATION

The Board, Board staff, and subrecipients shall comply with these safeguards:

1. Safeguards: Maintain sufficient safeguards over all TWC Information to prevent unauthorized access to or disclosure of TWC Information. Board shall assure that Board staff, Board subrecipients, Board contractors and Board subcontractor staff comply with all safeguards and responsibilities of TWC Information Technology Security Guidelines and this Attachment A. Board shall be responsible for compliance by Board staff, Board subrecipients, Board contractors and Board subcontractor staff and shall be liable for any damages resulting from failure by Board staff, Board subrecipients, Board contractors or Board subcontractor staff to comply with these safeguards.

“TWC Information” means records maintained by the Agency, and records obtained by Board, Board staff, Board contractor, and Board subcontractor staff from the Agency under this Agreement, including (1) records and data compilations provided electronically, on paper, or via online access or e-mail, (2) records and data compilations that Board, Board staff, Board contractor, or Board subcontractor staff have converted into another format or medium (such as handwritten or electronic notes), and (3) records and data compilations incorporated in any manner into Board, Board staff, Board contractor, or Board subcontractor staff records, files, or data compilations.

1. Monitoring: Monitor its Users’, including Board staff, Board subrecipients, Board contractors and Board subcontractor staff, access to and use of TWC Information, and shall ensure that TWC Information is used only for the limited purpose of fulfilling Board obligations under this Agreement (limited purpose). The Board shall also ensure that TWC Information is used only for purposes authorized by law and in compliance with all other provisions of this Agreement. The Board shall require that all Board subrecipients monitor access to and use of TWC Information by Board subcontractor staff.
2. Storage and Protection: Board, Board staff, Board subrecipient, Board contractor and Board subcontractor staff shall store and process TWC Information in a place physically secure from access by unauthorized persons by any means.
3. Access: Board, Board staff, Board subrecipient, Board contractor and Board subcontractor staff shall undertake precautions to ensure that only authorized personnel are given access to TWC Information stored in computer systems.
4. Instruction: Board, Board staff, Board subrecipient, Board contractor and Board subcontractor staff shall instruct all personnel having access to TWC Information about all confidentiality requirements including the requirements of 20 C.F.R. Part 603, Texas Labor Code § 301.85, and 40 TAC Chapter 815, as well as the sanctions specified in this Agreement and under state and federal law for unauthorized use or disclosure of TWC Information. Board acknowledges that all personnel who will have access to TWC Information have been instructed as required.
5. Disposal: Board, Board staff, Board subrecipient, Board contractor and Board subcontractor staff shall dispose of TWC Information and any copies thereof after the limited purpose is achieved, except for TWC Information possessed by any court. Disposal means return of TWC Information to Agency or destruction of TWC Information, as directed by Agency. Disposal includes deletion of personal identifiers in lieu of destruction. In any case, Board, Board staff, Board subrecipient, Board contractor and Board subcontractor staff shall dispose of all TWC Information as required by this Agreement and the Board’s written records retention requirements.
6. System: Board, Board staff, Board subrecipient, Board contractor, and Board subcontractor staff shall establish and maintain a system sufficient to allow an audit of compliance with the requirements of this Attachment A and the other provisions of this Agreement. The Board and Board contractor shall keep and maintain complete and accurate records sufficient to allow the Agency, the Texas State Auditor's Office, the United States government, and their authorized representatives to determine the compliance by Board and Board contractor with this Agreement.
7. No Disclosure or Release: Board, Board staff, Board subrecipient, Board contractor, and Board subcontractor staff shall not disclose or release any TWC Information other than as permitted in this Agreement, without prior written consent of Agency.
8. Unauthorized Disclosure: It is a breach of this Agreement to disclose TWC Information orally, electronically, in written or printed form, or in any other manner without the prior written consent of Agency:
   1. to any subrecipient employee of Board or subrecipient employee of Board subrecipient or any individual not directly employed by Board or Board subrecipient;
   2. to another government entity, including a law enforcement entity; or
   3. to Board or Board subrecipient employees who do not have a need to use TWC Information for the limited purpose under this agreement.
9. Authorized Disclosure: TWC Information may only be disclosed to employees under the direct hiring-and-firing control of Board or Board subrecipient who have a need to use the TWC Information for the limited purpose under this agreement.
10. Security Violation: Board and Board subrecipient shall monitor access of Users and shall notify Agency within twenty-four (24) hours if a security violation of this Agreement is detected, or if Board or Board subrecipient suspects that the security or integrity of TWC Information has or may have been compromised in any way. The time period for notifying TWC under this section is reduced to one (1) hour for suspected security violations that involve protected health information of a covered under 45 C.F.R. Parts 160, 162, and 164, such as Medicaid Information provided from, by or accessed through the Health and Human Services Commission systems as required by the Health Information and Portability and Accountability Act (HIPAA) and the Health Information Technology Act (HITECH).
11. Breach Notice: In accordance with Texas Business and Commerce Code, Section 521.053 the Board shall provide notification to any individual whose sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person.
12. Format: TWC Information is subject to the requirements of this Agreement even if the TWC Information is converted by Board, Board staff, Board subrecipient, Board contractor, or Board subcontractor staff into another format or medium, or incorporated in any manner into Board or Board subrecipient records, files, or data compilations.
13. Access Limited: Board and Board subcontractor shall limit access to TWC Information to their employees who need access to achieve the Limited Purpose.
14. Mobile Device and Removal: Board, Board staff, Board subrecipient, Board contractor, and Board subcontractor staff shall not place TWC Information on mobile, remote, or portable storage devices, or remove storage media from Board or Board subrecipient facility, without the prior written authorization of Agency.
15. Public Information Act:
    1. Unemployment Information: Under Texas Labor Code § 301.085, individually identifiable information regarding unemployment insurance benefits applicants and recipients and employer tax reported information is not “public information” for purposes of the Texas Public Information Act, Texas Government Code, Chapter 552. Board, Board staff, Board subrecipient, Board contractor, and Board subcontractor staff shall not release any TWC Information in response to a request made under the Public Information Act or under any other law, regulation, or ordinance addressing public access to government records.
    2. Job Matching Services: Individually identifiable information maintained in the WorkInTexas system is not “public information” for purposes of the Public Information Act. Board, Board staff, Board subrecipient, Board contractor, and Board subcontractor staff shall not release any individually identifiable information from the WorkInTexas system in response to a request made under the Public Information Act or under any other law, regulation, or ordinance addressing public access to government records.
    3. Education Records: “Student record” as defined in the Family Educational Rights and Privacy Act (FERPA) is not “public information” for purposes of the Public Information Act. Boards, Board staff, Board subrecipient, Board contractor, and Board subcontractor staff shall not release any “student records” collected, used or maintained in response to a request made under the Public Information Act or under any other law, regulation, or ordinance addressing public access to government records.
    4. Protected Health Information: Protected health information as defined in Texas Health and Safety Code, Chapter 181 and 45 C.F.R. Parts 160, 162, and 164, such as Medicaid information provided from, by or accessed through the Health and Human Services Commission systems as required by the HIPAA and HITECH, is not subject to release under the Public Information Act. Boards, Board staff, Board subrecipients, Board contractor and Board subcontractor staff shall not release any protected health information except in accordance with law as applicable to the information and shall secure the information consistent with applicable laws.
16. Subpoena: Notify the Agency within twenty-four (24) hours of the receipt of any subpoena, other judicial request, or request for appearance for testimony upon any matter concerning TWC Information. Federal regulations dictate the handling of subpoenas for TWC Information. Board or Board subrecipient shall comply with the subpoena handling requirements applicable to the information, including 20 C.F.R. § 603.7 in responding to any subpoena, other judicial request, or request for appearance for testimony upon any matter concerning TWC Information relating to unemployment compensation and employer tax information.

Federal Regulation: Comply with all requirements in federal and state law for safeguarding TWC Information, including 20 C.F.R. § 603.9 relating to safeguarding TWC unemployment compensation and employer tax information and insuring its confidentiality. Various federal and state laws and regulations, including but not limited to FERPA, FERPA regulations, HIPAA, HIPAA regulations, and the HITECH Act may also protect TWC.

1. Unauthorized Lookup: Shall not access TWC Information listed under the employee’s Social Security number (SSN) or the SSN of a co-worker, family member, or friend.
2. Screening: Permit access to TWC Information only to employees that the Board or Board subrecipient has determined poses no threat to the security of TWC Information.
3. Internet: Board, Board staff, Board subrecipient, Board contractor, and Board subcontractor staff shall not transmit any TWC Information over the Internet unless it is encrypted using TWC approved encryption standards.
4. No Transfer: Board and Board subcontractor shall not transfer the authority or ability to access or maintain TWC Information under this Agreement to any other person or entity.
5. Resource Access Control Facility (RACF) Manager: The Board shall designate an initial RACF Manager and any subsequent RACF Managers in writing to the Agency. All designated RACF Managers must execute a P-41 Texas Workforce Commission Information Resources Usage Agreement, and complete Security Training and Agency RACF Manager Training (“Manager Training”). The Agency will not authorize access to a designated RACF Manager until Agency RACF Administration has received copies of the designee’s Training Certificate, certificate of completion of Manager Training (“Manager Training Certificate”) and completed a P-41 Texas Workforce Commission Information Resources Usage Agreement. The RACF Manager shall create a written report within fifteen (15) calendar days after the end of each month, listing all Users authorized for online access at any time during the previous month including the unique identifier and work address of each User. The RACF Manager shall immediately terminate access of any User no longer employed by the Board or Board subrecipient or any User whose job responsibilities no longer require access to TWC Information. The RACF Manager shall provide a copy of all reports, and a list of the names, unique identifiers, and work addresses of all current Users, with P-41 Texas Workforce Commission Information Resources Usage Agreements and copies of Training Certificates attached, at any time upon Agency request. A unique identifier may be used on all reports in lieu of SSN provided that the User SSN is available upon request. The Board shall be responsible for ensuring that each RACF Manager complies with the provisions of this Agreement and shall be liable and responsible for all actions of each RACF Manager.

**The RACF Manager shall provide a copy of all reports and a list of external agencies and community partners with P-48 TWC Systems Access and Data Security Report for Other Agencies and Community Partners, at any time upon Agency request.**

## Exhibit J – Board Guidelines for Security

Attachment C. Board Guidelines for Security

These guidelines provide the minimum acceptable standards for the Texas Cybersecurity Framework control objectives.

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# Section 1. Identify

## 

## Privacy and Confidentiality

Ensuring the appropriate security of retained information and approved sharing under defined conditions with required safeguards and assurance. Includes the requirements of HIPAA, Texas Business & Commerce Code, and agency defined privacy policies that include and expand upon regulatory and legal requirements for establishing contractual/legal agreements for appropriate and exchange and protection.

## Data Classification

All data within the Board must be classified and systems must be categorized by the system Owner. The default classification for all electronic data is Confidential.

Data will be classified into one of three groups of sensitivity: Confidential, Board Sensitive or Public. Data must be protected in accordance with the security controls specified for the classification level that it is assigned.

## Critical Information Asset Inventory

Identification and prioritization of all of the Board’s information assets so that they are prioritized according to criticality to the business, so that protections can be applied commensurate with the asset’s importance.

## Enterprise Security Policy, Standards and Guidelines

### 1.4.1 Acceptable Use

Any TWC provided computer data, hardware, and software is the property of the state. All information passing through the TWC network, which has not been specifically identified as the property of other parties, will be treated as a TWC asset. Unauthorized access, disclosure, duplication, modification, diversion, destruction, loss, misuse, or theft of this information is prohibited. Information entrusted to TWC will be protected in a manner consistent with its confidentiality and in accordance with all applicable standards, agreements, and laws. Every information system privilege that has not been explicitly authorized is prohibited. Such privileges will not be authorized for any TWC business purpose until approved in writing.

### 1.4.2 Data Security Guidelines

The Agency shall provide automated security and security procedures for Agency administered custom applications.

The Agency shall provide standards and guidelines for use of any unsecured networks, such as the public Internet, for transport of confidential data.

Logical and physical access to all information resources (hardware and software) residing in public access areas, shall be controlled by the Board, its subrecipients, contractors, subcontractors, or Agency staff as appropriate.

## Control Oversight and Safeguard Assurance

Catalog the security activities that are required to provide the appropriate security of information and information resources throughout the Enterprise. Evaluate the control activities that have been implemented in terms of maturity, scope/breadth of implementation, effectiveness or associated deficiency to assure required protection levels as specified by security policy, regulatory/legal requirements, compliance mandates, or organizational risk thresholds. Ensure that control activities are performed as required and performed in a manner that is auditable and verifiable. Identify control activities that are not implemented or are not effective at achieving the defined control objectives. Oversee the implementation of required controls to ensure ongoing audit readiness and effective control implementations.

## Information Security Risk Management

A risk assessment of the Board’s information and information systems shall be performed and documented.

1. The inherent impact will be ranked, at a minimum, as either "High," "Moderate," or "Low".
2. The frequency of the future risk assessments will be documented.
3. Approval of the security risk acceptance, transference, or mitigation decision shall be the responsibility of:
4. The information owner or his or her designee(s) for systems identified with a Low or Moderate residual risk.
5. The Board’s Chief Executive Officer for all systems identified with a residual High Risk.

## Security Oversight and Governance

The Board shall have a group of fully empowered decision makers that meets at least quarterly to govern security-policy issues according to a documented charter.

## Security Compliance and Regulatory Requirements Management

Monitor the legislative and industry landscape to ensure security policy is updated in consideration of changes that are pertinent or applicable to the organization. Facilitate any validation audits, assessments or reporting that is necessary to assure compliance to applicable laws, regulations, or requirements. Includes the HIPAA Privacy Office(r), IRS Safeguard Reviews, and responses to third party inquiries into the security of the organization.

## Cloud Usage and Security

The assessment and evaluation of risk with the use of "cloud" technologies including Software as a Service (SAAS), Platform as a Service (PAAS), and Infrastructure as a Service (IAAS), to ensure that business operations are capable of delivering programs and services efficiently and effectively within acceptable tolerances mitigating potential negative outcomes.

## Security Assessment and Authorization / Technology Risk Assessments

Evaluate systems and applications in terms of design and architecture in conjunction with existing or available controls to ensure that current and anticipated threats are mitigated within established risk tolerances. Includes an analysis of in-place systems periodically or when significant change occurs as well as the analysis of the introduction of new technology systems.

## External Vendors and Third-Party Providers

Evaluate third-party providers and external vendors to ensure security requirements are met for information and information resources that will be transmitted, processed, stored, or managed by external entities. Includes contract review as well as the development of service level agreements and requirements.

# Section 2. Protect

## 

## 2.1. Enterprise Architecture, Roadmap and Emerging Technology

Maintain an enterprise information security architecture that is aligned with Federal, State, Local and Board data security and privacy requirements. Use a roadmap and emerging technology evaluation process to stay abreast of the continued evolution of security solutions, processes, and technology.

## 2.2. Secure System Services, Acquisition and Development

Ensure that the development and implementation of new systems meets the requirements necessary to assure the security of information and resources.

## 2.3. Security Awareness and Training

The Board shall require all persons to whom it grants access to Agency applications to annually complete the Cybersecurity Awareness Training provided by the Agency for Agency employees. This training is available at https://twc.texas.gov/development/train/board\_and\_contractor\_training\_links.html

## 2.4. Privacy Awareness and Training

The Board shall require all persons to whom it grants access to Agency applications to annually complete the Sensitive Personal Information (SPI) Training provided by the Agency for Agency employees. This training is available at https://twc.texas.gov/development/train/board\_and\_contractor\_training\_links.html

## 2.5. Cryptography

Establish the rules and administrative guidelines governing the use of cryptography and key management in order to ensure that data is not disclosed or made inaccessible due to an inability to decrypt.

## 2.6. Secure Configuration Management

Ensure that baseline configurations and inventories of information systems (including hardware, software, firmware, and documentation) are established and maintained throughout the respective system development life cycles. Establish and enforce security configuration settings for information technology products employed in information systems. Ensure all systems are operating under configurations that have been agreed upon according to organizational risk management.

## 2.7. Change Management

Changes include, but are not limited to implementation of new functionality, interruption of services, maintenance activity and repair of existing functionality and/or removal of existing functionality.

Change management will be required based on a risk assessment of the information resources (including operating systems, computing hardware, networks, and applications).

The change management process shall include the analysis of potential security impacts to the information system as a result of the change.

Scheduled changes must be reviewed by the appropriate IT staff and data Owner(s) prior to the change. These review staff may deny or delay the change if it is determined that the change has not been adequately planned for, suffers from inadequate backup planning, will negatively impact a key business process, or adequate resources cannot be made available to support the change.

## 2.8. Contingency Planning

Plans for emergency response, backup operations, and post-incident occurrence recovery for information systems are established, maintained and effectively implemented to ensure the availability of critical information resources and continuity of operations in emergency situations. Backing up data and applications is a business requirement. It enables the recovery of data and applications in the event of loss or damage (natural disasters, system disk and other systems failures, intentional or unintentional human acts, data entry errors, or systems operator errors).

## 2.9. Media

### 

### 2.9.1 Removable Media

Removable media is defined as, but not limited to, diskettes, tapes, compact discs, DVDs & Blu-ray discs, memory cards/sticks, USB/Firewire “Flash” key/pen/thumb drives, portable mass storage devices such as external hard drives, personal audio/video players such as iPods, tablets, cellular telephones, and smart phones with or without expandable memory capabilities.

The Board shall prohibit the use of personally owned removable media unless specific exemption is granted by an authorized executive of the Board.

The Board shall require that any Agency data placed on removable media be encrypted.

In the event of loss or theft of removable media containing Agency data, the Board shall notify the TWC Chief Information Security Officer and include a complete description of the data, including an index or table of contents of those data.

The Board shall cause all removable media to be scanned for viruses, worms, Trojans, and any other malicious code prior to its use with Agency data or systems.

The Board shall assure that the reuse or disposal of removable media follows data sanitization guidelines in compliance with National Institutes of Standards and Technology Special Publication 800-88 Guidelines for Media Sanitization in order to assure removal of any electronic protected, confidential and/or sensitive Agency data.

## 2.10. Physical and Environmental Protection

Assure that physical access to information systems, equipment, and the respective operating environments is limited to authorized individuals. Protect the physical locations and support infrastructure for information systems to ensure that supporting utilities are provided for to limit unplanned disruptions. Protect information systems against environmental hazards and provide appropriate environmental controls in facilities containing information systems.

## 2.11. Personnel Security

Ensure that individuals responsible for agency information are identified and their responsibilities are clearly defined. Any individuals occupying positions of responsibility within the Board (including third-party service providers) are trustworthy and meet established security criteria for those positions, verified through a criminal history background check. Ensuring that information resources are protected during and after personnel actions such as terminations and transfers. Employ formal sanctions for personnel failing to comply with security policies and procedures.

## 2.12. Third-Party Personnel Security

Require all third-party providers to comply with all security policies and standards. Establish personnel security requirements including roles and responsibilities with limits on access requirements defined in accordance to least privileged and data minimization methodologies. Monitor providers for compliance.

## 2.13. System Configuration Hardening and Patch Management

### 2.13.1 System Configuration Hardening

The system hardening procedure shall include, but is not limited to:

1. Operating systems may only be installed from Board IT approved sources.
2. Vendor supplied patches shall be applied.
3. Unnecessary software, system services and drivers shall be removed.
4. Appropriate security parameters, field protections and audit-logging capabilities shall be set.
5. Default account passwords shall be disabled or changed as appropriate.
6. Vulnerability assessment will be run against the server before being placed into production.
7. The information system must be configured to provide only essential capabilities and specifically prohibits and restricts the use of unnecessary functions, ports, protocols, or services.
8. Security configurations must be set to the most restrictive mode consistent with information system operational requirements and according to the level of risk formally accepted by owners of the information systems.
9. Password-locking screensavers shall be enabled and activated after no more than fifteen (15) minutes of inactivity.

### 2.13.2 Patch Management

Board IT staff must monitor information feeds for the release of new operating system and application patches and hot fixes that are pertinent to TWC information resources.

All patch releases will follow a defined process for patch deployment that includes assessing the risk, testing, scheduling, installing, and verifying, unless the need for an emergency deployment exists.

## 2.14 Access Control

The Board shall determine, assign, and secure the computer access codes required for a Board or subrecipient, contractor or subcontractor user or Agency staff member to perform assigned job duties, including changing/resetting user local passwords and administering RACF security adds/changes and deletes for Board, subrecipient, contractor and subcontractor users.

The Board shall require all persons to whom it grants access to Agency applications to execute a P-41 TWC Information Security Agreement, All Employees Form available at the following web address: http://intra.twc.state.tx.us/intranet/gl/html/personnel\_forms.html. The instructions for the P-41 Form are located at the same web address as P-41 INST Information Security Agreement, All Employees Instructions.

The Board shall maintain a signed copy of the most recent Agency Information Security Agreement for each user.

The Board shall determine which of its employees and subrecipients need Health and Human Services Commission (HHSC) computer access to perform assigned job duties. (NOTE: Request for HHSC computer access shall be routed to the TWIST Help Desk.)

## 2.15 Account Management

Account Management establishes the standards for the creation, monitoring, control, and removal of User accounts. The Account Management standard shall apply equally to all User accounts without regard to their status or category. User accounts are the means by which access is granted to TWC information resources. Accounts are granted to Board staff determined to have a need. These accounts assist in establishing accountability for systems use and are a key component in the protection of data; its confidentiality and integrity.

1. All accounts must be identifiable using a unique User ID.
2. Accounts, other than service/maintenance accounts, must uniquely identify a specific User.
3. Unsuccessful account access attempts must be monitored, and accounts locked after five (5) or less failed attempts within two (2) hours or as determined by a documented risk assessment.
4. Written notice of removal of access authorization for any individual shall be submitted to the Agency immediately upon removal of that access.

### 2.15.1 User Verification

The Board shall implement and maintain a system for user verification to ensure that all user accounts are current.

1. The Board shall immediately revoke access to user accounts resulting from staff departures or contract, subcontract, or subgrant completions.
2. The Board Systems Administrators will conduct a quarterly review of Board account status to identify obsolete accounts.
   1. For all accounts that are no longer in use, the Administrator shall notify the appropriate account management administrator to delete the account and notify the “Terminated Employees” shared distribution list to ensure that the appropriate Board accounts are deleted.
   2. All accounts dormant for more than three (3) months will be flagged and disabled unless the Agency is notified to the contrary by the Board.
   3. Accounts dormant for six (6) months or more will be deleted.

## 2.16 Security Systems Management

Design, implement, configure, administrate, maintain, monitor, and support security systems to enforce security policy and provide security services. These systems include firewalls, Intrusion Prevention Systems (IPS), Internet Proxy Servers, Security Information and Event Management (SIEM) systems, and other control enforcement or monitoring systems.

## 2.17 Network Access and Perimeter Controls

Network equipment such as servers, workstations, routers, switches and printers should be installed in a manner that prevents unauthorized access while limiting services to only authorized users. A perimeter should be established to delineate internal systems and prevent unauthorized external parties from tampering, attempting access or connecting without approved remote access methods.

## 2.18 Internet Content Filtering

Implement a system or service to enforce controls to block access to Internet websites based upon categories of content, application types and granular application functions, time of day or amount of utilization, or the dynamically updated reputation of the destination. Web content filtering should be based on two goals:

Bandwidth Preservation – The Local Area Network (LAN) and Wide Area Network (WAN) resources within the Agency locations are limited and heavily utilized for conducting business.

Inappropriate Content – The Internet contains content that is inappropriate in nature and unacceptable for access in the workplace.

## 2.19 Data Loss Prevention

Implement a solution designed to detect and prevent potential data breach incidents where sensitive data may be disclosed to unauthorized personnel by malicious intent or inadvertent mistake. Detection of data at risk can be performed while in use at the endpoint, while in motion during transmission across the network, and while at rest on data storage devices.

## 2.20 Identification and Authentication

User chosen passwords must adhere to a minimum length and format as defined by current password guidelines:

1. Contain at least one each upper- and lower-case letters, one non-alphanumeric and at least one number.
2. Are at least eight characters in length.
3. Passwords should not have consecutive duplicate characters such as 99 or BB.
4. Passwords should not have consecutive-count numbers or letters such as 1234 or ABCD
5. Passwords are not words in any dictionary including, slang, dialect, jargon, etc.
6. Passwords are not based on personal information such as names, birthdates, etc.
7. Passwords should be easily remembered.
8. Passwords should never be the same as the User ID.
9. All passwords must have an expiration period not to exceed 180 days or as defined by the most current password guidelines.
10. Stored passwords must be encrypted.
11. Passwords should not be re-used within the last 10 instances.

## 2.21 Spam Filtering

Implement a solution or service that filters and/or blocks any E-Mail item, inbound or outbound, which is determined to place the Board, its systems and/or networks at an unacceptable level of risk.

## 2.22 Portable and Remote Computing

Access to TWC systems utilizing remote portable computing devices must use a Virtual Private Network (VPN) connection.

## 2.23 System Communications Protection

Data Transfers Standard:

TWC utilizes and stores data that must be protected from interception and alteration. All data file transfers that involve TWC data shall be secured using an agency approved data transfer encryption method or file encryption method. Data made available for the general public – including information posted on TWC publicly accessible websites or public file transfer protocol (FTP) servers is exempt from being encrypted. There are two methods of transferring electronic files. The electronic movement of data using a communication channel from one point to another, (transmission), and the physical movement of data from one point to another, (transport). There are two basic methods used to encrypt data in transmission. The data can be encrypted prior to transmission or transmission of the data over an encrypted communications channel. Data transport is accomplished by moving the media that holds the data. The data is encrypted on the media using a data at-rest method with a minimum of AES-256 algorithm.

# Section 3. Detect

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## 3.1 Vulnerability Assessment

Board must conduct periodic vulnerability assessments of their networks, applications, and other systems. Including but not limited to penetration testing to test and evaluate security controls and security defenses and to ensure that required security posture levels are met. Evaluate results of various penetration tests to provide risk-based prioritization of mitigation.

## 3.2 Malware Protection

The Agency shall maintain virus protection software on all systems and custom applications provided to the Board.

The Board is responsible for the use and installation of virus protection software on all systems and custom applications maintained by the Board.

Virus protection software implemented to include automatic updates that apply the most current and appropriate protection and patches for viruses or malicious code infection on all network servers that provide virus scanning services to network attached workstations. It shall also provide automatic scanning of all files stored on or attached to workstations or servers. It shall also provide automatic scanning of files accessed or copied onto a storage device from external sources, such as, but not limited to, the Internet (cloud service providers) and media such as CD-ROMs, flash drives, and floppy disks.

## 3.3 Security Monitoring and Event Analysis

Analyze security events and alerts generated from the Board’s environment and be able to:

1. Collect the security-related information required for assessments, metrics, and reporting.
2. Analyze the data collected and report findings to Board management.
3. Assess the effectiveness of security controls.
4. Respond using technical, administrative, and operational mitigating activities.

# Section 4. Respond

## 4.1 Cybersecurity Incident Response

The Board must develop a Cybersecurity Incident Response Plan. The plan must include adequate preparation, detection, analysis, containment, recovery, and response activities.

The Board is responsible for notifying and escalating incidents to appropriate personnel and coordinating activities to ensure timely isolation and containment, impact analysis, and any resulting remediation / resolution requirements.

## 4.2 Privacy Incident Response

The Board must develop a Privacy Incident Response Plan. The plan must include adequate preparation, detection, analysis, containment, recovery, and response activities.

The Board is responsible for notifying and escalating incidents to appropriate personnel and coordinating activities to ensure timely isolation and containment, impact analysis, and any resulting remediation / resolution requirements.

1. Initial notification shall be made via email to [IncidentReports.RSM@twc.state.tx.us](mailto:IncidentReports.RSM@twc.state.tx.us).
2. The Board shall comply with Agency directives in resolving any incidents.

# Section 5. Recover

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## 5.1 Disaster Recovery Procedures

Develop and maintain a Disaster Recovery Plan for all IT resources in the Board environment. The plan should cover all relevant platforms – personal computers, local area networks, workstations, and midrange systems, as appropriate. Disaster recovery activities should include data backup, local area network recovery testing, and contingency planning functions for all local data.

## Exhibit K – TCF Documentation Requirements

| **Item #** | **Associated Control(s)** | **Documentation Requirement** |
| --- | --- | --- |
| TCF #1 | Privacy & Confidentiality  Pertains to documentation for protecting privacy and confidentiality of data, such as personally identifiable information of its customer, records, PI,I etc. | 1. Privacy policy on public websites 2. Privacy Notice policy on public websites 3. Privacy Internal Use policy on public websites 4. Non-Disclosure Agreements (NDAs) 5. Memorandum of Understanding Agreements (MOUs) 4. Other Privacy documents |
| TCF #2 | Data Classification  Pertains to documentation for classifying/labeling data, data inventory, and identifying data owners for maintaining critical data. | 1. Data Categorization Documentation/Policy  2. Critical Data Inventory 3. List of data owners |
| TCF #3 | Critical Information Asset Inventory  Pertains to documentation for identifying critical IT Assets such as hardware, software, and data. | **1. See TCF #2 Documents** 2. IT Asset Inventory (Cover Page and 1st Page of IT Inventory) |
| TCF #4 | Enterprise Security Policy, Standards, and Guidelines  Pertains to documentation for organization Information Security Policies and Procedures that define acceptable use policies for the organization's information resources. | 1. Information Security Policies and Procedures |
| TCF #5 | Control Oversight and Safeguard Assurance  Pertains to documentation for cataloging the organization's information security activities. | **1. See TCF #4 Documents** 2. Information Security Plan |
| TCF #6 | Information Security Risk Management  Pertains to documentation for the assessment and evaluation of information security risk | 1. Risk Management Strategy, Policies, and Procedures  2. Risk Assessment for Critical Applications 3. Risk Registry |
| TCF #7 | Security Oversight & Governance  Pertains to documentation for IT Security oversight and Governance. | **1. See TCF #5 & #6 Documents** 2. Information Security Charter 3. Evidence that Leadership Meets on IT Security Issues: Meeting Emails/Meeting Agendas/ IT Security Annual Reports |
| TCF #8 | Security Compliance and Regulatory Requirements Management  Pertains to documentation for monitoring legislative and industry landscape to ensure IT Security Policy is updated based on applicability to the organization. | **1. See TCF #5, #6, & #7 Documents** |
| TCF #9 | Cloud Usage and Security  Pertains to documentation for assessing and evaluating cloud technology risk such as: Software as a Service (SAAS), Platform as a Service (PAAS), and Information as a Service (IAAS). | 1. Cloud security objectives - Documentation or notation of security risks if cloud services are used 2. SOC-1 and or SOC-2 Review of Cloud Service Providers |
| TCF #10 | Security Assessment and Authorization / Technology Risk AssessmentPertains to documentation for assessing security controls to ensure that security threats are mitigated within acceptable risk tolerances. | 1. Security Assessment and Authorization Policy and Procedures2. Latest Independent Security Assessment |
| TCF #11 | External Vendors & Third Party Providers  Pertains to documentation for evaluation of third-party and external vendor security. | 1. System and Services Acquisition Policy and Procedures 2. Vendor Access Policy  3. Agreements or Memorandums, ISA, MOU (Sample Contract Template) 4. Vendor Risk assessments |
| TCF #12 | Secure Application Development  Pertains to documentation for coding and application development security. | **1. See TCF #17, 21, & 22 Documents** |
| TCF #13 | Beta Testing  Pertains to documentation for testing projects and systems for security prior to implementing projects and systems into production environment. | **1. See TCF #17, 21, & 22 Documents** |
| TCF #14 | Penetration Testing  Pertains to documentation for testing the strengths and weaknesses of the organization's information system security based on a simulated attack. | 1. Penetration Testing reports |
| TCF #15 | Vulnerability Testing  Pertains to documentation for scanning an information system for vulnerabilities. | 1. Vulnerability Scanning Policies 2. Vulnerability Scanning reports |
| TCF #16 | Enterprise Architecture, Roadmap & Emerging Technology  Pertains to documentation for information security architecture. | 1. Current Network Diagram |
| TCF #17 | Secure System Services, Acquisition, and Development  Pertains to documentation for Security related to the systems development/acquisition life cycle (SDLC). | 1. Evidence of security roles incorporated into the SDLC process (Contract Template/Procedure) 2. Code Development Tool Dashboard Screenshot 3. Project Management Tool Dashboard Screenshot 4. SDLC Policies and Procedures |
| TCF #18 | Security Awareness & Training  Pertains to documentation for Security & Privacy Awareness Training. | 1. Security & Privacy Awareness Training Policies and Procedures  2. Security & Privacy Awareness Training Tool Dashboard Screenshot 3. Security & Privacy Awareness Training New Hire Curriculum 4. Security & Privacy Awareness Training Metrics |
| TCF #19 | Privacy Awareness & Training  See TCF #18 Documents. | **1. See TCF #18 Documents** |
| TCF #20 | Cryptography  Pertains to documentation for data encryption. | 1. Evidence of Cryptographic Server Key Management (if applicable) 2. Evidence that sensitive data is encrypted  3. Evidence of Encryption of data at rest - Methods or Processes |
| TCF #21 | Secure Configuration ManagementPertains to documentation for ensuring that baseline configurations and inventories of information systems (including hardware, software, firmware, and documentation) are established and maintained. | 1. Configuration Management Policy and Procedures2. Windows default domain policy (Account policies, Password Policies, account lockout policy)3. Screenshot of Configuration Management Tool |
| TCF #22 | Change Management  Pertains to documentation for managing changes to the organization's information system. | **1. See TCF #21 Documents** 2. Patch Management Policies & Procedures 3. Sample change ticket |
| TCF #23 | Contingency Planning  Pertains to documentation for emergency response, backup operations, and recovery for the organization's information system. | 1. Contingency Plan to include approval and update pages  2. Contingency Plan testing planning and the test results from the most recent test  3. Information System Backup Policy and Procedures  4. Evidence of System Backups - configuration file/encryption used/process used for storage and management of media or files |
| TCF #24 | Media (handling and data sanitization)  Pertains to documentation for the protection of digital/electronic and non-digital/paper information system media. | 1. Media Protection Policy and Procedures 2. Data Loss Prevention Tool Dashboard Screenshot 3. List of authorized personnel with access to restricted areas 4. Media Sanitization and disposal Records |
| TCF #25 | Physical and Environmental Protection  Pertains to documentation for the physical access to and physical protection of the organization's information system. | 1. Physical and environmental Protection Policy and Procedures 2. List of personnel with authorized access to facilities containing information systems (system software, network, application and database)  3. Access monitoring tools (e.g., badge readers, security alarms, video cameras)  4. Evidence that physical access logs are reviewed 5. Evidence of Data Center Emergency Lighting and power policies, procedures and testing (If Applicable) 6. Evidence of Fire Suppression and Detection System policies, procedures and testing (If Applicable) 7. Evidence of Data Center temperature and humidity monitoring policies, procedures and testing (If Applicable) 8. Evidence of Data Center water damage and detection policies, procedures and testing (If Applicable) |
| TCF #26 | Personnel Security  Pertains to documentation for ensuring that security is considered for individuals (employees) who have access to the organization's information systems. | 1. Personnel security policies and procedures 2. Sample of completed employee and vendor Background Check (Redact PII) **3. See TCF #11 & #29 Documents** |
| TCF #27 | Third-Party Personnel Security  Pertains to documentation for ensuring that security is considered for third parties, contractors, and vendors who have access to the organization's information systems. | 1. Personnel security policies and procedures 2. Sample of completed vendor Background Check (Redact PII) **3. See TCF #11 & #29 Documents** |
| TCF #28 | System Configuration Hardening & Patch Management  Pertains to documentation for security patching of the organization's information systems. | **1. See TCF #22 Documents** |
| TCF #29 | Access ControlPertains to documentation for processes used to ensure access to applications, servers, databases, and network devices in the environment is limited to authorized personnel. | 1. Access Control Policy and Procedures2. Windows GPO Setting Screenshots - Windows Security Policy or GPO for users accounts screenshot - ensure that password configurations, inactive login disabled date, and unsuccessful logins are enabled.3. Sample Employee Access provisioning evidence (Ticket or Email)... Redact PII4. Sample Employee Access termination evidence (Ticket or Email), Redact PII5. Evidence of last User Access Review |
| TCF #30 | Account Management  Pertains to documentation for processes used to establish the standards for the creation, monitoring, control, and removal of accounts which are used to access the organization's information systems | **1. See TCF #29 Documents** |
| TCF #31 | Security Systems Management  Pertains to documentation for administration, maintenance, monitoring, and ongoing support of IT security systems. Systems include firewalls, Intrusion Prevention Systems (IPS), Internet Proxy Servers, Security Information and Event Management (SIEM) systems, and other control enforcement or monitoring systems. | **1. TCF #7 Documents** 2. SIEM Tool Dashboard Screenshot 3. Firewall Tool Dashboard Screenshot 4. Data Loss Prevention Tool Dashboard Screenshot 5. Vulnerability Scanning Tool Screenshot 6. Spam Protection Tool Dashboard Screenshot 7. Malware Protection Tool Dashboard Screenshot |
| TCF #32 | Network Access & Perimeter Controls  Pertains to documentation for network access and perimeter controls.  **Note:** TWC Agency Boards are responsible for LAN. | **1. See TCF #29 & #37 Documents** |
| TCF #33 | Internet Content Filtering  Pertains to documentation for controls used to block access to Internet websites based upon specified criteria in order to protect the organization's information system from cyber threats.   Note: TWC Agency Boards responsible for LAN | **1. See TCF #29 & #37 Documents**  2. Firewall Tool Dashboard Screenshot |
| TCF #34 | Data Loss Prevention  Pertains to documentation for technology designed to detect and prevent potential data breach incidents where sensitive may be disclosed to unauthorized personnel. | 1. Data Loss Prevention Tool Dashboard Screenshot |
| TCF #35 | Identification and Authentication  Pertains to documentation for the verification of the claimed identity of users, processes, or devices as a prerequisite to permitting access. | 1. Identification and Authentication Policy and Procedures  2. Evidence of multi-factor authentication **3. See TCF #29 Documents** |
| TCF #36 | Spam FilteringPertains to documentation for spam protection mechanisms employed at information system entry and exit points. Also includes spam protection solutions used (e.g. McAfee Email Gateway). | 1. Spam protection tool Dashboard Screenshot |
| TCF #37 | Portable & Remote Computing   Pertains to documentation for remote access to the organization's information systems. | 1. Remote Access Policy and procedure and or VPN access procedure |
| TCF #38 | System Communications Protection  Pertains to documentation for controlling, monitoring, managing and protecting transmissions between information systems. | **1. See TCF #20 & #31 Documents**  2. System and Communications Protection Policy and Procedures  3. Example of information system security alerts, advisories, and directives received from internal and external sources |
| TCF #39 | Information Systems Currency  Pertains to documentation for the organization's planning for future information systems development and operations. | **1. See TCF #17 Documents** 2. Information System Modernization Strategy & Roadmap |
| TCF #40 | Vulnerability Assessment  Pertains to documentation for identifying and remediating security vulnerabilities in the organization's information systems. | **1. See TCF #14, #15 & #22 Documents** 2. Vulnerability Remediation Policy and Procedures |
| TCF #41 | Audit Logging and Accountability  Pertains to documentation for maintain the organization's information systems logs/records for investigatory and accountability purposes. | 1. Policies and Procedures related to auditing, to include the following:   a. Types of events audited   b. Security incidents audited   c. Evidence of Audit Log Review by appropriate personnel  2. List of Audit Logs captured from information systems  3. Security Monitoring Reports - Events that are monitored and managed as part of the event analysis process |
| TCF #42 | Malware Protection  Pertains to documentation for the prevention, detection and cleanup of Malicious Code (including virus, worm, Trojan, Spyware and other similar variants). | **1. See TCF #31 Documents** 2. Evidence of Malicious code protection mechanisms such as antivirus evidence automatic scanning |
| TCF #43 | Security Monitoring and Event Analysis  Pertains to documentation for the analysis of security events and alerts. | **1. See TCF #31, #38 & #41 Documents** |
| TCF #44 | Cybersecurity Incident Response  Pertains to documentation for Incident Response tracking, documenting, and reporting Cybersecurity incidents to appropriate officials and/or authorities. | 1. Incident Response Policy and Procedures 2. Incident Response Plan  3. For a sample of one logical security incident that occurred during the period of review, evidence supporting the IRP process:   a. Notifications or communication received describing the security incident   b. Description of the actions taken to resolve the security incident |
| TCF #45 | Privacy Incident ResponsePertains to documentation for Incident Response tracking, documenting, and reporting Privacy incidents to appropriate officials and/or authorities. | **1. See TCF #44 Documents** |
| TCF #46 | Disaster Recovery Procedures  Pertains to documentation for managing the recovery of data and applications in the event of loss or damage. |  |