

Request for Proposal

for

Strategic Communications and Public Outreach Support

for

Workforce Solutions Capital Area

**Release Date: ­­­­March 4, 2022, 12:00 PM (CST)**

**Response Due: March 18, 2022, 12:00 PM (CST)**

**9001 N I-35, Suite 110E**

**Austin, Texas 78753**

**(512) 597-7100**

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



Workforce Solutions Capital Area is an Equal Opportunity Employer/Program.

Auxiliary aids and services are available, upon request, to persons with disabilities.

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

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# SECTION I – GENERAL INFORMATION

## PURPOSE OF REQUEST FOR PROPOSAL (RFP)

Workforce Solutions Capital Area Workforce Board (Board) is seeking proposals from experienced professional firms to provide strategic communications and public outreach/marketing services to the Board.

## BACKGROUND INFORMATION

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

The Board was organized in 1984 as a non-profit corporation in the State of Texas, with tax-exempt status under IRS code 501(c)(3). It is part of the Texas Workforce Solutions Network – comprised of the Texas Workforce Commission (TWC) and twenty-eight (28) local workforce boards.

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

## ELIGIBLE PROPOSERS

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

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

## SCOPE OF WORK

The contractor will provide the following services to Workforce Solutions Capital Area (WFS):

**Strategy:**

1. Work with WFS business units to develop customer personas (i.e., find customer needs, pain points, and lifecycle stages) for service lines to better inform messaging and improve connection with customers. This includes, but is not limited to:
   1. Customers seeking job training services, and
   2. Employers seeking well-qualified employees.
2. Develop creative strategy to align and improve creative assets and messaging that are needed for general outreach, engagement, and enrollment. This includes, but is not limited to:
   1. Direct job seeker engagement; and
   2. Employer recognition programs and industry sector partnerships.
3. Help develop and set KPIs to measure outcomes of customers reached and engagement toward conversion.
4. Seek to coordinate with and compliment other related business-to-business and business-to-consumer optimization efforts of WFS.

**Public outreach functions (related to programs administered by WFS):**

1. Assist in finding opportunities for and developing media pitches aimed toward increasing participation in job seeker programs and employer initiatives.
2. Assist in planning (i.e., agenda-setting, messaging, and logistics) and attending events. This includes, but is not limited to, media events and community engagement sessions (estimated one per month) to connect the community and employers with WFS’ services.
3. Assist in the development of talking points for CEO or designee for special events and press conferences.
4. Support WFS staff in the development of print/digital content to promote programs, events, and/or outreach campaigns.
5. Assist in the development of social media calendar in consultation with WFS departments.
6. On an as needed basis, serve as a communications consultant to promote WFS’ programs, initiatives, and/or events for public outreach purposes.

**Evaluation:**

1. Marketing/Outreach review to include a full review of all marketing efforts, which will occur every 6 months. This review will identify opportunities for WFS to enhance their marketing/outreach services.

**Note/Budget:** These services will not include media buys, billing costs, or other indirect costs.

## PROCUREMENT STANDARD

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

# SECTION II – CONTRACT INFORMATION

## AWARD

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

## CONTRACT PERIOD

The contract period for the successful proposal will be 12 calendar months from the date of the award. The contract may be extended up to 4 one-year renewal terms without further procurement based on satisfactory performance and available resources, at the discretion of WFS. WFS reserves the right to modify the scope of work to reflect lessons learned and needs of the Board. The contract may be terminated by either party with a 30-day written notice.

1. **FUNDING CLAUSE**

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

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

# SECTION III – SUBMISSION INFORMATION

## SUBMISSION

Electronic copy must be emailed to **WFS Procurements** at [wfs.procurements@wfscapitalarea.com](mailto:wfs.procurements@wfscapitalarea.com) by Response Deadline, **12:00PM (CST)** **on March 18, 2022.** Proposals received after the due date and time will not be accepted or considered under this procurement. No exceptions will be made to this requirement for any reason.

## PROCUREMENT SCHEDULE

|  |  |
| --- | --- |
| **RFP Release Date** | **March 4, 2022 12:00PM (CST)** |
| **RFP Questions Deadline** | **March 9, 2022 by 12:00PM (CST)** |
| **WFS Response to Questions** | **March 14, 2022 12:00PM (CST)** |
| **Response Deadline** | **March 18, 2022 by 12:00PM (CST)** |
| **Electronic Submission Email** | [**wfs.procurements@wfscapitalarea.com**](mailto:wfs.procurements@wfscapitalarea.com) |
| **Expected Contracting Decision** | **March 25, 2022** |
| **Estimated Contract Start** | **April 1, 2022** |

*\* Dates are subject to change.*

## TECHNICAL ASSISTANCE

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

**Email:** [wfs.procurements@wfscapitalarea.com](mailto:wfs.procurements@wfscapitalarea.com).

Questions will be addressed and provided to all respondents if they are received by March 9, 2022, 12:00 p.m. (CST). Responses to all questions received will be posted on the Boards website at <http://www.wfscapitalarea.com/procurements> by March 14, 2022, 12:00 p.m. (CST). Neither Workforce staff, contractor employees nor board members may provide individual assistance in writing proposals; only technical questions may be answered.

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

## AVAILABILITY OF RFP

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

## PROPRIETARY INFORMATION AND THE TEXAS PUBLIC INFORMATION ACT

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

# SECTION IV – PROPOSAL REVIEW AND SELECTION PROCESS

## PROPOSAL EVALUATION CRITERIA

Proposals will be evaluated to determine if the respondent has the organizational capability, demonstrated experience, and reasonableness in cost to perform the scope of work in this RFP. A proposal must achieve an overall score of at least 70 points (excluding HUB/SWMBE bonus points) to be considered for selection and contract award. WFS will base the review and evaluation of proposals upon the following criteria:

|  |  |  |
| --- | --- | --- |
| Consideration Item # | Title | Maximum Point Value |
| 1 | Experience of Key Personnel | 40 |
| 2 | Comparable Project Experience | 30 |
| 3 | Price Proposal | 30 |
| 4 | HUB/SWMBE (Bonus Points) | 5 |

**Consideration Item 1: Experience of Key Personnel**

WFS is interested in the experience of the Key Personnel that demonstrates history and success with projects of similar programs, budgets, and/or clients as the project described in this solicitation. List two (2) projects meeting these criteria which have been completed in the past five (5) years for each Key Personnel.

* Identify each Key Personnel and briefly describe their credentials.
* Attach a resume of no more than two (2) pages for each individual.

**Consideration Item 2: Comparable Project Experience**

WFS is interested in the firm's history and success with projects of similar programs, budgets, and/or clients as the project described in this solicitation. List three (3) projects meeting these criteria, which have been completed in the past five (5) years.

* Provide a narrative not to exceed two (2) pages per project.

**Consideration Item 3: Price Proposal**

Proposers may furnish pricing for all or any portion of the solicitation (unless otherwise specified). However, WFS may evaluate and award the contract for any item or group of items shown on the solicitation, or any combination deemed most advantageous to WSA.

* Provide identified costs (i.e. project costs and/or per-hour costs relevant to the scope of work) not to exceed one (1) page.

**Consideration Item 4: HUB/SWMBE**

“Historically Underutilized Business” (HUB) is an entity at least fifty-one percent (51%) owned and operated by minority group members as defined by State law, including female-owned businesses. A “small, woman-owned, minority business enterprise” (SWMBE) is a for-profit independent operating business that is at least 51% owned, operated, and controlled by minority person(s) and/or a woman or women. The ownership by minorities and women must be real and substantial.

* A copy of current certification certificate is required.

# SECTION V – PROPOSAL RESPONSE REQUIREMENTS

## SEQUENCE OF SUBMISSION

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

* Table of Contents
* Executive Summary
* Proposal Narrative
* Budget
* Completed Attachments A-K

**Table of Contents**

Proposals must include a Table of Contents that lists each item of the proposal, including attachments, with corresponding page numbers. Items must be in the order as specified in *Section V, Item A* above.

**Executive Summary**

Provide a brief (not to exceed 1 page) executive summary highlighting your organization’s history; qualifications and competence; demonstrated performance; overall approach to providing strategic communications and public outreach services solicited in this RFP; expected outcomes (goals and objectives); and any unique or innovative aspects of your service delivery.

**Proposal Narrative**

The proposal should provide a complete description of services described/requested in Section IV of this RFP in narrative form as instructed. Narrative responses for each item should be clear, concise, and relevant. Be sure to include all required attachments. If selected and approved for the award of a contract, this section will be used as the basis for the Statement of Work in an executed contract.

**Budget**

Provide a total cost to WFS, including a listing of project costs and/or per-hour costs relevant to the scope of work.

**Completed Attachments A-K**

Failing to submit the signed attachments will disqualify a proposal from consideration.

# SECTION VI – RFP GENERAL INFORMATION

## A. PROCESS TO PROTEST

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

**Step 1. Requests for Debriefing**

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

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

Tamara Atkinson, Chief Executive Officer

Workforce Solutions Capital Area

9001 N IH35, Ste 110E

Austin, TX 78753

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

**Step 2. Debriefing**

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

**Step 3. Written Notice of Appeal**

If, after the debriefing, the appealing party wishes to initiate the appeals process, they must submit to the Board a Notice of Appeal. This written notice must clearly state that it is an appeal and identify the funding decision being appealed (i.e. specific date of the RFP, or the Workforce Board of Directors’ action); the name, address, and phone number of the appealing party(s); and specify the grounds of the appeal, including evidence to substantiate the grounds.

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

Tamara Atkinson, Chief Executive Officer

Workforce Solutions Capital Area

9001 N IH35, Ste 110E

Austin, TX 78753

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

All Appeals must contain the following information:

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

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

**Step 4. Informal Hearing**

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

**Step 5.** **Request for a Formal Hearing**

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

**Step 6. Formal Hearing**

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

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

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

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

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

## B. EQUAL OPPORTUNITY/NON-DISCRIMINATION

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

* Section 188 of the Workforce Innovation and Opportunity Act of 2014 (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in United States or participation in any WIOA Title I financially assisted program or activity.
* Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin.
* Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities.
* The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age.
* Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination of the basis of sex in education programs.

The proposer also assures that it will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title financially assisted program or activity.

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

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

## OPEN RECORDS

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

# ATTACHMENT A - PROPOSER INFORMATION

**REQUEST FOR PROPOSAL**

Strategic Communications and Public Outreach Support

|  |  |
| --- | --- |
| **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 B - CERTIFICATION OF PROPOSER

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

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

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

I, certify that I am the

(Typed Name)

of the corporation, partnership, organization, or other

(Typed Title)

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

(Signature)

(Address)

(Phone)

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

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

The undersigned contractor certifies that:

(1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.

(2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form — LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

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

The undersigned contractor certifies that neither it nor its principals:

1. Are presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency.
2. Have not within a three-year period preceding this contract been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, State or Local) transaction or contract under a public transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity with commission of any of the offenses enumerated in Paragraph (2) of this certification; and,
4. Have not within a three-year period preceding this contract had one or more public transactions terminated for cause or default.

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

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

The undersigned contractor certifies that it shall provide a drug-free workplace by:

(1) Publishing a policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace and specifying the consequences of any such action by an employee;

1. Establishing an ongoing drug-free awareness program to inform employees of the dangers of drug abuse in the workplace, the Contractor's policy of maintaining a drug-free workplace, the availability of counseling, rehabilitation and employee assistance programs, and the penalties that may be imposed on employees for drug abuse violations in the workplace;
2. Providing each employee with a copy of the Contractor's policy statement;
3. Notifying the employees in the Contractor's policy statement that as a condition of employment under this contract, employees shall abide by the terms of the policy statement and notifying the Contractor in writing within five days after any conviction for a violation by the employee of a criminal drug statute in the workplace;
4. Notifying Workforce Solutions within ten days of Contractor's receipt of a notice of a conviction of an employee; and,
5. Taking appropriate personnel action against an employee convicted of violating a criminal drug statute or requires such employee to participate in a drug abuse assistance or rehabilitation program.

These certifications are a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction.

Signature and Date

Type Name and Title

# ATTACHMENT D - TEXAS CORPORATE FRANCHISE TAX CERTIFICATION

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

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

Indicate the certification that applies to your corporation:

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

 The Corporation is a non-profit corporation or is otherwise not subject to payment of franchise taxes to the State of Texas.



Signature Date

Type Name and Title

# ATTACHMENT E - STATE ASSESSMENT CERTIFICATION

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

The firm or individual certifies that:

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

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

Signature and Date

Type Name and Title

# ATTACHMENT F - CERTIFICATION REGARDING CONFLICT OF INTEREST

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

1. no manager, employee or paid consultant of the Proposer is a member of the Board, the Executive Director, or an employee of the Board;

1. no manager or paid consultant of the Proposer is married to a member of the Board, the Executive Director, or an employee of the Board;

1. no member of THE BOARD, the Chief Executive Officer or employee of the Board owns or controls more than a 10 percent interest in the Proposer;

1. no spouse or member of the Board, Chief Executive Officer or employee of the Board is a manager or paid consultant of the Proposer;

1. no member of the Board, the Chief Executive Officer or employee of the Board receives compensation from Proposer for lobbying activities as defined in Chapter 305 of the Texas Government Code;

1. Proposer has disclosed within the Proposal any interest, fact or circumstance which does or may present a potential conflict of interest;

1. should Proposer fail to abide by the foregoing covenants and affirmations regarding conflict of interest, Proposer shall not be entitled to the recovery of any costs or expenses incurred in relation to any contract with the Board and shall immediately refund to the Board any fees or expenses that may have been paid under the contract and shall further be liable for any other costs incurred or damages sustained by the Board relating to that contract.

Disclosure of Potential Conflict of Interest (Please describe):

Name of Organization

Signature of Authorized Representative Date

Typed/Printed Name and Title of Authorized Representative

# ATTACHMENT G - CERTIFICATION OF LEGAL AND SIGNATORY AUTHORITY

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (typed or printed name) certify that I am the

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

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

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

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

Name of Organization (Proposer)

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

Signature of Authorized Representative

Date

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

Typed/Printed Name and Title of Authorized Representative

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

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

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

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

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

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

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

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

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

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

Signature of Authorized Representative Date

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

Name and Title of Authorized Representative

# ATTACHMENT I - UNDOCUMENTED WORKER CERTIFICATION

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

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

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

DEFINITION OF TERMS

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

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

CERTIFICATION

Name of Individual or Organization submitting a proposal: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

Signature of Authorized Representative: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

# ATTACHMENT J - 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)

# ATTACHMENT K - BUSINESS REFERENCES

Failure to provide and include the following information with your response by the submission date may result in disqualification from further consideration for an award resulting from this solicitation. Each reference may be contacted for evaluation purposes.

**REFERENCE #1:**

|  |  |
| --- | --- |
| Company Name |  |
| Contact Name |  |
| Address, City, State, Zip |  |
| Phone Number |  |
| Fax Number |  |
| E--­Mail Address |  |
| Types of Services Provided |  |
| Contract Term (To/From) Dates |  |

**REFERENCE #2:**

|  |  |
| --- | --- |
| Company Name |  |
| Contact Name |  |
| Address, City, State, Zip |  |
| Phone Number |  |
| Fax Number |  |
| E--­Mail Address |  |
| Types of Services Provided |  |
| Contract Term (To/From) Dates |  |

**REFERENCE #3:**

|  |  |
| --- | --- |
| Company Name |  |
| Contact Name |  |
| Address, City, State, Zip |  |
| Phone Number |  |
| Fax Number |  |
| E--­Mail Address |  |
| Types of Services Provided |  |
| Contract Term (To/From) Dates |  |