



**# PY15-RFP- 0001
REQUEST FOR PROPOSALS
FOR
TEXAS RISING STAR ASSESSOR
SERVICES**

Issuance Date:	February 4, 2015
Deadline for Questions:	February 9, 2015
Questions/Answers Posted:	February 11, 2015
Proposal Due:	<u>February 13, 2015</u>
Evaluation Period:	February 17 - 19, 2015

Golden Crescent Workforce Development Board, Inc.
dba Workforce Solutions Golden Crescent
www.gcworkforce.org
120 South Main Street, Suite 501
Victoria, Texas 77901

REQUEST FOR PROPOSAL

The Golden Crescent Workforce Development Board dba Workforce Solutions Golden Crescent is soliciting proposals from qualified organizations/individuals to provide assessor services to current Texas Rising Stars (TRS) providers and to child care providers who may be seeking TRS certification in the Golden Crescent Area. Request for Proposal (RFP) # PY15-RFP- 0001 may be picked up in person on and after 10:00 AM CST, Wednesday, February 4, 2015, at the Board offices located at 120 S. Main, Suite 501, Victoria, TX 77901. The RFP will also be available on the Board's website (www.gcworkforce.org) on and after the above date and time.

No Proposer's Conference will be held for this procurement however, questions may be submitted to josetroncoso@gcworkforce.org on or before 5:00 PM CST, Monday February 9, 2015. All questions and answers will be posted on the Board's website on Wednesday, February 11, 2015

Proposals to this RFP must be physically received by the Board Offices no later than 6:00 PM CST, Friday February 13, 2015.

Workforce Solutions Golden Crescent is an Equal Opportunity Employer/Program. Auxiliary aids are available upon request to individuals with disabilities. Relay Texas: Telecommunication Device for the Deaf (TDD)

INTRODUCTION

The Golden Crescent Workforce Development Board dba Workforce Solutions Golden Crescent (hereafter called “Workforce Board”) is a 501(c)(3), a not-for-profit corporation in the State of Texas. It is governed by a 27 member Board of Directors appointed by the local Chief Elected Officials in accordance with the provisions of Texas Senate Bill 642, Texas House Bill 1863 and the Federal Workforce Investment Act of 1998.

The Board of Directors represent a partnership of private sector, organized labor, community based organizations (CBOs), education, public employment service (TWC), vocational rehabilitation, public assistance, economic development, local literacy councils and adult education. The Board administers and acts as fiscal agent for programs consolidated at the local level and is responsible and accountable for the management of all workforce development funds made available to the local workforce development area. Grants are received from the Texas Workforce Commission and may include state funds, and federal funds from the U. S. Departments of Labor, Health and Human Services, and Agriculture. Please see the Board’s website for additional information on the workforce programs and locations of the local workforce centers within the Golden Crescent service delivery area (www.gcworkforce.org).

The Workforce Board is the oversight entity and fiscal agent for workforce development services and administers the procurement of goods and services that meets compliance with federal/state regulations. The primary responsibility of the Workforce Board is to identify the workforce needs and issues of the Workforce Board area and, provide policy and program guidance and evaluation of workforce development programs and services that affect area employers, residents and job seekers. The Workforce Board area consists of Gonzales, Lavaca, Dewitt, Goliad, Calhoun, Jackson and Victoria counties.

PURPOSE OF REQUEST FOR PROPOSALS (RFP)

This Request for Proposal (RFP) provides potential respondents with vital background information and describes the desired services, guidelines for submitting a response, and the selection process. Potential respondents are strongly encouraged to:

- 1) Read the RFP carefully; and
- 2) Provide all necessary information and ask questions or seek technical assistance on points or concepts that are unclear.

The purpose of this RFP is to solicit for qualified professionals to provide assessor services to current Texas Rising Star (TRS) providers and to child care providers who may be seeking TRS certification in the Golden Crescent Area.

The Workforce Board is responsible for the development and delivery of child care quality improvement within our respective counties: Gonzales, Lavaca, Dewitt, Goliad, Calhoun, Jackson and Victoria counties. Workforce Solutions Golden Crescent provides subsidized services to an average of 800 children per day.

The Texas Rising Star program is a Texas Workforce Commission accreditation program that is administered by each Board at the local level. The Texas Rising Star program is a voluntary process where a child care provider can choose to have an outside entity come in and evaluate their program. The evaluation will consist of a standard set of criteria that exceeds the minimum standards required by child care licensing for health and safety, group size, child/staff ratios, caregiver training, and age-appropriate curricula and activities. Child Care providers who choose to become accredited as a Texas Rising Star are evaluated annually to ensure they continue to meet accreditation standards. The Texas Rising Star certification system offers three certification levels in center-based care (2-star, 3-star and 4-star) and two levels in home-based care (provisional or full) to encourage providers to attain progressively higher certification requirements. Each star reflects a higher level of quality that has been achieved by the provider. A Four Star provider has met the highest quality standards for this accreditation. Texas Rising Star certification is available for licensed child care center, licensed child care home, and registered child care home providers who meet the certification criteria.

SERVICES SOLICITED IN THIS RFP

This Request for Proposals (RFP) provides a uniform method for the procurement of these services. It contains the necessary background, requirements, instructions, and information corresponding to this RFP. Services solicited in this RFP for Texas Rising Star Assessor Services are to ensure that current TRS providers have met State requirements to remain at the current TRS level or to attain a higher level of TRS certification, and that non TRS providers have met State requirements to attain a TRS status in a Workforce Solutions Golden Crescent area. The Texas Rising Star Assessor will be responsible for performing effective assessments for the current Texas Rising Star providers and potential providers interested in the Texas Rising Star program. The Assessor will be responsible for coordinating and implementing TRS assessment related activities, including:

- Conducting scheduled and un-announced TRS provider assessments (or re-certifications) as determined by the Board;
- Conducting observations in support of completing a TRS provider assessment process provided in WD Letter 08-14 <http://www.twc.state.tx.us/boards/workforce-policy-and-guidance.html#childcare>;
- Submitting written detailed reports summarizing findings and justification for assessment scores; and
- Coordinating TRS schedules and maintaining contact with each Board's contact person regarding work load and required expectations of the Assessor.

Respondents **must** meet the following qualifications presented for Texas Rising Star (TRS) Assessor:

Minimum Education

- Bachelor's degree from an accredited four-year college or university in early childhood education, child development, special education, child psychology, educational psychology, elementary education, or family consumer science;
- Bachelor's degree from an accredited four-year college or university with at least 18 credit hours in early childhood education, child development, special education, child psychology, educational psychology, elementary education, or family consumer science with at least 12 credit hours in child development; or
- Associate's degree in early childhood education, child development, special education, child psychology, educational psychology, elementary education, or family consumer science with two years of experience as a director in an early childhood program, with preference given for required experience with a provider that is accredited or TRS certified.

Minimum Work Experience

- One year of full-time early childhood classroom experience in a child care, Early Head Start, Head Start, or prekindergarten through third grade school program

Demonstrated Knowledge

- Best practices in early childhood education
- Understanding of early childhood evaluations, observations, and assessments for both teachers and children
- ITERS, ECERS-R, FCERS, TBRs, CLASS, or other assessment tools

Other Preferred Knowledge

- Understanding of TRS Certification Guidelines and the minimum standards of Texas child care licensing
- Bilingual (English and Spanish speaker)
- Ability to relate to individuals from culturally diverse backgrounds
- Microsoft Word and Excel, Internet, and comfortable using e-mail and entering data on a PC tablet
- Detail oriented with strong oral and written communication skills
- Basic administrative skills, including recordkeeping and use of a computer for data management and professional communication

Required Continuing Education and Professional Development

Mandatory training for all ***TRS Assessors and Mentors is scheduled for March 1-6, 2015 in Austin.*** Respondents must be available to attend this training. Reimbursement for mileage, meal per diem, and hotel accommodations are available; however, respondents will be responsible for other out-of-pocket expenses.

- Participation in required annual professional development and continuing education which meets or exceeds child care licensing minimum-training requirements for a center director must be satisfied on an annual basis.
- Must successfully complete training period before engaging in an action under this grant.

- Must be available to attend required training as mandated by TWC. Training may require travel within Texas and participation may total 3 or more days.
- TWC mandated TRS Assessor Trainings and travel costs are allowable and shall be reimbursed by the board

For Texas Department of Family and Protective Services Child Care Licensing regulations on required center director professional development and continuing education requirements, see Section 746.1311 at http://www.dfps.state.tx.us/documents/Child_Care/Child_Care_Standards_and_Regulations/746_Centers.pdf.

The purpose of the **Texas Rising Star Program** is to offer quality care that exceeds the State's Minimum Licensing Standards for health and safety, group size, child/staff ratios, caregiver training, and age-appropriate curricula and activities.

Objectives for **Texas Rising Star Certification** are:

- To improve the quality of child care offered by providing high quality child care options;
- To ensure that children are offered care that promotes their social, emotional, physical and intellectual development; and
- To promote early physical, emotional, social and intellectual development of children who are the state's future workforce.

The complete Texas Rising Star Provider Certification Guidelines are available at:

<http://www.twc.state.tx.us/svcs/childcare/provcert.html>

ADMINISTRATION OF THIS REQUEST FOR PROPOSALS (RFP)

The RFP is issued at 10:00 a.m. CST, Wednesday February 4, 2015 and available at the Workforce Solutions Golden Crescent office at 120 South Main, Suite 501, Victoria, Texas 77901 during normal business hours (Monday through Friday, 8:00 a.m. – 5:00 p.m.) and to download from the Workforce Solutions Golden Crescent website: www.gcworkforce.org. If you are unable to download the RFP, please contact: josetroncoso@gcworkforce.org or (361) 576-5872.

The package must contain all the necessary information and forms to respond to this RFP. A response to this RFP should include one (1) complete original proposal for services with signatures and three (3) exact copies. Workforce Solutions Golden Crescent is not responsible for any errors or omission or otherwise on the part of the U.S. Postal Service or other carrier regarding proof of mailing. **All proposals for services must be submitted by 6:00 p.m. CST, Friday February 13, 2015**

Proposals must be typed, 12 font, and submitted on materials in accordance with instructions in this RFP. The information requested may be mailed or hand delivered. **No fax or emailed proposal will be accepted.** Responses must be addressed/externally labeled as follows:

Texas Rising Star Assessor Services Attn: Procurement Workforce Solutions Golden Crescent 120 South Main, Ste. 501, Victoria, Texas 77901

Bidders' Conference

There will be no Bidders' Conference to respond to questions about the RFP; however, respondents may e-mail any questions to josetroncoso@gcworkforce.org via email by February 9, 2015 with final responses, clarifications or amendments posted at gcworkforce.org on Wednesday February 11, 2015 by 6:00 p.m. CST. This is the only opportunity for potential respondents to ask questions.

Selection of Awards

Selected Texas Rising Star Assessors will be placed on a vendors' list for availability of assessor services. Vendors will remain on the list until removed for lack of availability of funding and satisfactory performance in accordance with Texas Workforce Commission and Board's requirements. Vendors will be assigned on an as need basis to provide assessor

services for child care providers in Workforce Golden Crescent counties between the hours of 7:00 a.m. and 6:00 p.m. Monday through Thursday. Dates, times and locations will be provided to selected respondents as assessment is determined for the participating providers.

Individuals selected as an Assessor will be required to undergo a background check prior to conducting any work in a child care facility (center or home) on behalf of Workforce Solutions Golden Crescent. A background check will be required and an award is contingent upon completion and provision of completion of a background check. Any associated expense related to the required background check will be the responsibility of the contracted Assessor.

Services Period

The anticipated service period for availability on a vendor's list is March 1, 2015 through October 31, 2015. Assessor Services may be extended for up to two (2) additional years through October 2017 depending upon performance and availability of resources.

GOVERNING PROVISIONS AND LIMITATIONS

A. The main purpose of this RFP is to ensure uniform information in the solicitation of proposals and procurement of the Texas Rising Star Assessor Services. A response to this RFP is not to be construed as a purchase agreement or contract, or as a commitment of any kind; nor does it commit the 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 the Workforce Solutions Golden Crescent.

B. Workforce Solutions Golden Crescent reserves the right to accept or reject any or all proposals received, to cancel and/or reissue this RFP in part or its entirety.

C. Workforce Solutions Golden Crescent reserves the right to correct any error(s) and/or make changes to this solicitation as it deems necessary.

D. Workforce Solutions Golden Crescent reserves the right to negotiate the final terms of any and all contracts or agreements for placement on the vendors' list with respondents 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's local plan and impose additional requirements and refinements in the terms and conditions, proposal for assessor services, performance measures, and funding amounts during the course of any agreement.

E. All Board Directors, officers, and staff, or any agents of the Board are precluded from entertaining questions concerning the proposal or this procurement process outside the confines of the formal Questions and Answers process. Potential respondents, respondents and contractors are asked to respect these conditions by not making personal requests for assistance. No employee, member of a Board of Directors or other governing body, or representative of a respondent who submits a proposal under this RFP may have any contact outside of the formal review process with any employee of Workforce Solutions Golden Crescent, or any member of the Board of Directors for purposes of discussing or lobbying on behalf of respondent's proposal. This contact includes written correspondence, telephone calls, personal meetings, e-mail messages, or other kinds of personal contact. Workforce Solutions Golden Crescent will reject proposals of those respondents who violate this condition.

F. Workforce Solutions Golden Crescent reserves the right to contact any individual, agency employer, or grantees listed in a proposal, to contact others who may have experience and/or knowledge of the respondent's relevant performance and/or qualifications; and to request additional information from any and all respondents.

G. Workforce Solutions Golden Crescent or its designee will conduct a review of records, systems, procedures, etc. of any entity selected for funding. This may occur prior to, or subsequent to, the award of a contract or agreement. Misrepresentation of the respondent's ability to perform as stated in the proposal(s) may result in cancellation of any

contract or agreement for services on the vendors' list that is awarded.

H. Workforce Solutions Golden Crescent reserves the right to withdraw or reduce the amount of an 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.

I. Respondents shall not under penalty of law, offer or provide any gratuities, favors, or anything of monetary value to any officer, member, employee, or agent of the Board, for the purpose of having an influencing effect toward their own proposal or any other proposal submitted hereunder.

J. Workforce Solutions Golden Crescent reserve the right to deem a proposal 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.

K. Selected vendor must comply with Texas Government Code §2264 and WD Letter 07-08 and applicable changes in reference to public subsidies provided to employers.

L. Workforce Solutions Golden Crescent reserves the right to conduct credit check, criminal history, drug tests, and other background investigation of the selected proposer and, if a corporation, its directors, shareholders, or partners and managerial and supervisory personnel retained by the proposer for the performance of the contract

SELECTION PROCESS

Selection of vendor(s) shall be in accordance with the principles stated in the Board's plan and State plans, as well as other applicable laws, regulations and policy issuances from Federal, State, and Local entities.

A. A consideration in selecting vendors or organizations to deliver services shall be the demonstrated performance of the vendor or organization in delivering comparable or related services. Performance in this or similar activities shall be considered when awarding points for past performance. Other performance with this Board will be considered in evaluation for proposals received in response to this RFP.

B. Funds provided under this RFP shall not be used to duplicate facilities or services available in the area (with or without reimbursement) from the Federal, State or local sources, unless it is demonstrated that alternative services or facilities would be more effective or more likely to achieve the local workforce development area's performance goals.

C. The proposal review process will include: evaluation, rating, and ranking of proposals by qualified staff using the general criteria specified in "**EVALUATION CRITERIA/POINT VALUE**" below. The proposal review process will also include review, approval to negotiate and selection for award of vendor services by the Board of Directors.

EVALUATION PROCESS

Responsive proposals submitted by the deadline are evaluated using the objective criteria below. Workforce Solutions Golden Crescent assigns professional staff or qualified outside evaluators to read and evaluate each proposal. Parts of the scoring are scored independently by each reader; the final scores for those parts will be the average of the independent scores of all readers. All references are validated and scores included in the evaluation process. In selecting proposals for award of contract or agreement for vendor services, Workforce Solutions Golden Crescent reserves the right to depart from the strict ranking by evaluation scores, whenever it deems such departure will better serve the best interests of Workforce Solutions Golden Crescent and its constituents.

EVALUATION CRITERIA/POINT VALUE

Responsive proposals submitted by the deadline will be evaluated using the following criteria:

Responsiveness to RFP

10

The extent to which the requirements of the RFP have been complied with, including certifications, good business ethics, and commitment to non-discrimination.

Qualifications

30

The respondent must meet the qualifications specified in the “Services Solicited” section of this RFP. Provide a resume, transcripts, and copies of certifications.

Demonstrated Experience/References

35

Include specific experience demonstrating technical competence in providing evaluations/assessments of child care providers, early head start, and/or pre-k – 3rd grade school programs within the last 2 years. Relevant experience must include the dates of services, description and the organizations for which the services were provided, contact names and phone numbers, and contract amount. Also, provide three references including contact name, phone number and email address.

Cost

25

Cost reasonable, necessary, allocable, and allowable. Proposed rate should be inclusive of necessary expenses including mileage. An estimated number of hours per evaluation/assessment should be identified by facility type. All proposed costs are significant competitive variables in this procurement.

TOTAL POSSIBLE POINTS

100

Proposer Inquiry and Appeal Process

The Golden Crescent Workforce Development Board, Inc. dba Workforce Solutions Golden Crescent is the responsible authority for handling complaints or protests regarding the procurement and proposal selection process. “The Commission shall accept no protest or dispute appeal until all administrative remedies at the contractor level have been exhausted.” These issues include, but not limited to, protests, disputes, and claims.” Matters concerning violation of law shall be referred to such authority as may have proper jurisdiction. (TWC Financial Manual for Grants and Contracts, Chapter 14, Procurement, July 1, 2005)

Respondents not selected by this process may appeal the decision by submitting, within 10 days of the Board notification of the procurement decision, a written request for debriefing. A copy of the complete appeal process will be provided upon request. The Request for Debriefing should be sent registered mail or hand delivered (a receipt will be issued), clearly identified externally as “Dated Material” and addressed to: **Henry Guajardo, Executive Director, Workforce Solutions Golden Crescent, 120 South Main Street, Suite 501, Victoria, Texas 77901.**

RESPONSE CHECKLIST AND ORDER OF SUBMISSION

The proposal must be submitted in order as Attachments:

A. Proposal Cover Sheet

B. Proposal for TRS Assessor Services

C. Certification of Bidder

D. Certificate Regarding Debarment

E. Certificate Regarding Drug-Free Workplace

F. Certificate Regarding Lobbying

G. Certificate Regarding Conflict of Interest

H. Texas Corporate Franchise Tax Certification

Submit the following items as Additional Attachments in the bidder’s response.

- I. Non-Discrimination Statement/Policy (Please attach this information as Attachment I)

Attachment A: Respondent Cover Sheet

PY15-RFP- 0001 for Texas Rising Star Assessor Services

Date and Time Submitted: _____ (obtain receipt from the Workforce Board Procurement Section if response is hand delivered; if response is mailed, use certified mail – return receipt requested).

Submitted by:

Legal Name of Respondent Agency: _____

Physical Address: _____

Mailing Address: _____

Contact Person: _____ Title: _____ Telephone #: _____

Fax #: _____ E-mail address: _____

Signature and Title of Individual having Contract Signature Authority:

Signature: _____ Date: _____

Title: _____

Tax/ Legal Status:

_____ State Government Agency _____ Local Government _____ Union

_____ College / University _____ Local School District _____ Non-Profit

Private for-Profit _____ Other _____

Federal Employer Identification Number: _____

Texas Comptroller ID Number: _____

Historically Underutilized Business (HUB):

HUB Certification Number: _____

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Attachment B: Organizational Capacity

This section formally introduces your organization and its proposed solution. Include a brief summary of your company's background, capabilities, and qualifications for providing Texas Rising Star Assessor Services. Describe your organization's capacity to provision; provide support and training as well as maintenance planning for College and Career Preparation Software Solution services proposed. Include for example:

1. Staffing
 - a. Organizational chart with lines of authority
 - b. Resumes of key management staff
 - c. Identification of all staff, by position and responsibilities

Describe your organizations past experience providing assessor services related to these items, and provision of services at levels described within the RFP. Include for example:

1. Past performance in providing assessor services of a similar type and complexity.
2. Current or most recent contracts related to assessor services (other than Upper Rio Grande Workforce Development Board contracts).
Or, if no other current or recent contracts, state as such.

Attachment C: Financial Documentation

All vendors must provide evidence of financial stability prepared by a certified public accountant. Please see below for the specific required documentation that must be attached to the application to be approved.

Private for Profit

- Articles of Incorporation and By-laws
- A current Certificate of Good Standing from Comptroller of the State of Texas evidencing that said (for-profit) corporation or other legal entity is in good standing with the State of Texas.
- An audited balance sheet, financial statement or audit for the most recent year.

Private Non-Profit

- IRS Tax exemption certificate (a copy of 501(C)3) and (one of the 3 bulleted items)
- If your organization has more than \$500,000 in annual revenues, please attach an A133 audit
- If your organization has less than \$500,000 in annual revenues, please attach a copy of IRS Form 990 (most recent year's)
- Provide an audited balance sheet, financial statement or audit for the most recent reporting period.

Community College / Local University / School District

- IRS Tax exemption certificate (a copy of 501(C)3) and (one of the 3 bulleted items)
- If your organization has more than \$500,000 in annual revenues, please attach an A133 audit
- If your organization has less than \$500,000 in annual revenues, please attach a copy of IRS Form 990
- Provide an audited balance sheet, financial statement or audit for the most recent reporting period.

Community-Based Organization

- IRS Tax exemption certificate (a copy of 501(C)3) and (one of the 3 bulleted items)
- If your organization has more than \$500,000 in annual revenues, please attach an A133 audit If your organization has less than \$500,000 in annual revenues, please attach a copy of IRS Form 990
- Provide an audited balance sheet, financial statement or audit for the most recent reporting

Attachment D: Assurances and Certifications

The Texas Workforce Commission and all Workforce Investment Act (WIA) recipients are obligated to maintain the following assurance for the period during which WIA Title I financial assistance is extended as stated in 29 CFR 37.21. Each request for proposal, proposal and application for financial assistance under WIA Title I shall contain the following assurances as required by 29 CFR 37.20.

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

Section 188 of the WIA, 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 the United States or participation in any WIA 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 or national origin; Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against individuals with disabilities; the Age Discrimination Act of 1975, as amended, which prohibits discrimination on the bases 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 recipient 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 recipients operation of the WIA Title I-financially assisted program or activity, and to all agreements the recipient makes to carry out the WIA Title I-financially assisted program or activity. The recipient understands that the United States has the right to seek judicial enforcement of this assurance.

The undersigned Respondent certifies that neither it nor its principals:

(1) Are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency participation in this transaction by any federal department or agency;

Debarment, Suspension, and Other Responsibility Matters: This certification is required by 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), Department of Health and Human Services (45 CFR Part 76).

(2) Have not within a three-year period preceding this application 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 offenses enumerated in Paragraph (2) of this section; and

(4) Have not within a three-year period preceding this application had one or more public transactions terminated for cause or default.

Nondiscrimination: The undersigned respondent certifies that it shall comply with the nondiscrimination provisions outlined in the WIA of 1998 including Title I, Sec. 184 (f) and Sec. 188 (a); 20 CFR 667.266 (a) and 45 CFR 80 and 84

Conflict of Interest: The undersigned respondent certifies that:

- (1) No manager, employee or paid consultant of the Bidder is a member of the Policy Board, President, or an employee of the Workforce Board;
- (2) No manager or paid consultant of the Bidder is married to a member of the Policy Board, the President, or an employee of the Workforce Board;
- (3) No member of the Policy Board, the President or an employee of the Workforce Board owns or controls more than percent share in the Bidder's organization;
- (4) No spouse of a member of the Policy Board, President, or employee of the Workforce Board receives compensation from Bidder for lobbying activities as defined in Chapter 305 of the Texas Government Code;
- (5) Bidder has disclosed within the proposal response any interest, fact or circumstance which does or may present a potential conflict of interest;
- (6) Should Bidder fail to abide by the foregoing covenants and affirmations regarding conflict of interest, Bidder shall not be entitled to the recovery of any costs or expenses incurred in relations to any contract with the Workforce Board and shall immediately refund to the Workforce 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 Workforce Board relating to that contract.

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 Agriculture (7 CFR Part 3018), Department of Labor (29 CFR Part 93), Department of Education (34 CFR Part 82), Department of Health and Human Services (45 CFR Part 93)

The undersigned respondent 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 any officer or employee of Congress, or an employee of a Member of Congress
- (2) 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.
- (3) 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, any 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.
- (4) The undersigned shall require that the language of this certification be included in the award 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 provide disclosure accordingly.

Drug Free Workplace: This certification is required by the Federal Regulations, Implementing Section 5150-5160 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 Part 85, 668 and 682), Department of Health and Human Services (45 CFR Part 76)

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

- (a) 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;
- (b) 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;
- (c) Providing each employee with a copy of the Contractor's policy statement;
- (d) 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 (5) days after any conviction for a violation by the employee of a criminal drug statute in the workplace;
- (e) Notifying the Commission within ten (10) days of Contractor's receipt of a notice of a conviction of an employee; and,
- (f) Taking appropriate personnel action against an employee of violating a criminal drug statute or require such employee to participate in drug abuse assistance or a rehabilitation program.

These certifications are material representations 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.

WIA Sec. 184 (f): Discrimination Against Participants: -- If the Secretary determines that any recipient under WIA Title I has discharged or in any other manner discriminated against a participant or against any individual in connection with the administration of the program involved, or against any individual because such individual has filed any complaint or instituted or caused to be instituted any proceeding under or related to WIA Title 1, or has testified or is about to testify in any such proceeding or investigation under or related to WIA Title 1, or otherwise unlawfully denied to any individual a benefit to which that individual is entitled under the provision of WIA Title I or the Secretary's regulations, the Secretary shall, within 30 days, take such action or order such corrective measures, as necessary, with respect to the recipient or the aggrieved individual, or both.

WIA Sec. 188 (a):

- (1) Federal financial assistance. -- For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving federal financial assistance.
- (2) Prohibition of discrimination regarding participation, benefits, and employment. -- No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.
- (3) Prohibition on assistance for facilities for sectarian instruction or religious worship. -- Participants shall not be employed under WIA title I to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing service to participants).
- (4) Prohibition on discrimination on basis of participant status. -- No person may discriminate against an individual who is a participant in a program or activity that receives funds under WIA title 1, with respect to the terms and conditions affecting, or rights provided to, the individual, solely because of the status of the individual as a participant.

(5) Prohibition on discrimination against certain non-citizens. -- Participation in programs and activities or receiving funds under WIA title I shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, exiles, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

20 CFR §667.266 (a): WIA title I funds may not be spent on the employment or training of participants in sectarian activities.

Further, the undersigned respondent certifies that it shall comply with the provisions outlined by the U.S. Department of Health and Human Services (45 CFR 80 and 84).

With regard to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the provider agrees to comply with the implementing regulations that require that each program of training services, when funded in all or in part with federal funds, shall be accessible to qualified individuals with disabilities. The provider further agrees to meet all applicable requirements regarding facility access.

By signing, the respondent certifies that it will comply with all other regulations implementing the laws cited above. This assurance applies to the respondent's operation of the WIA title I - financially assisted program or activity, and to all agreements the respondent makes to carry out the WIA title I-financially assisted program or activity. The respondent understands that the United States, the Texas Workforce Commission and/or the Local Workforce Development Board(s) have the right to seek judicial enforcement of this assurance. [NOTE: The new WIA nondiscrimination regulations are to be published at 29 CFR 37.]

Education Standards and Procedures: The undersigned respondent certifies that it shall comply with the provision outlined in the Workforce Investment Act of 1998 [Sec. 195 (9)(B)]: Except as otherwise provided in this title [WIA title I], the following conditions are applicable to all programs under this title: Standards and procedures with respect to awarding academic credit and certifying educational attainment in programs conducted under such chapter shall be consistent with the requirements of applicable state and local law, including regulation.

Documentation of Financial Stability: The undersigned respondent certifies that it shall comply with the Texas Workforce Commission rules including Subchapter C, Chapter 841 of 40 TAC with regard to providing documentation of financial stability. As part of their local application requirements, Local Workforce Development Boards are to specify their local protocol for documentation and submission requirements, as applicable.

Reporting Requirements: The undersigned respondent certifies that it shall comply with the provisions of Sec. 122 of the Workforce Investment Act of 1998, the Texas Workforce Commission rules including Subchapter C, Chapter 841 of 40 TAC, and the reporting and procedural requirements issued by the Texas Workforce Commission.

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.

The undersigned authorized representative of the respondent herein certifies that the statements above pertaining to Debarment, Suspension and Other Responsibility Matters; Nondiscrimination; Conflict of Interest; Education Standards and Procedures; Documentation of Financial Stability and Reporting Requirements are true and correct as of the date of submission. This does not preclude a given Workforce Board from requiring additional assurances as part of their local application requirements.

Further, the authorized representative acknowledges that any information submitted will be attributed to the respondent and the respondent will be responsible and liable for any action taken by the Agency, Local Workforce Development Board(s) or training participants in reliance on that information.

Respondent must notify Workforce Board in writing if the authorized signatory changes.

Certified by:

Signature of Authorized Official

Date

Typed/Printed Name of Signatory

Signatory's Official Title

Provider Name