701 E Whitestone Blvd, Suite 125

Cedar Park, Texas 78613

Phone: 512.244.7966

Fax: 855.326.3055

www.workforcesolutionsrca.com

**Request for Application**

**for**

**Web-Based Labor Market Information**

**RURAL CAPITAL AREA WORKFORCE DEVELOPMENT BOARD, INC.**

**d.b.a.**

**Workforce Solutions Rural Capital Area**

701 East Whitestone Blvd, Suite 125

Cedar Park, Texas 78613

(512) 244-7966

Issue Date: March 13, 2019

Response Deadline: April 15, 2019

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

Auxiliary Aids and Services are available upon request to individuals with disabilities

Relay TX: 711 or 1-800-735-2988 (Voice) or 1-800-735-2989 (TDD)

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# 1. General Information

##  1.1 Purpose of Procurement

The Rural Capital Area Workforce Development Board, Inc. d.b.a. Workforce Solutions Rural Capital Area (WSRCA) is seeking responses from qualified entities for the development of four products.

* Economic Overview Profiles (11 total)
* Labor Market Information (LMI) Dashboard with data, graphs and narratives (including Data Maintenance)
* Monthly Newsletters
* Career Progression Ladders

WSRCA will use a fixed price contract. WSRCA reserves the option to renew the contract on an annual basis, or lesser period of time for a total contract term not to exceed five consecutive years total.

##  1.2 Background on WSRCA

WSRCA is a certified local workforce development board serving Bastrop, Blanco, Burnet, Caldwell, Hays, Fayette, Lee, Llano and Williamson Counties and is incorporated as a 501(C) (3) private, non-profit organization.

It is the grant recipient and administrative entity for specified federal and state programs. WSRCA has responsibility for planning, administration, and oversight of employment, training and subsidized childcare programs. The Board also determines the types and areas of training provided; the delivery of training, employment, and related services; and the policy on procurement and selection of service providers.

The Board of Directors is composed of representatives of business and industry, organized labor, community-based organizations, economic development agencies, educational agencies, the state employment service, state department of human services, literacy and vocational rehabilitation agencies. Representatives of the private sector constitute a majority of the Board membership.

##  1.3 Point of Contact

Procurement Contact: Jenna Akridge, Chief Contracts Officer

Board Address:

Workforce Solutions Rural Capital Area

701 East Whitestone Blvd, Suite 125

Cedar Park, Texas 78613

Email Address: board.procurement@ruralcapital.net

##  1.4 Procurement Schedule

All dates are subject to change at WSRCA’s discretion.

| **Procurement Schedule** |
| --- |
| RFA Public notice | March 6, 2019 |
| Issuance of RFA | March 13, 2019 |
| Deadline for Written Questions | March 19, 2019 |
| WSRCA Posts Response to Written Questions  | March 22, 2019 |
| Response Deadline | April 15, 2019 by 4:00pm CDT |
| Tentative Award Announcement | On or about April 23, 2019 |
| Contract Start Date | On or about May 1, 2019  |

##  1.5 Amendments and Announcements Regarding this RFA

WSRCA will post all official communication regarding this RFA on the WSRCA’s website at [www.workforcesolutionsrca.com](http://www.workforcesolutionsrca.com). WSRCA reserves the right to revise the RFA at any time. It is the responsibility of interested parties to periodically check the WSRCA website for updates prior to submitting a response.

##  1.6 Eligible Respondents

Eligible respondents are entities:

* Able to deliver the required services in Section 2 and meet all terms of this RFA; and
* Not debarred and/or suspended from conducting business with federal and state funded agencies.

##  1.7 Governing Provisions and Limitations

The following provisions and limitations apply to this Request for Application.

•WSRCA is under no obligation to execute a contract(s) based on any information received. Furthermore, this RFA does not commit WSRCA to pay for any costs incurred in the preparation of a response.

• WSRCA reserves the right to accept or reject any or all information received, to cancel this RFA in part or in its entirety, or to reissue this RFA.

* WSRCA reserves the right to negotiate with successful Respondent in whole or for any part of the response of this RFA.

• WSRCA is not responsible for any costs incurred in services provided by Respondents, prior to the commencement date of any contract.

• WSRCA reserves the right to contact any individual, agencies or employers listed in a response to the RFA, to contact others who have experience and/or knowledge of the Respondent’s relevant performance and/or qualifications and to request additional information from any and all Respondents.

• WSRCA reserves the right to negotiate the terms of any and all purchase agreements with Respondents selected and such agreements negotiated as a result of this RFA may be re-negotiated and/or amended in order to successfully meet the needs of the local workforce development area.

• WSRCA reserves the right to withdraw or reduce the amount of an award, or to cancel any contract resulting from this procurement if adequate funding is not received from TWC.

• Solicitation and selection of providers must conform to relevant state and federal laws and regulations and local policies governing procurement of supplies, equipment and any type of services. Successful Respondents will be responsible for familiarizing themselves with applicable laws and regulations.

• 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 WSRCA for the purpose of having the effect of influencing favorable disposition toward their own application or any other application submitted hereunder.

• Respondents shall not attempt in any manner to advocate for, lobby or otherwise attempt to influence any officer, Workforce Board of Directors, employee, application evaluator, or agent of WSRCA or elected official for purposes of having an influencing effect on this procurement.

• No officer, Workforce Board of Directors, employee, application evaluator, or agent of WSRCA shall participate in the selection, award or administration of a contract supported by workforce development funds if a conflict of interest, or potential conflict, is involved.

• Respondents shall not engage in any activity that will restrict or eliminate competition. Violation of this provision may cause a Respondent’s application to be disqualified and rejected. This does not preclude joint ventures or subcontracts.

• A contract with a selected Respondent may be withheld, at the sole discretion of WSRCA, if issues of contract or questions of non-compliance, questioned/disallowed costs, audit/monitoring findings or legal issues exist, until such issues are satisfactorily resolved. WSRCA may withdraw the award of a contract if the resolution is not satisfactory to WSRCA.

Under Texas Government Code Section 552.003, WSRCA is subject to the Texas Public Information Act and the information provided in response to this RFA will be made accessible to the public. If a Respondent believes that any information contained in its application qualifies for an exception to the Public Information Act, it must clearly indicate which information is deemed confidential and clearly state the grounds for the exception.

## 1.8 Historically Underutilized Businesses

State and federal program subrecipients are required to make a good faith effort to contract with, or make purchases from, historically underutilized (disadvantaged) businesses certified by the State of Texas, as that term is defined by state law in the Texas Government Code, Title 10, Subtitle D, Chapter 2161.

# 2. Services Solicited/Scope of Work

WSRCA is requesting the development of the **four** **products** described below. When developing a response to the RFA, the Respondent should assume the narrative descriptions, newsletters, datasets/dashboards, and career ladders will be used by workforce board staff, as well as members of the community, who are not data analysts. The Respondent should be aware that the Rural Capital Area is comprised of nine counties, and that this workforce service area is strongly influenced by the industries and job market in Travis County.

Another use of the county and regional economic overview profiles and supporting labor market data is for federal and state grants and related workforce and education projects. WSRCA realizes the format of a county/regional economic overview profile can include many unique and different elements, so required elements are listed below. Because the profiles are provided as a service to the community, they must include the ability to export the county economic overview profile narratives, graphs, charts, and maps in multiple formats—i.e., Word, Excel, and PDF.

**Product #1 – Economic Overview Profiles**

The Respondent must provide a total of 11 Economic Profiles. One for each of the areas listed below.

1. Bastrop County
2. Blanco County
3. Burnet County
4. Caldwell County
5. Fayette County
6. Hays County
7. Lee County
8. Llano County
9. Williamson County
10. The 9-County Region (Rural Capital Area)
11. The 10-County Region (Rural Capital Area plus Travis County)

Each of the 11 economic profiles must include, at a minimum, the following data elements.

* Economic Overview—A short opening narrative that provides a general description of the county or region
* Demographic Profile—A short introductory narrative
	+ Demographics
		- Total Population
		- Gender—percentage and value
		- Median Age—percentage and value
		- Age Groups—percentage and values
		- Race
		- National Origin
	+ Population Growth including annual average growth
	+ Economic
		- Labor Force Participation Rate
		- Prime-Age Labor Force
		- Armed Forces Labor Force
		- Veterans
		- Veterans Labor Force Participation Rate
		- Median Household Income
		- Per Capita Income
		- Poverty Level by major age groups
		- Households receiving Supplemental Nutrition Assistance Program (SNAP)
		- Households receiving Temporary Assistance for Needy Families (TANF)
		- Mean Commute Time
		- Commute via Public Transportation
	+ Educational Attainment
		- No High School Diploma
		- High School Graduate
		- Some College, No Degree
		- Associate degree
		- Bachelor’s degree
		- Postgraduate degree
	+ Housing
		- Total Housing Unites
		- Median House Value (owner occupied)
		- Homeowner vacancy
		- Rental vacancy
		- Renter-occupied
		- Occupied Housing with no vehicle available
	+ Social
		- Enrolled in Grade 12 (percentage)
		- Disconnected Youth
		- Children in a Single Parent Family (percentage)
		- With a disability, Age 18-64
		- With a disability, Age 18-64, labor force participation rate and size
		- Foreign Born
		- Speak English Less Than Very Well—5 yrs and older
	+ Union Membership
		- Total Percentage
		- Private Sector
		- Manufacturing
		- Public Sector
* Employment Trends—short narrative and historical charts
* Unemployment Rate—short narrative and historical charts
* Wage Trends—short narrative and historical charts
* Cost of Living Index—short narrative; average annual salary; COL Index; Purchasing Power
	+ - Industry Snapshot—narrative with charts. Must include:
	+ Largest sectors—narrative, employees, LQ
	+ Sectors with the highest wages with average salary
	+ Sectors with the best job growth
	+ Fastest growing sectors with rate of growth
	+ Declining sectors
	+ NAICS chart with Average Annual Rate of Growth
* Occupation Snapshot—narrative and charts. Must include:
	+ Occupation Gaps
	+ Largest Occupation groups—employees
	+ Major groups with high LQ
	+ Occupation groups with the highest wages with average salary
	+ Occupation group with the highest unemployment rate
	+ Occupation group with the lowest unemployment rate
	+ Fastest growing occupations with job growth
	+ Highest job growth occupation
	+ Highest separation/demand due to retirement
* Industry Clusters—narrative and chart
* Education Levels—narrative of job growth rates by education and training attainment
* Gross Domestic Product—narrative with charts of comparative data over a 5-year period.

**Product #2 – LMI Dashboard with data, graphs and narratives & Data Maintenance**

* Presentation of the labor market data must be in more than one format (i.e. graphs, charts, narratives and/or maps) and must be exportable to Word, Excel, PowerPoint, .pdf and Tableau.  Rural economic development corporations (EDC), chambers of commerce (CoC), employers, jobseekers, independent school districts (ISD), students and families are the primary user of these data elements, so they must be understandable by non-data analysts. As LMI data is updated by the appropriate Federal and State agency, respondent is asked to update the dataset on the website dashboard to the most currently available data.
* See [http://www.ruralcapitalheadlight.com/](https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.ruralcapitalheadlight.com%2F&data=02%7C01%7Cjenna.akridge%40ruralcapital.net%7Cade9aa26e6af45418c8208d69d9cf86f%7C4d6c7097236c44e5af3b07cfc20ba807%7C0%7C0%7C636869694836365455&sdata=yyDf8K3LRg7jOlQ%2BY9757ZCcKID%2BrosH9VYGEw11Lwc%3D&reserved=0) for an example of our current dashboard.  The current contractor maintains the copyright to the HEADLIGHT dashboard brand and software.  Therefore, respondents must be able to provide their own dashboard platform.
* The data populating the dashboard tabs can be provided as Word, Excel, PowerPoint, .pdf files, Tableau files or any other file type preferred by the respondent as long as the data can be exported to Word, Excel, PowerPoint, .pdf, or Tableau or any other similarly available products. Required date is listed below.
	+ Industry Tab
		- Profile: Industry Trends
		- Monthly Employment
		- Quarterly Employment
		- Annual Employment
		- Employment by County
		- Employment by Industry
		- Shift-Share Trend
		- Gross Regional Product
		- Firm County by Industry, Size
		- Firm Count Comparison
		- Non-Employer Statistics
		- Fastest Growing Industries
		- Industry Clusters
		- Industry Clusters, trends and forecast
	+ Wages and Income Tab
		- Profile: Wage and Income Trends
		- Annual Payroll
		- Annual Salary
		- Average Salary by Industry
		- Median Household Income
		- Per Capita Income
		- Income and Benefits
		- Poverty Rate
	+ Workforce Tab
		- Profile: Workforce Trends
		- Monthly Unemployment
		- Annual Unemployment
		- Employment by Occupation
		- College Graduates
		- College Graduates, Race/Gender
		- College Enrollment
		- Fastest Growing Occupations
		- Occupation Clusters
		- Occupation Clusters, Trends and Forecast
		- College Degree Cluster Trends
			* Hot Careers
			* Occupation Gaps by County/Region
			* Fastest Growing Occupations
			* Occupations with the Most Job Openings
			* Occupations Creating the Most New Jobs
			* Highest Paying Occupations that require a bachelor’s degree
			* Lowest Paying Occupations that require a bachelor’s degree
			* Highest Paying Occupations that require an associate degree
			* Lowest Paying Occupations that require an associate degree
			* STEM Occupations with the Most Job Openings
			* Trade Occupations with the Most Job Openings
			* Personal Service Occupations with the Most Job Openings
			* Highest Paying Medical Occupations the require Less than a bachelor’s degree
			* Highest Paying Occupations that require a High School Diploma or Less
		- Target Occupations—TARGET OCCUPATIONS CRITERIA:
			* pays an average hourly wage of $20 an hour;
			* training can be completed in 12 months or less;
			* has a high number of annual openings;
			* has a low turnover rate; and
			* the number of regional training completers is not meeting the demand.
	+ Demographics Tab
		- Profile: Demographic Trends
		- Population and Growth Components
		- Population, 1910-2010
		- Migration, In
		- Migration, Out
		- Population by County
		- Population by Race
		- Population by Age/Race/Gender
		- Age Distribution
		- Age Distribution by Race/Gender
		- Poverty Rates by Block, Tract
		- Limited English Proficiency
		- ACS Dashboard, 1-Year
		- ACS Dashboard, 5-Year
		- ACS Subject Tables
	+ Social Tab
		- Profile: Social Statistics
		- Crime
		- Housing Permits, Annual
		- Supplemental Security Income (SSI)
		- Social Security Recipients (OASDI)
		- Social Security Payments (OASDI)
		- Veterans-Related Expenditures
		- Veterans
	+ Other Tab
		- Snapshots
		- County Maps
		- Data Download
		- Patents by County
		- Patents by Technology Class
		- Patents by Organization
		- Exports by Industry
		- Exports by Industry (Adjusted)
		- Agricultural Production
	+ Monthly Newsletter Tab
	+ Help Tab
		- Data Sources
		- Update History
		- Major Industry Definitions
		- Industry Cluster Definitions
		- Bubble Chart Definition and Explanation
		- Shift Share Definition and Explanation
		- Location Quotient Definition and Explanation
		- Separation Demand Definition
		- Industry vs. Occupation Wages Definitions
		- NAICS, SOC, CIP Code Definition and Explanations
		- Alternative measures of labor underutilization Definition and Explanation

**Product #3 – Web-Based Monthly Newsletter**

Provide a web based monthly labor market newsletter for the Rural Capital region. The web-based newsletter distribution includes, but is not limited to, EDCs, CoCs, county judges, mayors, employers, ISDs, workforce professionals, and members of the public.  At a minimum the articles in the newsletter should highlight any data refresh that occurred during the month and then any articles that focus on the labor market trends within the Board’s 9-County service area.

**Product #4– Career Progression Ladders**

Provide a skill-based career progression ladder for each of our Target and Demand occupations starting with an entry level occupation and flowing through a living wage occupation for a family of 1 adult and 2 children.  Living wage for our service area for a family of 1 adult and 2 children is considered to be $29 an hour.

Our Target and Demand Occupations can be found at this link:  [https://www.workforcesolutionsrca.com/jobs-and-careers/target-occupations/](https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.workforcesolutionsrca.com%2Fjobs-and-careers%2Ftarget-occupations%2F&data=02%7C01%7Cjenna.akridge%40ruralcapital.net%7Cade9aa26e6af45418c8208d69d9cf86f%7C4d6c7097236c44e5af3b07cfc20ba807%7C0%7C0%7C636869694836395478&sdata=4ZWrgFuVRmmMwM7BQ%2BXPtvapqOhyv1QsmFrzl0mA3GI%3D&reserved=0)

On pages 60-82 of the research report, found at the following link, is an example of career progression ladders developed for the neighboring Heart of Texas Workforce Board.  The Respondent’s skill-based career progression ladders do not need to match this format.  This is only an example.  However, it is important for WSRCA’s career progression ladders to start at an entry level job.

[https://www.hotworkforce.com/Employer\_Business/Career%20Progressions%20for%20HOT%20LWDB%20Final%20Report%20low-rez%20Oct%202017.pdf](https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.hotworkforce.com%2FEmployer_Business%2FCareer%2520Progressions%2520for%2520HOT%2520LWDB%2520Final%2520Report%2520low-rez%2520Oct%25202017.pdf&data=02%7C01%7Cjenna.akridge%40ruralcapital.net%7Cade9aa26e6af45418c8208d69d9cf86f%7C4d6c7097236c44e5af3b07cfc20ba807%7C0%7C0%7C636869694836395478&sdata=axzNa0d9l83Jo8F7XylEOvcZadhZ3x3c4M2YKvHLEa4%3D&reserved=0)

**3. Response Requirements**

##

##  3.1 Written Questions

Respondents may submit questions via email to **board.procurement@ruralcapital.net**. Questions must be submitted by **March 19, 2019**. Answers will be posted on the [**WSRCA website**](http://www.workforcesolutionsrca.com/about/procurement/) on or about **March 22, 2019**. Once posted, responses are binding on both WSRCA and any Respondents.

##  3.2 Delivery of Responses

Submit one original and three (3) exact copies of the Response to the WSRCA Point of Contact by **April 15, 2019 by 4:00 CDT**. All submissions will be date and time stamped using the clock in the WSRCA office. A receipt will be issued by the WSRCA. Respondents who mail a response will be sent a copy of this receipt form on request. All Responses become the property of WSRCA after submission.

##  3.3 Amendments and/or Withdrawals

Respondent may amend or withdraw their bid either in person or by written request at any time prior to the due date.

##  3.4 Debriefing and Appeals

For a debriefing, please send a request to board.procurement@ruralcapital.net. For additional information on debriefings or to file an appeal, see Attachment I.

# 4. Evaluation

Points will be awarded for each response according to the table below.

|  |  |
| --- | --- |
| **Evaluation Criteria** | **Points** |
| Question #1 Narrative Answers and Sample Charts, Tables & Graphs | 15 |
| Question #2 Dashboard, Customization, and Date to Assume Responsibility | 40 |
| Question #3 Support and Maintenance Fee | 20 |
| Question #4 Price Quote* Section 1 - Economic Profiles
* Section 2 - Develop Platform & Maintain LMI Data
* Section 3 - Monthly LMI Newsletter
* Section 4 - Career Progression Ladders
 | 25 |
| **Total Points**  | **100** |

# 5. Response Questions

See **Attachment C** for the response template.

 **Attachment A**

### Application Cover Sheet

|  |  |
| --- | --- |
| **Name of Proposing Entity** |  |
| **Mailing Address** |  |
| **Telephone Number** |  |
| **Fax Number** |  |
| **Email of Primary Contact Person** |  |
| **Name & Title of Primary Contact Person** |  |
| **Name & Title of Contract Signatory Authority** |  |
| **Federal Tax ID Number** |  |
| **State Unemployment Insurance Tax Number**  |  |
| **HUB?** (If yes, attach certification with certification number and certifying agency.) | □ Yes □ No  |
| **Legal Status of Organization** | □ Professional Corp. □ Partnership□ Sole Proprietorship □ Other (Specify)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**Attachment B**

**Response Checklist**

**Respondent Name:**

The following checklist is provided to ensure the Respondent returns all required documents. Please send your documents in this order.

|  **Items Required** | **Attached** |
| --- | --- |
| One (1) signed original packet of all required documents and forms, plus three (3) exact copies. | [ ]  |
| Application Cover Sheet – *Attachment A* | [ ]  |
| Response Checklist – *Attachment B* | [ ]  |
| Response Template - *Attachment C* | [ ]  |
| Certification of Respondent - *Attachment D* | [ ]  |
| Certification - Debarment - *Attachment E* | [ ]  |
| Certification – Conflict of Interest - *Attachment F* | [ ]  |
| Certification – Texas Corporate Franchise Tax - *Attachment G* | [ ]  |
| Certification – State Assessment - *Attachment H* | [ ]  |

*Reminder: If you are a HUB, attach documentation with certification number and certifying agency to your response.*

**Attachment C**

**Response Template**

Please respond to the following. This form is unlocked for you to add lines as needed.

**Question #1** (15 points)

In a narrative form, describe how you will present the county profiles, narratives, career progression ladders and data required including how quickly datasets are updated when the source data is refreshed (limit of 2 pages). Samples of narratives, charts, tables, graphs may be included (limit of 2 pages).

**Question #2** (40 points)

Describe or provide a sample/s of a comparable dashboard. Include an explanation of possible customizations, if any, that would be available. Are you able to assume responsibility for the web-based dashboard on or about June 1, 2019? If no, please state your date.

**Question #3** (20 points)

Describe and list your data support and maintenance fee that covers updating the products when new information is provided from the data source.  State if the fee is fixed or variable and the interval (quarterly, annually, etc.) of the fee.

 **Question #4** (25 points)

Submit a price quote for development of each of the four products below. If there are other costs, give a brief description and include them in the table below. Insert lines in the table below if needed.

|  |  |
| --- | --- |
|  | **Cost** |
| Section 1 - Economic Overview Profiles * nine individual County profiles
* one 9-County region profile
* one 10-County region profile
 |  |
| Section 2 – Develop Platform for LMI Dashboard  |  |
| Section 3 – Monthly Newsletters |  |
| Section 4 - Career Progression Ladders |  |
| Fee for Data Support and Maintenance  |  |
| Other Costs |  |
| **Total Cost** |  |

**Attachment D**

**Certification of Respondent**

I hereby certify that the information contained in this Response and any attachments are true and correct and may be viewed as an accurate representation of proposed services to be provided by this organization. I certify that no employee, board member, or agent of the WSRCA, has assisted in the preparation of this Response. I acknowledge that I have read and understood the requirements and provisions of the procurement and that this organization will comply with the procurement standards applicable under this procurement, and any other applicable local, state, and federal regulations and policies. I also certify WSRCA is authorized to verify references and stated performance data and to conduct credit and criminal background checks if needed, and furthermore that:

I,       (Type Name of Signatory Authority) am the       (Type Title) of the corporation, partnership, association, public agency or other entity named as Respondent herein and that I am legally authorized to sign this proposal and submit it to Workforce Solutions Rural Capital Area, on behalf of said organization by authority of its governing body.

**ATTEST:**

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

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

**Attachment E**

**Certification**

**Regarding Debarment, Suspension and Other Responsibility Matters**

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

The undersigned contractor certifies that it or its principals:

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

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

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

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

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

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Name of Individual or Organization submitting a proposal

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

Name and Title of Authorized Signatory

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

Signature Date

### 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 WSRCA;

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

(3) no member of the Board, the Executive Director or employee of WSRCA 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 WSRCA is a manager or paid consultant of the Proposer;

(5) no member of the Board, the Executive Director or employee of WSRCA 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 Organization: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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

### Attachment G

### Certification

### Texas Corporate Franchise Tax

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.

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

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

# Name/Title of Authorized Signatory

### Attachment H

### Certification

### State Assessment

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.

The corporation certifies that:

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

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

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

Signature Date

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

Name/Title of Authorized Signatory

**Attachment I**

**Debriefing and Appeals**

Debriefing

The purpose of a debriefing is to promote the exchange of information, explain the WSRCA Response evaluation system, and help unsuccessful Respondents understand why they were not selected.

Procurement staff will meet with the requesting party and review the WSRCA RFP evaluation process and how the response was scored or ranked. Respondents can gain a better understanding of WSRCA procurement processes and how to improve their responses or proposals, while staff gets direct feedback to help improve future procurements.

Request for Debriefing

Respondents who desire a debriefing must submit a written request within three (3) work days of the receipt of WSRCA’s notification of the procurement decision. In the debriefing, the Respondent will obtain information on the procurement process and how its response was reviewed and ranked. WSRCA, shall acknowledge receipt of the request for debriefing in writing within three (3) work 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 10 work days from the written receipt of the request for debriefing. Debriefings will take place at the WSRCA administrative office in Cedar Park, Texas.

Written Request for Appeal

A debriefing is required prior to submission of an appeal request. If after the debriefing, the requesting party chooses to appeal, it must submit to WSRCA a written request for appeal within 14 calendar days of the debriefing. This written request must clearly state that it is an appeal and identify:

* The funding decision being appealed (i.e., specific date of RFP or IFB, and the WSRCA Board action);
* The name, address, phone, email address and fax number (if available) of the appealing party(ies);
* Remedies being requested; and
* The grounds of the appeal.

All grounds to be considered for the appeal must be stated in the written request for appeal. The request for appeal must be sent by registered mail or hand delivered (a receipt will be issued), clearly identified externally as "Dated Material" and addressed to:

Paul Fletcher, Chief Executive Officer

Workforce Solutions Rural Capital Area

701 East Whitestone Blvd, Suite 125

Cedar Park, Texas 78613

Fax or e-mail notices will NOT be accepted. Written acknowledgment of receipt of the request for appeal will be provided to the appealing party within 5 work days of receipt of the request.

Formal Hearing and Final Decision

A formal appeal hearing shall be conducted within 15 work days of the date of the request for appeal. The formal hearing of the appeal will be conducted by the WSRCA Executive Director or his designee. Consideration will be given to the written appeal information presented and additional information provided during the formal hearing. Additional information may be requested during the hearing by the hearing officer. After full review, an appeal decision will be rendered in writing not later than 60 calendar days from the date of the written request for appeal. The decision shall be the final decision and end the appeal process at the local level.

### Attachment J

**Assurances**

The resulting contract will include, but not be limited to, the following assurances and certifications:

**Compliance with Law/Order of Precedence**

In rendering performances hereunder, the CONTRACTOR shall comply with the requirements of State and Federal rules and regulations, TWC, the acts and regulations of the funding source(s) for this Contract, and revisions/amendments to these rules and regulations, and with all other applicable Federal, State and local laws, regulations and policies. This is to be done in such a manner to prevent or to correct any breach of the WSRCA’S Contract with the State of Texas to operate workforce development programs.

###### Use of Historically Under-Utilized Businesses

CONTRACTOR covenants to make a good faith effort to contract with or make purchases from historically under-utilized (disadvantaged) businesses certified by the State of Texas, as that term is defined by state law, to wit, Texas Government Code, section 2161.001. CONTRACTOR shall maintain documentation of such faith efforts.

#### Prevention of Conflict of Interest

No employee of CONTRACTOR or a subcontractor, no member of CONTRACTOR’S or a subcontractor’s governing board of body, and no person who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of this Contract shall participate in any decision relating to this Contract that affects his/her personal pecuniary interest.

**Responsible Contractor**

CONTRACTOR guarantees that it is responsible and possesses the ability to perform successfully under the terms and conditions of this Contract, that it has adequate financial and technical resources or the ability to obtain such resources as required during the performance of this Contract and that it has the administrative capability and competence necessary to carry out the terms and conditions of this Contract exactly as specified. Additionally, the CONTRACTOR assures WSRCA that its performance under the terms and conditions of this Contract shall be in accordance with highest integrity and business ethics. If the WSRCA determines at its sole discretion that the CONTRACTOR is not responsible, that it does not possess the administrative, financial, and technical resources and capabilities necessary to successfully perform under the terms and conditions of this Contract, it shall terminate this Contract. WSRCA, in its sole discretion, may deem the CONTRACTOR a “high risk” if there are serious questions or issues regarding the CONTRACTOR’S administrative, financial or technical capability in meeting the terms and conditions of this Contract.

#### Federal/State Obligations

It is expressly understood and agreed that neither the U.S. DOL, nor TWC, are parties to this Contract and no legal liability shall attach to the part of the U.S. DOL or TWC by the expressed/ implied terms and conditions of this Contract.

#### Drug-Free Workplace Rule

This certification is required by the Federal Regulations, implementing Section 5151 – 5160 of the Drug-Free Workplace Act, 41 U.S.C. § 701 et seq., as amended; for the Department of Agriculture (7 C.F.C. Part 3017), Department of Education (34 C.F.R. Part 84), and Department of Health and Human Services (45 C.F.R. Part 76).

#### Nondiscrimination and Equal Opportunity Compliance

The CONTRACTOR must comply with Section 188 of the Workforce Innovation and Opportunity Act (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 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;
* Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

**Compliance with Child Support Payment**

CONTRACTOR must provide the Board with a certification of compliance for the requirements of Texas Family Code 231.006 regarding payment of child support, if applicable.

**Federal Debarment**

CONTRACTOR shall comply with:

* Federal regulations implementing Executive Order 12549, Debarment and Suspension 29 CFR Part 98, and
* Texas Government Code §2155.077, as implemented by 34 TAC §§ 20.105 – 20.107, and in doing so has provided to WSRCA, prior to its signature and execution of this Contract, a certification that neither CONTRACTOR, nor its principals, are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal or State department or agency.

**Use of Information**

After the termination of this Agreement, notwithstanding the Open Records Act requirements, the WSRCA shall not use any information collected or product provided for the express purpose of providing an advantage to any competitor to the CONTRACTOR. The CONTRACTOR will be allowed to use materials developed in the marketing of its services.

**Undocumented Workers**

Pursuant to Texas Government Code §2264.051, a business that applies to receive a public subsidy[[1]](#footnote-1)[1] from a state agency shall certify that the business, or a branch, division, or department of the business does not and will not knowingly employ an undocumented worker[[2]](#footnote-2)[2] as defined in Texas Government Code, §2264.001(4).

The undersigned authorized representative of the entity making the offer or application herein understands and certifies that if, after receiving a public subsidy, the entity is convicted of a violation under 8 United States Code §1324a (f) (relating to the unlawful employment of undocumented workers), the entity shall repay the amount of the public subsidy with interest, at the rate of 15% within 120 days of receiving the notice of violation.

**Retention of Records**

CONTRACTOR shall maintain all records, documents and reports pertinent to this Contract, including financial, statistical, property, participant records, and supporting documentation for a period of no less than seven (7) calendar years from the date of acceptance of the final closeout package, or for any greater period, which may be required by any specific funding source(s), or if any litigation, audit or claim is begun, in which case such records shall be retained until any outstanding litigation, audit, or claim has been resolved to WSRCA’s satisfaction. At the end of such time period CONTRACTOR shall request specific authorization to destroy all pertinent records. Until such date as CONTRACTOR receives express written permission to destroy such records, all records referred to herein above shall be maintained in good and accessible condition and made available at a site(s) within the LWDA or a mutually agreed upon location.

**Fraud, Waste and Abuse**

The Board require any member of the Board, Board staff, or Board subcontractor staff having knowledge of suspected fraud, waste, program abuse, possible illegal expenditures, unlawful activity, violations of law or Agency rules, policies, and procedures occurring under any grant awarded by the Agency to the Board to report such information to the Agency’s Office of Investigations no later than five (5) business days from the date of discovery of such act.

1. [1] *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. [↑](#footnote-ref-1)
2. [2] *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. [↑](#footnote-ref-2)