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## **REQUEST FOR QUALIFICATIONS**

**FOR**

**INDEPENDENT FINANCIAL AUDIT SERVICES**

**FOR**

**RURAL CAPITAL AREA WORKFORCE DEVELOPMENT BOARD, INC.  
d.b.a.**

**Workforce Solutions Rural Capital Area**

**RFQ #320-15-2309**

**Issue Date: 9/01/ 2023**

**Response Deadline: 09/19/23 4:00 p.m. CST**

**RFP links:**

<https://workforcesolutionsrca.com/procurement>

<https://esbd.cpa.state.tx.us>

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## **BACKGROUND INFORMATION**

Rural Capital Area Workforce Development Board (RCAWDB), INC. d/b/a Workforce Solutions Rural Capital Area (hereinafter referred to interchangeably as the “Board”, “Workforce Solutions”, or “WSRCA” is a 501(C) (3) private, non-profit organization established in 1987. Our service area, known as the Rural Capital Workforce Development Area, serves as the leadership and governing body for a 9-county region: Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Lee, Llano, and Williamson Counties. Information on WSRCA services may be found at <https://workforcesolutionsrca.com>.

Workforce Solutions Rural Capital Area is led by a volunteer Board of Directors comprised of a group of community leaders appointed by local elected officials and charged with planning and oversight responsibilities for workforce programs and services in our nine-county region. Board members are the “trustees” or guardians of the state’s workforce development system.

The Board serves as the designated grant recipient and administrative entity for workforce development program funds allocated to the Rural Capital Area. WSRCA’s annual revenues for 2023 are approximately \$51 million. Over 98% comes from federal and state funding sources under grants awarded by the Texas Workforce Commission and federal agencies.

### Our Vision

Our urban and rural employers will have a highly educated and skilled workforce and our residents will have the competencies, skills, and education to become self-sufficient and live a quality life.

## **PART 1 – INTRODUCTION**

### **1.1 Purpose of the Request for Proposal (RFP)**

Workforce Solutions Rural Capital Area (WSRCA) is seeking proposals from firms licensed to provide **Independent Financial Audit Services in the State of Texas**. The full range of service expectations are detailed in 1.6 – **Scope of Work** and 1.7 **Audit Activities Timeline**.

NOTE: For purposes of this RFP, the words “Bidder” and “Proposer” shall refer to an entity submitting a proposal in response to this RFP. The term “Contractor” shall refer to entities awarded and entering a formal contract with WSRCA.

### **1.2 Procurement Standards**

This Request for Qualifications (RFQ) provides a uniform method for the procurement of specified services, allowing for full and open competition. It contains the necessary background, requirements, technical specifications, information, and instructions for responding to the RFQ. The services solicited under

this RFQ are procured under the Professional and Consulting Services Method outline in Chapter 14 of the TWC Financial Manual for Grants and Contracts (FMGC).

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 Board's intention is to negotiate a cost reimbursement contract with the successful bidder.

### **1.3 Applicable Authorities**

- All applicable federal statutes, regulations, policies, and guidance as presently in effect and as may become effective during this Award.
- Office of Management and Budget's Uniform Guidance at 2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements and 2 C.F.R. Part 2900, Department of Labor (DOL) exceptions to 2 C.F.R. Part 200.
- Social Security Act, 42 USC, §§603-619, as amended.
- Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 USC §601 et seq.
- Balanced Budget Act of 1997, Public Law 105-33.

### **1.4 Eligible Proposers**

- a. Firms possessing the capacity and demonstrated ability to perform successfully under the terms and conditions of a contract with the Board may respond to this RFQ. Eligible providers include those who can demonstrate experience and expertise of similar scope as this RFQ. Minority, disadvantaged, veteran and/or women-owned businesses are encouraged to respond to this RFQ.
- b. Proposers must have the necessary technical competence, skills and professional judgment to accomplish the work solicited in the RFQ. Proposers must be experienced in working with non-profit, governmental, and quasi-governmental organizations. Proposers must be licensed to practice accountancy in the State of Texas.
- c. Proposers are responsible for familiarity with all applicable federal and state laws, regulations, and rules in the development of their response to this RFQ. The selected contractor will be required to assume full responsibility for all services included in the contract. The Contractor may not assign, transfer, or otherwise dispose of any portion of a contract in whole or in part, to any third party, without the prior written approval of the Board.
- d. Entities that 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 are not eligible to respond to this RFQ or receive a contract.

## **1.5 Qualifications**

Respondents to the RFQ must have the following qualifications:

- a. Knowledge of the federal and state workforce programs, including but not limited to: Workforce Investment Opportunity Act (WIOA), Temporary Assistance for Needy Families (TANF), Child Care and Development Fund, Supplementary Nutrition Assistance Program (SNAP), Workforce and Education Readiness Continuum (WERC), Incumbent Worker Training (IWT), Vocational Rehabilitation (VR), Summer Earn and Learn (SEAL), and Wagner-Peyser Employment Services.
- b. Proficiency with of Generally Accepted Accounting Principles (GAAP) Standards; Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the Uniform Guidance); the State of Texas Single Audit Circular; and the requirements regarding audits set forth in the Texas Workforce Commission's Financial Manual for Grants and Contracts.
- c. Necessary technical competence, skills, and professional judgment to accomplish the work solicited in the RFQ. Proposer must be experienced in working with non- profit, governmental, and quasi-governmental organizations.
- d. Legally authorized to provide audit services in the State of Texas.

## **1.6 Scope of Work**

All work will be conducted in compliance with the requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the Uniform Guidance); Generally Accepted Government Auditing Standards; Generally Accepted Audit Principles, the State of Texas Single Audit Circular; and The Texas Workforce Commission Financial Manual for Grants and Contracts. WSRCA shall be available throughout the audit process to answer questions, retrieve documents; and assist in preparing letters, schedules, and work papers. The extent of the staff's assistance shall be discussed during the entrance interview.

Work will include the following:

- a. Perform an audit of the financial statements of the Board.
- b. Obtain an understanding of internal controls and perform tests of internal controls over the Federal, State, and other programs of the Board.
- c. Perform procedures to determine whether the Board has complied with Federal and State statutes, regulations and the terms and conditions of Federal and State awards that could have a direct and material effect on the Federal and State program.
- d. Follow up on prior audit findings, perform procedures to assess the reasonableness of the summary schedule of prior audit findings prepared by

- the Board. Audit findings follow-up, and report, as a current year audit finding, when concluding that the summary schedule of prior audit findings materially misrepresents the status of any prior audit finding.
- e. Report any audit findings.
  - f. Prepare the audit report to present, at a minimum, all reports and opinion letters as required by the above-sighted regulations.
  - g. Retain all work papers for a minimum of three (3) years following the date of acceptance of the final audit report by the Texas Workforce Commission, or until any or all litigations, questioned or disallowed costs are resolved, whichever is later.
  - h. Make all work papers available for examination by authorized representatives of WSRCA, the Texas Workforce Commission, U.S. Department of Labor, General Accounting Office, the Comptroller General, State Auditor's Office, and any other funding agencies or agencies of enforcement.
  - i. Communicate any instances of fraud, waste, illegal acts, or indications of such and disallowed costs to WSRCA management and the Board Chair immediately.
  - j. Schedule and conduct an entrance interview with WSRCA Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, members of management staff; and representatives of the Board's Executive Committee to discuss the requirements, reports, documentation, and timelines of the audit.
  - k. Coordinate the request of documents and information and seek guidance through the WSRCA assigned staff.
  - l. Conduct an exit conference with WSRCA Chief Executive Officer; other management staff; and representatives from the Board's Audit and Governance Committee and/or Executive Committee.
  - m. Present the draft audit report including audited financial statements, supplementary schedules and federal award reports, and management letter to the Board's Executive Committee by the lead auditor. This presentation may be done virtually or some other mutually agreed upon method.
  - n. Present a final audit report including audited financial statements, supplementary schedules, and federal award reports; management letter; and letter on conduct of audit shall be presented, in person, by a member of the audit team to the WSRCA Board of Directors.
  - o. Annually Prepare and file IRS Form 990 if requested by WSRCA.

## 1.7 Audit Activities Timeline

The audit activities are inclusive of and conducted in accordance with the proposed timeline below. The activities and timelines must be addressed in the proposal response. Dates may be subject to change.

<b>Audit Activities</b>	<b>Proposed Timeline</b>
Entrance Conference	October 2023
Documents Request	November 2023
Field Review	January – February 2024
IRS Form 990 Extension (if required)	TBD
Exit Conference CEO/COO/CFO	TBD
Draft Report to CEO/COO/CFO	March 31, 2024
Presentation to Executive Committee	April 10, 2024
Presentation to Board of Directors	April 17, 2024
Final Report	April 30, 2024
Audit, Single Audit, DCF submission to Clearinghouse	May 15, 2024
<b>IRS Forms 990 and 990-T if applicable</b>	

## 1.8 Procurement Schedule

The following schedule is subject to change at the discretion of WSRCA.

<b>Activity</b>	<b>Date</b>
RFQ Release Date	Thursday, September 7, 2023
Proposers Questions Due	Tuesday, September 12, 2023, 4:00 PM
Responses To Questions Posted	Thursday, September 14, 2023
Intent To Bid	Friday, September 15, 2023
Proposals Due	Friday, September 22, 2023, 4:00 PM
WSRCA Evaluation Period	September 25-29, 2023
Estimated Contract Start Date	October 16, 2023

## 1.9 Issuance and Availability of RFQ

This RFP is issued Friday, September 6, 2023, by the Workforce Solutions Rural Capital Area (WSRCA) Board, under the direction of Paul Fletcher, Chief Executive Officer, 701 E Whitestone Blvd., Suite 200, Cedar Park, TX 78613. The RFP is available on the Electronic State Business Daily Search (ESBD) website: <https://www.txsmartbuy.com/esbd> and the WSRCA website: <https://workforcesolutionsrca.com/procurement>.

## 1.10 Proposal Submission

Proposals must be submitted no later than Friday, September 22, 2023, by 4 PM CST. Bidders shall provide an electronic submission of proposal responses and



required documents via email to: [board.procurement@ruralcapital.net](mailto:board.procurement@ruralcapital.net). 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.

The timely delivery of proposals is the sole responsibility of the proposer. WSRCA is not responsible for any failures and/or errors of omission. Disputes concerning late or non-delivered proposals cannot be appealed. Any proposals or amendments received after the specified deadline will not be considered and will be deemed as late and non-responsive.

Any modification or amendment to a proposal already submitted must also comply with the above requirements and response deadline. Any proposals or amendments delivered/received after the specified deadline will not be considered for review and will be deemed as late and non-responsive.

### **1.11 Withdrawal of Proposals**

A submitted proposal may be withdrawn at any time prior to the scheduled due date by submitting an email to WSRCA via [board.procurement@ruralcapital.net](mailto:board.procurement@ruralcapital.net). A withdrawn proposal will not be considered for review or award and will become the property of WSRCA.

### **1.12 Technical Assistance**

WSRCA will not host a bidders Conference related to this RFQ. Questions will be accepted after the issuance of the RFQ and due Monday, September 11, 2023, by 4:00 PM.

All properly submitted questions will be compiled and responded to in a Q&A document posted on the ESBD <https://www.txsmartbuy.com/esbd> and the WSRCA website <https://workforcesolutionsrca.com/procurement> on September 14, 2023. WSRCA reserves the right to determine the appropriateness of comments/questions that will be posted.

Note: All WSRCA staff, Board members, officers, or authorized representatives are precluded from entertaining or answering questions concerning this RFP or the procurement process. Bidders are asked to respect this condition by not asking questions or making requests for assistance, except by submitting questions as stated above.

### **1.13 Open Records And Texas Public Information Act**

Proposers are hereby notified WSRCA strictly adheres to the Texas Public Information Act, Government Code, Chapter 552, 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 the RFQ are subject to the Texas Public Information Act, Government Code, Chapter 552, and may be disclosed to the public

upon request. Therefore, any confidential, privileged, or proprietary information contained within a proposal must be clearly identified by the proposer in the proposal itself (each applicable page clearly marked). Such information will be kept confidential by WSRCA to the extent permitted by State law.

The Board may seek to protect from disclosure all information submitted in response to this RFQ 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 RFQ to be of a non-confidential and non-propriety nature; therefore, subject to public disclosure under Chapter 552.001.

Proposers 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.

#### **1.14 Award**

The proposals most advantageous to WSRCA in terms of proposer's qualifications and quality of the proposals will be recommended for contract negotiations.

#### **1.15 Contract Type**

WSRCA intends to negotiate a fixed unit price contract unless a different type of contract is determined by WSRCA to be more advantageous to WSRCA.

#### **1.16 Contract Period**

Any contract resulting from this RFQ will be for an initial period of one (1) year, beginning on or after October 16, 2023, and ending September 30, 2024. WSRCA may, at its sole discretion, opt to extend the term of a contract for up to four additional (4) one-year periods, renewed annually, based on the Contractor's performance, compliance, and the availability of funds. WSRCA reserves the right to terminate any contract prior to, or extend the end date, and to increase or decrease the contract awarded because of the RFQ and at any time based on Contractor performance or non-compliance.

#### **1.17 Funding**

Funding for Independent Financial Audit Services for this RFQ is contingent upon the availability of state funding and subject to change. WSRCA reserves the right to negotiate fees and costs with any vendor who is qualified per the evaluation criteria. The final contract will be subject to any changes in legislation, rules, or policies

promulgated by the funding sources, including the U.S. Department of Health and Human Services and the Texas Workforce Commission. The general and administrative provisions contained in this RFQ will be incorporated into the final contract.

Any contract award resulting from this RFQ will be subject to early termination in the event Federal and/or State 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.

### **1.18 Additional Services**

WSRCA reserves the right to negotiate the expansion of any contract to include other services during the contract period, even if not specifically mentioned in this RFP if it does not affect the auditor's independence.

### **1.19 Subcontracting**

Any subcontracting must be specified in the proposal narrative and approval must be granted by WSRCA prior to the execution of any contract resulting from this RFP. All subcontracting is subject to applicable federal, state and local laws, rules, regulations and policies. If a bidder proposes to subcontract any of the services and activities to be provided, the bidder must indicate which services and activities will be subcontracted and the rationale behind using subcontractors instead of providing the services directly. The bidder must also describe how subcontractors were (or will be) procured and selected, their qualifications, as well as the basis for payments. Subcontractors are subject to the same requirements as the bidder under this RFP and resultant contract.

### **1.20 Contract Re-Assignment**

If a Contractor fails to perform as required or expected, WSRCA reserves the right to terminate the contract and assign the contract in whole or in part, to a similarly ranked proposal obtained through this procurement, subject to successful contract negotiations. WSRCA may choose an alternative means of reassigning the contract based on its best interests. The Contractor may not reassign any aspect of the contract.

### **1.21 Equal Opportunity / Non-Discrimination**

As a condition of the award of financial assistance from the Department of Labor under Title 1 of WIOA, the respondent to this RFP assures that it will comply fully

with the nondiscrimination and equal opportunity provisions of the following laws:

- Section 188 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 of participation in any WIOA Title I financially assisted program or activity.
- [Titles VI and VII](#) of the Civil Rights Act of 1964, [42 U.S.C. § 20000d](#) et seq., and [§ 2000e-16](#), as amended;
- [The Rehabilitation Act of 1973 §§ 503, 504, and 508, 29 U.S.C. §§ 793. 794, and 794d, as amended,](#)
- [Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688, as amended;](#)
- [The Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq., as amended;](#)
- [The Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., as amended;](#)
- The Non-Traditional Employment for Women Act of 1991, as amended;
- [WIOA § 188, 29 U.S.C. §3248;](#)
- [29 C.F.R., Part 38, Implementation of the nondiscrimination and Equal Opportunity provisions of WIOA, and all other regulations implementing the laws listed above.](#)

## **1.22 Governing Provisions and Limitations**

- a. Failure to comply with any of the following provisions may cause a proposal to be disqualified and rejected from consideration.
- b. All proposals submitted to WSRCA in response to this RFQ become the exclusive property of WSRCA.
- c. The proposal, if accepted, will become the basis for the contract scope of work.
- d. This RFQ is not to be construed as a purchase agreement or contract, or as a commitment of any kind; nor does it commit WSRCA 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 WSRCA.
- e. WSRCA reserves the right to accept or reject any or all proposals received, to cancel or reissue this RFP in part, or its entirety.
- f. This is a negotiated procurement utilizing the Request for Proposal method, and as such, the selection and award of a contract does not have to be made to the respondent with the lowest priced/cost offer, but rather to a respondent submitting the best value proposal that satisfies WSRCA's requirements and is determined to be in the best interest of and most advantageous to the Board.
- g. WSRCA reserves the right to award a contract(s) for any services solicited in

this RFP for Independent Financial Audit Services as WSRCA determines its best value for the Board.

- h. WSRCA reserves the right to extend, shorten, increase, or decrease any contract awarded because of this RFP.
- i. WSRCA reserves the right to request additional information, clarification, or explanation for any aspect of a response to this RFQ.
- j. WSRCA reserves the right to waive any defect in this procurement process or to correct any error(s) and/or make changes to this solicitation it deems necessary. WSRCA will provide notification of any changes to all known Offerors.
- k. WSRCA reserves the right to negotiate the final terms of all contracts or agreements with selected proposers. Any contract terms negotiated because of this RFP may be renegotiated and/or amended to successfully meet the needs of WSRCA.
- l. WSRCA reserves the right to contact any individual, agency, employer or grantee listed in a proposal, or contact others who may have experience and/or knowledge of the respondent's relevant performance and/or qualifications; and to request additional information from all proposers to this RFQ.
- m. WSRCA reserves the right to impose additional requirements and refinements to the terms and conditions, scope of work, performance measures, and funding amounts or sources during the contract term.
- n. Any entity and/or each entity of a partnership or consortium selected for funding under this RFP will be subject to a Pre-Award review in accordance with TWC FMGC Appendix D: FMGC Supplement on Procurement to determine the proposer's level of risk of non-compliance or non-performance under contract.
- o. WSRCA reserves the right to withdraw an award of any contract based on unsatisfactory results of the pre-award survey.
- p. WSRCA reserves the right to withdraw or reduce the amount of an award or to cancel any contract or agreement resulting from this RFP if adequate funding is not received from TWC or other funding sources or due to legislative changes.
- q. Proposers shall not, under penalty of law, offer or provide any gratuities, favors or anything of monetary value to any officer, Board member, employee, proposal evaluator, agent of WSRCA or elected official for purposes of having an influencing effect on this procurement.
- r. Proposers shall not attempt in any manner to advocate for, lobby or otherwise attempt to influence any officer, Board member, employee, proposal evaluator, agent of WSRCA or elected official for purposes of having an

influencing effect on this procurement.

- s. No officer, Board member, employee, proposal evaluator or agent of WSRCA shall participate in the selection, award or administration of a contract supported by CCS funds if a conflict of interest, or potential conflict, is involved.
- t. Proposers shall not engage in any activity that will restrict or eliminate competition. Violation of this provision will cause the proposal to be disqualified and rejected. This does not preclude joint ventures or subcontracts.
- u. The contents of a successful proposal may become a contractual obligation and be incorporated by reference into a contract if selected for the award of a contract. Failure of the proposer to accept this obligation may result in cancellation of an award. No plea of error or mistake shall be available to the successful proposer as a basis for release from proposed services at the stated price/cost. Any damages accruing to WSRCA because of a successful proposer's failure to contract with WSRCA may be recovered from the proposer.
- v. A contract with a selected proposer may be withheld, at the sole discretion of WSRCA, if issues of regulatory non-compliance, questioned/disallowed costs, 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.
- w. The solicitation and selection of proposals must conform to all relevant federal, state, and local laws, regulations, rules, and policies governing the procurement of goods and services. Proposers are responsible for familiarizing themselves with such matters.
- x. All proposals submitted must be an original work product of the proposing entity. The copying, paraphrasing or other use of substantial portions of the work product of others and submitted hereunder as original work of the proposer without written authorization or proper citation, is prohibited.
- y. Respondents must intend to fulfill all representations in their proposal. Failure of a respondent to accept this obligation may result in the cancellation of an award or contract. No pricing, error or mistake shall be available to a successful proposer as a basis for release from proposed services.
- z. The Offeror selected for contract award must meet the requirements of WSRCA's key control certification system to ensure the financial integrity of the entity prior to the execution of a contract. WSRCA will conduct a pre-award review of the selected Offeror prior to the execution of a final contract.

### **1.23 Administrative Requirements and other Limitations**

- a. WSRCA will provide any training and/or technical assistance needed by the

selected Contractor regarding WSRCA policies, documents, procedures, etc. that are specific to WSRCA, and the requirements listed in section 1.6 Scope of Work.

- b. Employees of the Contractor are subject to the exclusive control and supervision of the Contractor. The Contractor is solely responsible for personnel matters including hiring, discipline, termination, supervision, background checks, training, evaluation, etc. of its employees.
- c. The Contractor must provide reports in the format and within the timeline requested by WSRCA.
- d. Private non-profit organizations and agencies of state or local government responding to this RFQ must include the following: 1) a resolution from the respondent's governing body or board authorizing the submission of a proposal; and 2) a letter of transmittal from the chief executive officer of the respondent's organization.
- e. Private for-profit corporations submitting a proposal must include a statement signed by an authorized representative of the corporation authorizing submission of a proposal.
- f. The proposer must be current in Unemployment Insurance taxes, Payday and Child Labor law monetary obligations, and Proprietary School fees and assessments payable to the State of Texas and has no outstanding Unemployment Insurance overpayment balance payable to the State of Texas.
- g. The Contractor must provide the WSRCA with a certification of compliance for the requirements of Texas Family Code 231.006 regarding payment of child support.
- h. Appeal Process and Procedures for Opportunity to Protest, the CEO has the authority to settle or resolve any claim of an alleged deficiency or protest. The procedures for notifying WSRC of an alleged deficiency or filing a protest are listed on our website at <https://workforcesolutionsrca.com>.

## **PART 2 – PROPOSAL REVIEW AND EVALUATION PROCESS**

### **2.1 Proposal Review and Evaluation**

The evaluation process will consist of the following:

- a. All proposals received by the submission deadline will be reviewed by WSRCA staff for responsiveness to the requirements and specifications of the RFQ. An initial review of responsiveness and compliance with the technical

specifications and other criteria by the Board staff.

- b. All proposals deemed “responsive” will be evaluated/ scored by a designated review team. Proposals will be evaluated on specific criteria using a standardized instrument.
- c. Selection and Award of a contract will be made based on demonstrated competence and qualifications. Costs are deemed to be fair and reasonable if professional fees are consistent with published fees of professional associations and do not exceed any maximum provided by state law.
- d. The evaluation results will be ranked based on the average scores of the evaluation team.
- e. Presentation of scoring to the CEO and executive management. The CEO will have final contracting approval but reserves the option to consult with representatives of the Board of Directors in the evaluation process.
- f. Select Proposers may be requested to participate in a question-and-answer session with the CEO, Board Executive Committee and other WSRCA executive team members as part of the selection process.
- g. Possible discussion and appropriate action by the WSRCA Board of Directors in selecting proposed Contractor for contract negotiations, as applicable.
- h. WSRCA reserves the right to negotiate price and terms with all Proposers, to accept or reject all or any part of an offer, waive minor technicalities, to request Best and Final Offers from all or any bidders, and make an award that represents the best value to WSRCA. The final price and terms may be determined during Best and Final Offer negotiations. Performance and expenditure information on other contracts or grants may be considered by WSRCA in awarding funds under this RFQ.
- i. Final selection and award of contract shall be made by the CEO subject to successful contract negotiations.
- j. All contract awards will be considered conditional pending a pre-award review and successful completion of contract negotiations.

## **2.2 Proposal Evaluation Criteria**

Proposals must achieve an overall score of 70 to be considered for the award of funds. The review and evaluation of proposals shall be based upon the following criteria: 1) Demonstrated Performance/Experience, 2) Qualifications of Audit Staff 3) Quality of



Approach & Timeline, and 4) Reasonableness of Cost. 5 additional bonus points for any entity that is a certified Historically Underutilized Business (HUB) for a total of 105 points.

**The review and evaluation of written proposals shall be based upon the following criteria:**

**Demonstrated Performance/Experience**

**40 points**

- a. Proposals will be evaluated to determine if they have the requisite experience providing Independent Financial Audit Services.
- b. Experience providing audit services for non-profit organizations.
- c. Experience with workforce development boards.
- d. Experience or knowledge of federal/state workforce programs. (See 1.5)
- e. Results of Independent Peer Review reports issued no later than three years from the start of the engagement.

**Qualifications of Audit Staff**

**30 points**

- a. Work with other workforce development boards.
- b. Experience with non-profits, government, and quasi-government entities.
- c. Experience providing same or similar services as requested.
- d. State Board of Public Accountancy licensed accountants.

**Quality of Approach & Timeline**

**20 points**

- a. Planning and execution to complete requested tasks.
- b. Timeline to execute plan.
- c. Reporting and follow up/closure.
- d. Appropriate number of Staff assigned to project.

**Budget Reasonableness**

**10 points**

- a. Proposed budgets will be evaluated for reasonableness of cost.
- b. Clarity in the narrative, identifying and explaining costs.
- c. Overall competitiveness of costs compared to other proposals.
- d. Deemed to be fair and reasonable, professional fees are consistent with published fees of professional associations and do not exceed any maximum provided by state law.

**Historically Underutilized Business / Bonus**

**5 bonus points**

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

A "Historically Underutilized Business" is an entity with its principal place of business in Texas and is at least 51% owned by an Asian Pacific American, Black American, Hispanic American, Native American and/or American woman who reside in Texas and have a proportionate interest and demonstrate active participation in the control,

operations, and management of the entity's affairs. Five (5) bonus points will be awarded to responsive proposals submitted by a HUB certified by the Texas Comptroller of Public Accounts, or another bona fide certifying agency. HUBs must identify their certifying agency on the cover sheet and attach a copy of the notice of certification to be eligible for points awarded under this section. Certifications that are expired or do not meet the criteria specified shall not be considered for the five additional points.

<b>TOTAL POSSIBLE POINTS</b>	<b>105 Points</b>
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### **2.3 Best and Final Offers**

WSRCA reserves the right to negotiate with and/or to request Best and Final Offers (BAFO) from any or all bidders as a part of the formal evaluation process. If WSRCA requests a formal, written BAFO, the bidder will be notified of the allotted time to respond to the request. If the bidder does not respond to WSRCA's request within the allotted time, WSRCA will consider the most recent offer to be the BAFO.

### **2.4 Selection and Award Announcement**

WSRCA will officially select and award a contract(s) to the successful proposer(s). The WSRCA Board of Directors may participate in possible discussion and appropriate action in selecting the proposed Contractor for contract negotiations, as applicable. Once the Board officially awards the contract, all proposers will be notified in writing of the selection of the award within 10 business days of the decision. Notification of selection/non-selection will be emailed to proposers.

### **2.5 Inquiry and Appeal Process**

WSRCA is the responsible authority for handling complaints or protests regarding the procurement and proposal selection process. This includes, but is not limited to, disputes, claims, protests of selection or non-selection for award, or other matters of a contractual or procurement nature. Matters concerning violation of laws shall be referred to such authority as may have proper jurisdiction. Note: Scoring is not grounds for an appeal unless there are material violations of the procurement process.

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:

Paul Fletcher, Chief Executive Officer  
Workforce Solutions Rural Capital Area  
701 E. Whitestone Blvd. Suite 200  
Cedar Park, TX 78613

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, spreadsheet 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 RFQ, 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:

Paul Fletcher, Chief Executive Officer  
Workforce Solutions Rural Capital Area  
701 E. Whitestone Blvd. Suite 200  
Cedar Park, TX 78613

E-mail notices are 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, 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 because 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 Rural 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 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 Rural 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 15 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 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.

## **PART 3 - PROPOSAL PREPARATION AND SUBMISSION**

### **3.1 Instructions for Submitting a Proposal**

Proposals must be submitted using the following format: typed, spaced 1.5, font - Times, Calibri or Verdana 12pt-font, .5 header/footer, 1 inch right/left margins, one sided only, one column, and submitted on 8 ½ x 11-inch format. Emphasis must be placed on addressing all the requirements of this RFP in a clear and concise manner. All documents submitted must be legible, complete, and fully assembled. The proposal including responses to all questions and any attachments should be in ONE document, not attached as several individual documents. Any confidential or proprietary information should be clearly marked as such.

#### PROPOSAL LABELING AND SUBMISSION

Only emailed proposals will be accepted. All electronic submissions shall be marked in the subject area "RFQ No. 320-15-2309 Independent Financial Audit Services". Proposals and/or amendments will be deemed non-responsive and not considered for review or award if they are submitted after the RFQ deadline, September 19, 2023, 4:00 PM.

### **3.2 Proposal Validity Period**

Proposals submitted in response to this RFQ shall remain valid for WSRCA's acceptance for a minimum of one hundred twenty (120) calendar days after the submittal deadline, to allow for evaluation, selection, and Board action.

### **3.3 Submission Order**

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

- |  |              |
|--|--------------|
| a. Proposal Cover Sheet  | Attachment B |
| b. Response Checklist  | Attachment C |
| c. Table of Contents   |              |
| d. Proposal Narrative Summary  |              |
| e. Proposal  |              |
| f. Budget Forms (Separate attachment)                                  | Attachment L |
| g. Historically Under-utilized Business Certification, if applicable   |              |
| h. Organizational Chart(s)   |              |
| i. Job Descriptions of Key Staff                                       |              |
| j. Resume(s) of Key Staff including copy of lead auditor's CPA license |              |
| k. Subcontract Agreements, if applicable                               |              |
| l. Enrollment in the AICPA Peer Review Program and a copy of the most  |              |

- recently issued Peer Review (within past 3 years)
- m. **Financial Summary** - Budget Narrative and Budget
  - n. Additional attachments not specifically requested in the RFP but which a proposer desires to include, letters of support etc.
  - o. Certification of Legal and Signatory Authority Attachment D
  - p. Certification Regarding Lobbying Attachment E
  - q. Certification Debarment Attachment F
  - r. Certification Drug-Free Workplace Attachment G
  - s. Certification Regarding Texas Corporate Franchise Tax Attachment H
  - t. Certification Regarding Conflict of Interest Attachment I
  - u. Certification of State Assessment Attachment J
  - v. Certification of Compliance TX Family Code Attachment K

### PROPOSAL COVER SHEET

All items on the Proposal Cover Sheet must be completed. Identify a liaison or primary contact person, as well as the Signatory Authority – a person with the legal authority to negotiate and sign a contract on behalf of the proposing organization. The same person should also sign all certifications.

### RESPONSE CHECKLIST

Use the checklist to ensure documents and information are included in the order listed on the checklist.

### 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 specified section 4.3 above.

### PROPOSAL NARRATIVE SUMMARY

A brief (2-3) page summary highlighting the proposer’s organizational history; qualifications and experience in providing the services detailed in Sections 1.6 Scope of Work, 1.7 Audit Activities Timeline, and the overall approach to delivering the services solicited in the RFP; and any unique or innovative aspects of your proposal. Also describe what extra benefit or value-add your organization would bring to WSRCA as a Contractor, what separates you from other proposers.

## **4.4 Proposal**

The proposal should provide a complete description of the proposed plan for providing Independent Financial Audit Services as listed in Sections 1.6 Scope of Work and 1.7 Audit Activities Timeline. Narrative responses for each item should be clear, concise, and relevant. Please label each area in the same order as given below. 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.

## SECTION A – Demonstrated Performance/Experience

Provide a narrative that addresses each of the following:

1. History of the organization, number of years in operation, structure, lines of business or the type(s) of financial/audit services your organization provides.
2. Organizational capacity, structure, and capability to provide the Independent Financial Audit Services as listed in the RFP effectively and efficiently.
3. Experience providing audit services for:
  - a. Non-profit organizations
  - b. Workforce Development Boards
  - c. Government and Quasi-governmental organizations
4. Qualifications (See Section 1.5)
  - a. Federal and state workforce programs, WIOA, TTANF, Child Care and Development Fund, SNAP etc.
5. Describe the results of Independent Peer Review Reports for the last three years.
6. If you are submitting a proposal as a partnership, consortium, or joint venture, identify the roles, responsibilities, and functions of each party; identify the lead entity; and attach a copy of the partnership, consortium, or joint venture agreement.
  - a. If you are planning on subcontracting any services, identify which services will be Subcontracted and the rationale for using a subcontractor(s) as opposed to providing the service(s) yourself. Describe how subcontractors were or will be procured.

## SECTION B – QUALIFICATIONS OF AUDIT STAFF

Describe each of the following:

- a. Experience and qualifications in years and auditor level of staff assigned to this project as it relates to Sections 1.5 and 1.6.
  - b. Provide a copy of your entity's organizational chart, describing the experience of staff assigned to the proposal.
  - c. Technical competence, skills and professional licenses of staff assigned to accomplish this work.
  - d. Financial capability and knowledge of accounting to meet the requirements of this RFP.
  - e. Experience, knowledge, and education of individuals who will be assigned to this project and the tasks listed in 1.6 Scope of Work they will be responsible for performing. Information may be provided in chart format.
2. Attach the job descriptions (detailing minimum qualifications) for each financial position and the resumes (if available) for all key positions. Attach



CPA license if applicable.

3. If you have provided any financial services on a contractual basis for another entity (e.g., Workforce Board) the past three (3) years, provide the following information on each contract:
  - a. Name of contracting entity
  - b. Date(s) of contracts
  - c. Contact name, phone number, and e-mail address
  - d. Total amount of contract(s)
  - e. Type(s) of services provided
  - f. Number of individuals served
  - g. Performance outcomes/results
4. Provide any additional relevant information that substantiates or demonstrates your organization's experience and performance in providing the requested Independent Financial Audit Services and related services.

#### SECTION C – QUALITY OF APPROACH & TIMELINE

1. Describe your plan to execute the requirements in 1.6 Scope of Work.
2. Describe the staff and qualifications of staff assigned to this project.
3. Address reporting and follow-up tasks, scheduled times to provide updates.
4. Describe the timeline to execute the plan to meet requirements of the proposal and 1.7 Audit Services Timeline.

#### SECTION D – BUDGET/REASONABLENESS

1. Create an excel budget document that includes the following:
  - a. Budget Line-Item Budget – Prepare a line-item budget to present your best estimates of the costs to provide Independent Financial Audit Services as outlined in this RFP.
  - b. Include the billable rate for each person assigned estimated hours and the level of experience of the person(s) to provide the fiscal support services.
  - c. Include all costs necessary to meet the requirements of 1.6 Scope of Work for Independent Financial Audit Services explained in detail.
    - a. Include the costs for all auditors/staff, level of staff assigned to the project.
  - d. Budget Narrative – Prepare a budget narrative to explain the purpose of each line item in the proposed Line-Item Budget. For each item, explain the purpose of the expense and provide a breakdown showing the exact amount of each cost item and how it was calculated.
    - a. Describe how costs were determined and calculated.

## **PART 4 –ATTACHMENTS**

This page is left intentionally blank.

## Attachment A – Letter of Intent to Bid

### Letter of Intent to Bid

Workforce Solutions Rural Capital Area  
701 E. Whitestone Blvd. Suite 200  
Cedar Park, TX 78613

E-Mail: [board.procurement@ruralcapital.net](mailto:board.procurement@ruralcapital.net)

**Reference: Request for Proposal Independent Financial Audit Services**  
**Due Date: 09/15/23**

If you intend to bid, please complete this form.

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

Name	
Company	
Firm License Number & State	
Address	
City, State & Zip	
Phone Number	
E-Mail Address	

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed Name and Title of the Authorized Representative

\_\_\_\_\_  
Typed Name of the Company

**Attachment B – Proposal Cover Sheet  
Independent Financial Audit Services**

<b>Legal Name of Proposing Entity</b>	
<b>Mailing Address</b>	
<b>Authorized Contact/ Signatory Authority</b>	
<b>Phone Number</b>	
<b>Fax Number</b>	
<b>E-Mail</b>	
<b>Type of Organization</b>	Private for-profit Private non-profit Government Agency Partnership Sole Proprietor/Entity Other (specify)
<b>Amount of Bid</b>	
<b>Federal EIN</b>	
<b>Texas State Comptroller ID Number</b>	
<b>Firm License Number and State</b>	
<b>Historically Underutilized Business?</b>	Yes (if yes, attach current certificate) No
<b>Proposal Authorization</b> I, the undersigned, hereby certify and warrant that I am fully authorized to submit this proposal on behalf of the organization represented and to legally bind the organization to all the terms, performances, and provisions as herein set forth.	
<b>Submitting a proposal for:</b>	<b>Independent Financial Audit Services</b> <input type="checkbox"/>
<b>Typed Name &amp; Title of Authorized Signatory</b>	
<b>Signature</b>	
<b>Date</b>	

## Attachment C – Response Checklist/Order of Submission

1. Confirm you are providing the requested information (yes or no).
2. To ensure reviewers can easily identify your answer, please list the Proposal page that contains each response.

<b>Part 1: Proposal Submission</b>	<b>In Proposal (Yes/No)</b>	<b>Page #</b>
Attachment B – Proposal Cover Sheet		
Attachment C – Response Checklist/Order of Submission		
Table of Contents		
Executive Summary		
Proposal Narrative		
Budget Forms		
Certification of Historically Under-utilized Business, if applicable		
Organizational Chart(s)		
Job Descriptions of Key Staff		
Resumes Key Staff		
Sub-Agreements, if applicable		
Peer review report issued within the past three years		
<b>Financial:</b>		
Budget Narrative and budget		
Additional attachments not specifically requested in the RFP organization desires to include with your proposal.		
Attachment D Certification of Legal & Signatory Authority		
Attachment E Certification Regarding Lobbying		
Attachment F Certification Regarding Debarment		
Attachment G Certification Regarding Drug-Free Workplace		
Attachment H Certification Regarding Texas Corporate Franchise Tax		
Attachment I Certification Regarding Conflict of Interest		
Attachment J Certification of State Assessment		
Attachment K Certification of Compliance TX Family Code 231.006		

## **Attachment D – Certification of Legal and Signatory Authority**

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 the proposed services to be provided by this organization. I certify that no officer, employee, board member or authorized agent of Workforce Solutions Rural Capital Area has assisted in the preparation of this proposal.

I acknowledge that I have read and understand the requirements and provisions of the RFQ/RFP/RFA and that the organization will comply with applicable local, state and federal regulations, rules and policies. I also certify that I have read and understand the Governing Provisions and Limitations and the Administrative Requirements and Other Limitations presented in this RFQ/RFP/RFA and this organization will comply with all applicable federal, state, and local laws, rules, regulations, policies and directives in the implementation of this proposal and it's the terms.

The person signing this form is on behalf of the respondent certifies and warrants that he/she is legally authorized to sign this proposal and submit it to Workforce Solutions Rural Capital Area and to legally bind the respondent to all terms, performance, and provisions herein set forth.

The undersigned certifies that the statements above are true and correct and understands that making a false statement is a material breach of a contract award and is grounds for contract cancellation.

---

Signature

---

Date

---

Typed Name and Title

---

Organization

## **Attachment E - Certification Regarding 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). Certification Regarding Lobbying Certification for Contracts, Grants, Loans and Cooperative Agreement The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, or an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant local, or cooperative agreement.
2. If any funds other than Federal appropriated funds have paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the Federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL. "Disclosure Form to Report Lobbying" in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

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

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Signature

---

Date

---

Typed Name and Title

---

Organization

## **Attachment F - Certification Regarding Debarment**

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

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

The prospective recipient of Federal assistance funds certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in the transaction by Federal department or agency. Where the prospective recipient of Federal assistance funds is unable to certify any of the statements in this certification, such prospective participant shall attach an explanation to its proposal.

---

Signature of Authorized Official

---

Date

---

Organization



## **Attachment G – Certification Regarding 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:

- A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Offeror's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- B. Establishing a drug free awareness program to inform employees about:
  - 1. The dangers of drug abuse in the workplace;
  - 2. The Offeror's policy of maintaining a drug free workplace;
  - 3. Any available drug counseling, rehabilitation, and employee assistance programs; and
  - 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- C. Providing each employee with a copy of the Contractors policy statement.
- D. Notifying the employee in the statement required by paragraph A that, as a condition of employment under the contract, the employee will:
  - 1. Abide by the terms of the policy statement, and
  - 2. Notify the employer of any criminal drug statutes conviction for a violation occurring in the workplace no later than five working days after such conviction.
- E. Notifying the Workforce Solutions Rural Capital Area Board within 10 days of Contractors receipt of a notice of a conviction of an employee; and,
- F. Taking one of the following actions, within 30 days of receipt of notice under subparagraph D.2. with respect to any employee who is so convicted:
  - 1. Taking appropriate personnel action against such an employee, up to and including termination; or
  - 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose by Federal, State, or local health, law enforcement, or other appropriate agency.

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

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

These certifications are a material representation of the 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 this transaction.

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Signature

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Date

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Typed Name and Title

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Organization

## Attachment H - Texas Corporate Franchise Tax Certification

Pursuant to Article 2.45, Texas Business Corporation Act, State agencies may not award grants to for profit corporations that are delinquent in making state franchise tax payments. The following certification that the corporation entering this grant award is current in its franchise taxes, must be signed by the individual authorized on Form 2031, Corporate Board of Directors Resolutions, to sign the grant award for the corporation.

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

Indicate the certification that applies:

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.

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Signature

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Date

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Typed Name and Title

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Organization

## Attachment I – 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 Chief Executive Officer, or an employee of Workforce Solutions Rural Capital Area.
2. No manager or paid consultant of the Proposer is married to a member of the Board, the Chief Executive Officer, or an employee of Workforce Solutions Rural Capital Area.
3. No member of the Board, the Chief Executive Officer or employee of Workforce Solutions Rural Capital Area owns or controls more than a 10 percent interest in the Proposer.
4. No spouse or member of the Board, Chief Executive Officer or employee of Workforce Solutions Rural Capital Area is a manager or paid consultant of the Proposer.
5. No member of the Board, the Chief Executive Officer or employee of Workforce Solutions Rural Capital Area 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 (Please Describe):

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Name of Organization

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Date

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Typed Name and Title, Organization

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Signature

## Attachment J - State Assessment Certification

Offerors must certify that they are current in all Unemployment Insurance taxes, Payday and Child Labor Law monetary obligations, and Proprietary School fees and assessments payable to the State of Texas. Offerors must also certify that they have not outstanding Unemployment Insurance overpayment balances due to the State of Texas.

The undersigned authorized representative of the Offeror certifies that the following statements are true and correct and that the undersigned understands that making a false statement will prevent **WSRCA** from contracting with the organization.

The corporation certifies, by checking the boxes below, 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.

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Signature

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Date

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Typed Name and Title

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Organization

**Attachment K - Certificate of Compliance with Texas Family Code  
231.006 Regarding Payment of Child Support**

Pursuant to 231.006, Texas Family Code, a child support obligor who is more than 30 days delinquent in paying child support and a business entity in which the obligor is a sole proprietor, partner, shareholder, or owner with an ownership interest of at least 25 percent is not eligible to receive payments from state funds under a contract to provide property, materials or services.

The undersigned authorized representative of the respondent hereby certifies that the individual or business entity named in the proposal is not ineligible to receive payments based on Texas Family Code 231.006 and acknowledges that a contract may be terminated, and payment may be withheld if this certification is not true and accurate.

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Signature

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Date

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Typed Name and Title

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Organization