



Brewster Culberson El Paso Hudspeth Jeff Davis Presidio

**REQUEST FOR PROPOSALS
PY10-RFP-200-801**

**REQUEST FOR PROPOSAL
FOR
THE LEASE OF
OF OFFICE SPACE IN
EL PASO, TEXAS
(NORTHEAST CAREER CENTER)**

Release RFP
August 6, 2010, 9:00 a.m. MDT
Technical Assistance Deadline
August 27, 2010, 1:00 p.m. MDT
Proposal Submission Deadline
September 10, 2010, 4:00 p.m. MDT

**Upper Rio Grande Workforce Development Board
221 N. Kansas St., Ste 1000
El Paso, Texas 79901
(915) 772-2002 phone
(915) 351-2790 fax
www.urgjobs.org**

An Equal Opportunity Employer/Program
Auxiliary aids and services are available upon request for individuals with disabilities

INTRODUCTION

The Upper Rio Grande Workforce Development Board (hereafter “Workforce Board”) is a 501(c) (3) non-profit corporation. It is governed by a twenty five (25) member Board of Directors who is appointed by the local Chief Elected Officials in accordance with the provisions of Texas Senate Bill 642, Texas House Bill 1863 and the Federal Workforce Investment Act of 1998.

The Workforce Board is composed of volunteer community leaders representing business, labor, education, economic development and government. The Workforce Board is the oversight entity and fiscal agent for workforce development services and administers the procurement of goods and services that meets compliance with federal/state regulations. The primary responsibility of the Workforce Board is to identify the workforce needs and issues of the Upper Rio Grande Workforce Development Area (URGWDA), provide policy and program guidance and evaluation of workforce development programs and services that affect area employers, residents and job seekers.

The Workforce Board represents a public/private partnership that serves as a catalyst for building a workforce development system that meets the needs of local employers and job seekers. The URGWDA consists of Brewster, Culberson, El Paso, Hudspeth, Jeff Davis and Presidio counties.

The focal point of the local workforce delivery system is a network of "One-Stop" Career Centers, known as the Workforce Solutions Upper Rio Grande Career Centers (Career Centers). These Career Centers provide all customers (employers and job seekers) with convenient access to a broad array of information and services. The System is built upon five basic concepts:

- The needs of employers and workers
- Easy accessibility for all customers, not just the income eligible or unemployed
- Integration of programs and services into a flexible and seamless system
- Support for life-long learning
- Accountability for real results and outcomes, and continuous improvement

The Workforce Board is committed to continuous quality improvement in the delivery of workforce development services and is especially interested in the development of key partnerships that will compliment and enhance the services already being provided in the URGWDA. Moreover, the Workforce Board is dedicated to increasing employer involvement in the current workforce system. Contributions from business development activities, not only increase the sustainability of the current workforce development system, but also empower the Workforce Solutions Upper Rio Grande System to continually strive for the betterment of its customers.

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

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

UPPER RIO GRANDE WORKFORCE DEVELOPMENT BOARD STRATEGIC PLAN

Vision Statement

A strong network of community partnerships makes our customers competitive in the global marketplace.

Mission Statement

The Upper Rio Grande workforce system provides skilled workers for employers and job opportunities for workers.

Board Goals

The long-term results of our efforts will be more competitive employers and workers, who together bring better jobs and higher incomes to the Region.

- A Better Educated and Skilled Workforce – Sustain and strengthen partnerships and strategic alliances that promote and impact the region’s workforce readiness, academic readiness and educational attainment for both youth and adults. Increase investment in partnership in early childhood and Pre-k to 16 to develop career awareness, exploration and preparation. Increase the number of Upper Rio Grande customers completing training, attending educational goals and entering employment at levels equal to or greater than Upper Rio Grande’s target earnings rate.
- High-Skill, High-Wage Employers in Targeted Industries – Annually increase the number of employers providing high-skill, incumbent worker training.
- Creation of Jobs with Higher Incomes through Meaningful Alliances – Strengthen alliances with economic development partners to increase the creation of new jobs in the region. Expand the regional labor market by investing resources in initiatives that integrate the E³ concept (education, employment and economic development).
- Achievement of a Fair Rate of Return on Taxpayer’s Investment – Increase the number and the amount of non-formula driven and external funding awards each year to support the Upper Rio Grande goals. Improve the efficiency, effectiveness and results of investments across the entire Upper Rio Grande.
- Recognition of the Board as the Strategic Leader of the Regional Workforce System – Increase the number of services and opportunities to individuals who face challenges and barriers to full employability. Annually improve the overall customer satisfaction for employers, job seekers and other customers accessing the Upper Rio Grande. Guide marketing efforts to improve community and stakeholder awareness and recognition of the Upper Rio Grande’s value and contributions. Ensure a service delivery system that attracts, retains and trains a highly skilled workforce.

PART 1 – GENERAL INFORMATION

1.1 Issuing Office

Issuance of this RFP is coordinated by the Upper Rio Grande Workforce Development Board, 221 N. Kansas Street, Suite 1000, El Paso, Texas 79901. The Workforce Board, as the administrative and fiscal agent, is the Issuing Office for this RFP.

1.2 Procurement Standards

Procurement of goods and services under Federal assistance programs, shall be in compliance with OMB Circular A-122 or A-110 (as applicable), as supplemented by the final rules promulgated by the Office of the Governor under the Uniform Grants Management Standards, and the TWC Financial Manual for Grants and Contracts. These guidelines require that procurement transactions be conducted in a manner that provides for maximum free and open competition, regardless of the dollar amount or the procurement method used. Additionally, awards may only be made to organizations possessing the demonstrated ability to perform successfully under the terms and conditions of the contract.

1.3 Eligibility to Respond

Organizations and individuals are eligible to respond if they have adequate experience and the capability to provide the requested services outlined in this RFP. Respondents must also have a proven record of past performance in providing the requested or similar services and not be debarred and/or suspended from conducting business with Federal or State funded agencies. No contract(s) will be awarded to any respondent(s) that is/are on sanctions, during the award phase of the procurement process.

1.4 Authorized Board Contact

The authorized Workforce Board contact person for this procurement is Geoffrey Roberts, Contracts and Procurement Manager, Upper Rio Grande Workforce Development Board, 221 N. Kansas St., Suite 1000, El Paso, Texas 79901, Telephone: (915) 772-2002, Ext. 202, Fax: (915) 351-2790 or via email at geoffrey.roberts@urgjobs.org .

1.5 Availability of RFP Packets

Request for Proposal packets will be available beginning on and after 9:00 AM MDT, Friday August 6, 2010 at the above address. Packets may be picked up in person or requested in writing to the address in paragraph 1.4 above. The RFP will also be available on the URGWDB Web Site at www.urgjobs.com under the Procurements section.

1.6 Respondents' Conference and Technical Assistance

A respondent's conference is not scheduled for this procurement. The Workforce Board shall accept written, e-mailed, and faxed questions prior to, during, and up to the deadline for questions. Questions will not be accepted after 1:00 PM MDT, August 27, 2010. Respondents are encouraged to check the Workforce Board's website daily for any changes to the RFP or any

additional information regarding pertinent to the RFP. Should you encounter problems accessing the Workforce Board's Web Site, contact the Procurement and Contracts Manager immediately for assistance. Questions should be addressed to:

Workforce Solutions Upper Rio Grande
ATTN: Geoffrey Roberts, Contracts and Procurement Manager
221 N. Kansas, Suite 1000
El Paso, Texas 79901
Phone (915) 772-2002, ext. 202 /Fax: (915) 351-2790
E-mail: geoffrey.roberts@urgjobs.org

Other than as specified above, all members of the Upper Rio Grande Workforce Development Board of Directors, Workforce Board staff, authorized representatives or agents of the Board are precluded from entertaining or responding to questions concerning this RFP or the procurement process.

With the exception of questions submitted to the Contracts and Procurement Manager, potential Respondents are prohibited from making any contact related to this RFP with Workforce Board staff or the Board of Directors at any time during this procurement. Violations of this prohibition will result in the automatic disqualification of the offending Respondent.

1.7 Proposal Closing Date and Delivery Method

The Procurement and Contracts Manager (or Workforce Board representative) must physically receive responses to this RFP no later than 4:00 PM MDT September 10, 2010. Any response submitted after this time will not be accepted for consideration under this RFP. Any reasonable delivery method, except facsimile or email may be used. Use of a traceable delivery method, such as certified mail-return receipt requested, guaranteed express service, or hand delivery is recommended.

1.8 Changes, Amendments, Withdrawal and/or Re-Issuance of this Proposal

Any respondent may withdraw its bid either in person or by written request at any time. Unless specifically requested by the Workforce Board, changes and/or amendments to the originally submitted proposal will not be considered. In addition, the Workforce Board reserves the right to:

- Amend or withdraw this RFP at any time
- Reject any and all bids
- Re-issue this RFP

1.9 Funding

Funding for all activities under this RFP will be provided by the appropriate program grant. The actual amount of contract award will be based on the negotiated cost proposal, available funds, as well as standards for use of public funds, i.e., that all costs be reasonable and necessary to execute planned functions and allowable and allocable to the proper grant/cost category.

1.10 Expected Outcome of this Procurement

The Board will award a Lease/Contract for property delineated in the Statement of Work in Part 2 of this RFP. The Board reserves the right to negotiate annual lease/contract renewals, based on contract/lease performance.

1.11 Historically Underutilized Business (HUBs)

It is the policy of the Upper Rio Grande Workforce Development Board (Workforce Board) to continue promoting and expanding economic development for minority and women-owned businesses that are located in the Upper Rio Grande Region. The Workforce Board will ensure that local small minority-owned, disadvantaged and women-owned businesses are considered in the procurement process, whenever possible.

1.12 Schedule of Events

The following schedule delineates the significant activities and dates regarding this RFP. The Board reserves the right to amend this schedule as it deems necessary. If significant changes are made, all prospective Respondents on record will be notified.

- | | |
|--|-------------------------------------|
| a. Advertisement | August 8 & 15, 2010 |
| b. Availability of RFP Packets | August 6, 2010 at 9:00 a.m. MDT |
| c. Submission Deadline | September 10, 2010 at 4:00 p.m. MDT |
| d. Evaluation of Responses | September 13 – 24, 2010 |
| e. Begin Contract/Leasing Negotiations | October 4, 2010 |

PART 2 – STATEMENT OF WORK

2.1 Background and Purpose

The Upper Rio Grande Workforce Development Board (URGWDB) is a Private Non-Profit organization that is responsible for serving an estimated population in excess of 700,000 located throughout the Counties of Brewster, Culberson, El Paso, Hudspeth, Jeff Davis and Presidio, Texas which encompasses over 21,000 square miles. The URGWDB mission is to provide skilled workers for employers and job opportunities for workers. To carry out that mission, the URGWDB needs to ensure that all responsibilities of the Board are performed in accordance with the applicable Federal, State and local rules and regulations. The objective of this solicitation requires commercial office space to provide workforce development services to a universal population.

2.2 Scope of Work

The Scope of Work consists of offering appropriate office space to be leased by the Board for its designated contractor(s), to provide workforce programs for the region. These programs include

the Workforce Investment Act (WIA); Temporary Assistance for the Needy Families (TANF); Food Stamps Employment and Training (FSE&T); Child Care Services (CCS); Unemployment Insurance and Employment Services.

2.3 Statement of Work Requirements

- 2.3.1 The URGWDB is soliciting proposals to obtain bids from individuals and/or brokers for commercial office space to serve as a workforce center as described below:
- a. Space: Must have a minimum of 16,000, square feet to accommodate current staff personnel and participants throughout the day.
 - b. Conference Rooms: Proposed office building must have enough space to include one conference room of approximately 150 to 200 square feet.
 - c. Location: Proposed office building must be easily accessible to the public and ample parking for staff and participants
 - d. Square Footage Cost: Should include cost per square foot without utilities and cost per square foot including utilities (electric, gas and water).
 - e. Compliance: Must be in compliance with the Americans with Disabilities Act (ADA), to include the appropriate parking spaces required and all applicable City of El Paso and State Codes for Fire, Electrical and gas.
 - f. Emergency Maintenance Services: How and when Emergency Maintenance Services will be provided, what are their hours of operation and bears the responsibility for providing such services?
 - g. Abatement: description of any asbestos, mold or other hazardous abatement in the past 5 years.

PART 3 – SUBMISSION GUIDELINES

3.1 SUBMISSION

To be considered for funding, each respondent must submit an offer (proposal) and other supporting documentation in strict accordance with these instructions. Therefore, the Workforce Board encourages respondents to contact the Procurement and Contracts Manager by facsimile transmission, email or regular mail to request any additional clarification that may be needed to comply with these instructions.

Workforce Solutions Upper Rio Grande
ATTN: Geoffrey Roberts, Contracts and Procurement Manager
221 N. Kansas, Suite 1000
El Paso, Texas 79901
Phone (915) 772-2002, ext. 202 /Fax: (915) 351-2790
E-mail: geoffrey.roberts@urgjobs.org

3.2 Format

Each Respondent must submit one (1) original and three (3) copies of the complete proposal document and (1) reproducible master disk prepared or converted to Microsoft Office Software (Word, Excel, etc.). The original must clearly be marked “ORIGINAL” on the cover sheet and contain original signatures where applicable. All responses must be typed and will become the property of the Board. Respondents are encouraged to identify “Proprietary” information as such. Proprietary Information will not be distributed to a third party without written consent from the proprietary organization. The packet must contain the RFP number, name and address of Respondent, due date and time. All responses, forms and attachments must be submitted on standard 8½ by 11- inch paper, with all pages sequentially numbered and either stapled or bound together. Font size will be no smaller than 12 point, single space. Do not submit proposals in three-ring binders.

3.2.1 Cover Sheet. Must be signed by the individual having Contract Signature Authority. If the respondent has been certified as a Historically Underutilized Business (HUB), the HUB certification number must be included and a copy of the certification must be attached (Attachment A).

3.2.2 Assurances and Certifications. The individual having Contract Signature Authority, as indicated on the Cover Sheet at Attachment A, must sign the Assurances and Certification Document. Note: Do not re-type this document; use the copy provided with this RFP (Attachment B).

3.2.3 Certificate of Good Standing. Attach a copy of the Respondent’s most recent Certificate of Good Standing or Certificate of Account Status from the Texas Comptroller of Public Accounts. The Web Site address to obtain this certificate is:
<http://ecpa.cpa.state.tx.us/coa/coaStart.html> (Attachment C).

3.2.4 Respondent Background Information. Describe the Respondent’s organization. Items that should be addressed are: Detailed history of the organization to determine business stability; i.e., experience and qualifications (preferably resumes), of individual(s) that will be responsible for providing the required office space. (Attachment D).

3.2.5 Past Performance. The Respondent’s past performance in providing the requested or similar services will be evaluated to determine the overall experience in providing this type of service. (Attachment E):

3.2.6 Property Standards. Respondents must respond to the following building minimum requirements (Attachment F).

➤ Interior of the building:

- a) State the number of existing offices;
- b) What is the usable square footage of the proposed building(s);
- c) State the number of bathrooms and whether or not they are ADA compliant;
- d) Type of floors coverings in the building (tile, carpet, etc.);
- e) Are there Security and Fire Alarm Systems installed, and by whom;

- f) Described the type of interior ceiling; and
- g) State whether remodeling is allowed and, if so, who is the responsible party (lessor or lessee) for the remodeling.
- h) Who is responsible for making repairs (roof, air- condition heaters, etc.), lessee or lessor?

➤ Exterior of the building:

- a) Structure of the building(s);
- b) Number of entrances and state whether they meet the minimum ADA Compliance requirement of 32 inches wide, no steps and/or ramp accessible;
- c) Is the building fenced in or otherwise enclosed?

➤ Parking space:

- a) State the number of parking spaces, within what distance of the building and are they free or metered?
- b) Of the total number of parking spaces available, how many are designated for the disabled?
- c) Are the parking spaces for the disabled clearly marked?
- d) State the distance from the parking spaces for the disabled and the entrance to the building; and
- e) Describe the lighting of the parking lot.

➤ Heating, Ventilation and Air Conditioning System (HVAC):

- a) Describe the heating, ventilation, and air conditioning system (HVAC).
- b) Indicate the type of system installed in the building (evaporative coolers or refrigerated air).
- c) State when the system was purchased and installed.
- d) How often is the system maintained and what constitutes maintenance?
- e) Who maintains the system (Lessor or Lessee)?

Property Modifications: Are modifications to the property allowed, and if so, is prior approval required from the lessor?

Emergency Maintenance Services: How and when Emergency Maintenance Services will be provided, what are their hours of operation (evenings and days) and who bears the responsibility for providing such services – lesser or lessee?

3.2.7 Cost Analysis/Reasonableness: Respondents' must describe all costs associated the requested services. A detailed cost proposal shall include but is not limited to the following (Attachment G):

- a) Provide annual cost per square foot;
- b) Provide the annual cost per square foot including utilities;

- c) Clearly specify any other additional costs associated with the lease;
- d) Describe any available discounts; and
- e) Are the costs reasonable?

Historically Underutilized Business (HUB) Certificate. If the Respondent’s organization is HUB certified, enter the certification number on the cover sheet and attach a copy of the certificate (Attachment H).

3.3 Summary and Checklist

Each copy of a completed Request for Proposal must contain all of the following documents in the order indicated:

<u>DOCUMENT</u>	<u>COMPLETED</u>	<u>SIGNED</u>	<u>ATTACHMENT</u>
Cover Sheet	X	X	A
Assurances and Certification	X	X	B
Certificate of Good Standing	X		C
Respondent Background Information	X		D
Past Performance	X		E
Property Standards	X		F
Cost Proposal	X		G
HUB Certificate	X		H

Note: Respondents must complete and provide Attachments A through H with their proposals.

PART 4 – EVALUATION AND SELECTION PROCESS

4.1 Evaluation Committee

An evaluation committee will be assigned to evaluate all proposal responses received by the Board. The committee will use the evaluation criteria as outlined in paragraph 4.2 below. Upon completion of the evaluation, aggregate scores will rank each proposal. The evaluation committee will submit their recommendation(s) to the Board CEO for a final decision to award one contract to the proposal that obtained 70 points or more. It should be noted that the contract resulting from this RFP will be awarded to the responsible respondent whose proposal, conforming to the RFP, is determined to provide the “best value” to the Board, which may not necessarily be the proposal offering the lowest cost or receiving the highest technical score.

4.2 Evaluation Criteria and Rating Scale

The following criteria will be used to evaluate each proposal response. Each response will be awarded a numerical rating based on the information provided by the respondent, up to the maximum number of points indicated for each area of consideration:

4.2.1 Respondent Background Information (Maximum 15 Points)

- a. Did the Respondent provide a detail history of the organization?
- b. Did the Respondent provide resumes of individuals responsible for providing requested services?
- c. Did the Respondent provide a brief description of the organization's Board of Directors, Principals and Officers, their education and relevant experience.

4.2.2 Past Performance (Maximum 15 Points)

All responses will be reviewed for the respondent's approach and demonstration of successful past performance.

4.2.3 Response to the Statement of Work Requirements (Maximum of 35 Points)

- a. Did the Respondent clearly respond to the Space, Conference Room, Square Footage, Compliance and Asbestos requirements of the Statement of Work?
- b. Did the Respondent clearly respond to the Interior Building requirements of the Statement of Work?
- c. Did the Respondent clearly respond to the Exterior Building requirements of the Statement of Work?
- d. Did the Respondent clearly respond to the Parking Space requirements of the Statement of Work?
- e. Did the Respondent clearly respond to the Heating, Ventilation and Air Conditioning System and Emergency Maintenance requirements of the Statement of Work?
- f. Did the Respondent clearly outline the allowable modifications to the property and what steps are required to secure approval?
- g. Did the Respondent address how and when Emergency Maintenance Services will be provided, their hours of operation and who has the responsibility, Lessor or lessee?

4.2.4 Cost Analysis/Reasonableness (Maximum of 35 Points)

All responses are rated as to reasonable and necessary costs. Itemization and detailed explanation of all costs is required.

- 1) Did the Respondent provide a detailed schedule of charges to include square footage cost; square footage cost that include utilities, and any fees in addition to rental fees?
- 2) Did the Respondent describe any available discounts?
- 3) Is the cost reasonable, i.e., how does the respondent's proposed cost compare to costs offered by other proposers?

4.2.5 Historically Underutilized Businesses (HUBs) (5 Bonus Points)

Respondent's who are HUB certified and have provided the organization's HUB Certification Number on the Cover Sheet (**Attachment A**) and attached a copy of the HUB Certificate will be awarded 5 bonus points (**Attachment G**).

PART 5 - GOVERNING PROVISIONS AND LIMITATIONS

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

- A. The intent of the RFP is to identify various prospective contract alternatives and obtain cost analysis for services solicited. The Workforce Board is under no obligation to execute a contract(s) on the basis of any information received. Furthermore, this RFP does not commit the Workforce Board to pay for any costs incurred in the preparation of a response.
- B. The Board reserves the right to accept or reject any or all information received, to cancel this RFP in part or in its entirety, or to reissue this RFP.
- C. The Board is not responsible for any costs incurred in services provided by Respondents, prior to the commencement date of any contract.
- D. All information and any attachments, appendices, or other information submitted as part of a response, become the property of the Workforce Board upon submission, and may be reprinted, published, or distributed in any manner the Workforce Board deems appropriate, in accordance with open record laws, and applicable State and Federal policies and procedures.
- E. The Workforce Board reserves the right to contact any individual, agencies or employers listed in a response to the RFP, 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.
- F. The Workforce Board 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 RFP may be re-negotiated and/or amended in order to successfully meet the needs of the Local Workforce Development Area.

- G. The Workforce Board reserves the right to conduct a review of records, systems, procedures, etc., of any entity selected for funding. This may occur prior to or subsequent to any award. Misrepresentation in a proposal of a respondent's ability to perform may result in termination of any award.
- H. The Workforce Board 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.
- I. 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.
- J. Respondents shall not, under penalty of law, offer or provide any gratuities, favors or anything of monetary value to any officer, member, employee or agent of the Board for the purpose of having the effect of influencing favorable disposition toward their own proposal or any other proposal submitted hereunder.
- K. Respondents shall not attempt in any manner to advocate for, lobby or otherwise attempt to influence any officer, board member, employee, proposal evaluator, or agent of the Board or elected official for purposes of having an influencing effect on this procurement.
- L. No officer, board member, employee, proposal evaluator, or agent of the Board 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.
- M. Respondents shall not engage in any activity that will restrict or eliminate competition. Violation of this provision may cause a Respondent's proposal to be disqualified and rejected. This does not preclude joint ventures or subcontracts.
- N. All proposals submitted must be an original work product of the Respondent. The copying, paraphrasing or other use of substantial portions of the work product of another party and submitted hereunder as original work of the Respondent is not permitted. Failure to adhere to this instruction may cause the proposal to be disqualified and rejected.
- O. The contents of a successful proposal may become a contractual obligation if selected for the award of a contract. Failure of a Respondent to accept this obligation may result in cancellation of an award. No plea of error or mistake shall be available to successful Respondents as a basis for release from proposed services at the stated price/cost. Any damages accruing to the Workforce Board as a result of a successful Respondent's failure to contract with may be recovered from the Respondent.
- P. A contract with a selected Respondent may be withheld, at the sole discretion the Board, 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. The Workforce Board may withdraw the award of a contract if the resolution is not satisfactory to the Workforce Board.

- Q. The solicitation and selection of proposals must conform to all relevant federal, state and local laws, regulations, rules, and policies governing the procurement of supplies, equipment and services. Respondents are responsible for familiarizing themselves with such matters.
- R. Under Texas Government Code Section 552.003, the Board is subject to the Texas Public Information Act and the information provided in response to this RFP will be made accessible to the public. If a Respondent believes that any information contained in its proposal qualifies for an exception to the Public Information Act, it must indicate which information in the proposal should be excepted from the Act and clearly state the grounds for the exception. If there is a request for this information under the Public Information Act, the Workforce Board will make a good faith effort to inform the Respondent of the request for access to the information.

PART 6 – INQUIRY/PROTEST PROCEDURES

6.1 Requests for Debriefing

Respondents who desire a debriefing must submit a written request within ten (10) business days of the receipt of the Workforce Board's notification of the procurement decision. In the debriefing, the respondent will obtain information on the procurement process and how their proposal or offer was received and ranked. The Workforce Board shall acknowledge receipt of the request for debriefing in writing within three (3) business days of receipt, along with the date and time of the scheduled debriefing. The debriefing shall be scheduled, as soon as possible, and no later than ten (10) business days from the written receipt of request for debriefing.

6.2 Debriefing

The purpose of the debriefing is to promote the exchange of information, explain the Workforce Board's proposal evaluation system, and help unsuccessful respondents understand why they were not selected. Debriefings serve as an important educational function for new respondents, which hopefully, will help them to improve the quality of any future proposals. Workforce Board staff and/or independent evaluators will meet with the appealing party and review: (a) the proposal evaluation process and (b) how the appealing party's proposal for bid was scored or ranked. Bidders and respondents can gain a better understanding of the procurement process and how to improve their bids or proposals, while Workforce Board staff gets direct feedback to help improve future procurements. The debriefing process, however, is not an open-ended invitation for a bidder to obtain information and documentation on an evaluation. Although the Workforce Board will endeavor to provide as much information or documentation as possible in a debriefing, the Workforce Board must observe relevant legal restrictions on the timing and extent certain bid-related information and documentation can be disclosed. By way of example, the Workforce Board may not release confidential or proprietary information belonging to other bidders during any stage of the debriefing or appeals process.

6.3 Written Notice of Appeal

If after the debriefing, the appealing party wishes to initiate the appeal process, they must submit to the Workforce Board, a written Notice of Appeal within fourteen (14) business days of the

date of the appealing party's debriefing. This written notice must clearly state that it is an appeal and identify the following:

- a. The solicitation being appealed (i.e. RFP number and date).
- b. The name, address, phone and fax number of the appealing party.
- c. The specific grounds of the appeal.
- d. Any relevant documents in the Respondent's possession or control and which are material to the consideration of the appeal

The Notice of Appeal must be signed and dated and sent by mail or hand delivered (please request a receipt), clearly identified externally as "Dated Material" and addressed to:

Equity Officer
Upper Rio Grande Workforce Development Board
211 N Kansas, Suite 1000
El Paso, Texas 79901

Telefax/facsimile/e-mail notices and/or any other documentation sent via these means will not be accepted at any stage of the appeals process. Written acknowledgement of receipt of the Notice of Appeal will be provided to the appealing party within five (5) business days of receipt of the notice. Such document will also include specific instructions for completing the appeal process and the date, time and place of the Informal Hearing.

6.4 Informal Hearing

An Informal Hearing will be held at the Workforce Board offices within ten (10) business days of receipt, by the Workforce Board, the Notice of Appeal. The Equity Officer, or a designee, shall act as the Hearing Officer for the Informal Hearing, and will meet with the appealing party to discuss the specific concerns and grounds for the appeal that were identified in the Notice of Appeal. The Hearing Officer may recommend to the Workforce Board Chief Executive Officer any appropriate actions allowable under program funding source rules and regulations and consistent with Workforce Board Procurement Policies to resolve issues raised at the Informal Hearing. If the appealing party agrees, the appeal may be ended at this point.

6.5 Request for Formal Hearing

The appealing party, if not satisfied with the results of the Informal Hearing, must inform the Hearing Officer, in writing, no later than five (5) business days from the date of the Informal Hearing, of the intent to proceed with the appeal. A request for a Formal Hearing must be made in writing and delivered to the Workforce Board pursuant to the instructions for submitting written notices of appeal in Section 3 above. Within ten (10) business days of receipt of this written request, the respondent will be sent written notice.

6.6 Formal Hearing and Final Decision

The Formal Appeals Hearing shall be conducted within fifteen (15) business days of the date of the request for Formal Hearing. An Independent Hearing Examiner (IHE) will conduct the Formal Hearing of the appeal. . Once selected, consider the facts presented as grounds for the appeal and remedies requested. The IHE may request additional information. After full review,

the IHE will render his/her decision no later than sixty (60) days from the date of the written Notice of Appeal. The IHE's decision shall be the final decision and end the appeal process at the local level.

6.7 Miscellaneous

The Informal Hearing and Formal Hearing process set forth in this policy serves as any administrative grievance process required by applicable law. In all instances, information regarding the protest/dispute that reaches the formal appeal stage will be disclosed to the Texas Workforce Commission.

The TWC Financial Manual for Grants and Contracts, Chapter 15, Section 15.09, provides for limited appeals of any Workforce Board decisions: "The Commission shall accept no protest or dispute appeal until all administrative remedies at the contractor level have been exhausted. Commission appeal review is limited to:

- a) Violations of federal law and regulations. Violations of State or local law shall be under the jurisdiction of State or local authorities
- b) Violations of contractor's protest/dispute procedures or failure to review a protest or dispute."

REQUIRED ATTACHMENTS

ATTACHMENT A

PROPOSAL COVER SHEET

RFP to obtain proposals for THE LEASE OF OFFICE SPACE IN NORTHEAST EL PASO, TEXAS

#PY10-RFP-200-801

Due: 4:00 P.M. MDT

Date: September 12, 2008

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

Submitted By: _____

Legal Name of Respondent Agency: _____

Physical address: _____

Mailing Address: _____

Contact Person: _____

Title: _____

Telephone #: _____

Fax #: _____

e-mail address: _____

Signature and Title of Individual having Contract Signature Authority: _____

U.....U

Tax/ Legal Status:

_____ State Government Agency

_____ Local Government

_____ Union

_____ Community College

_____ Local School District

_____ Non-Profit

Private for-Profit

_____ Other _____

Federal Employer Identification Number: _____

Texas State Comptroller ID Number: _____

Minority Owned _____ Yes _____ No

Female Owned _____ Yes _____ No

Historically Underutilized Business (HUB):

Status - More than 51%

HUB Certification Number _____

ATTACHMENT B

PROVIDER ASSURANCES AND CERTIFICATIONS

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

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

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

The recipient also assures that it will comply with 29 CFR part 37 and all other regulations implementing the laws listed above. This assurance applies to the recipient's operation of the WIA Title I-financially assisted program or activity, and to all agreements the recipient makes to carry out the WIA Title I-financially assisted program or activity. The recipient understands that the United States has the right to seek judicial enforcement of this assurance.

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), Department of Health and Human Services (45 CFR Part 76).

The undersigned applicant certifies that neither it nor its principals:

- (1) Are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency;
- (2) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction, violation of Federal or State

antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

- (3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity with commission of any of the offenses enumerated in Paragraph (2) of this section; and
- (4) Have not within a three-year period preceding this application had one or more public transactions terminated for cause or default.

Nondiscrimination: The undersigned applicant certifies that it shall comply with the nondiscrimination provisions outlined in the WIA of 1998 including title 1, Sec. 184 (f) and Sec. 188 (a); 20 CFR 667.266 (a) and 45 CFR 80 and 84.

Conflict of Interest: The undersigned applicant certifies that:

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

Lobbying: This certification is required by the Federal Regulations, Implementing Section 1352 of the Program Fraud and Civil Remedies Act, Title 31 U.S. Code for the Department of Agriculture (7 CFR Part 3018), Department of Labor (29 CFR Part 93), Department of Education (34 CFR Part 82), Department of Health and Human Services (45 CFR Part 93).

The undersigned applicant certifies that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence any officer or employee of Congress, or an employee of a Member of Congress

- (2) in connection with the awarding of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- (3) If any funds, other than Federal appropriated funds, have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, any officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- (4) The undersigned shall require that the language of this certification be included in the award for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and provide disclosure accordingly.

<p>Drug-Free Workplace: This certification is required by the Federal Regulations, Implementing Section 5150-5160 of the Drug-Free Workplace Act, 41 U.S.C. 701; for the Department of Agriculture (7 CFR Part 3017), Department of Labor (29 CFR Part 98), Department of Education (34 CFR Part 85, 668 and 682), Department of Health and Human Services (45 CFR Part 76).</p>

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

- (a) Publishing a policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace and specifying the consequences of any such action by an employee;
- (b) Establishing an ongoing drug-free awareness program to inform employees of the dangers of drug abuse in the workplace, the Contractor's policy of maintaining a drug-free workplace, the availability of counseling, rehabilitation and employee assistance programs, and the penalties that may be imposed on employees for drug abuse violations in the workplace;
- (c) Providing each employee with a copy of the Contractor's policy statement;
- (d) Notifying the employees in the Contractor's policy statement that as a condition of employment under this contract, employees shall abide by the terms of the policy statement and notifying the Contractor in writing within five (5) days after any conviction for a violation by the employee of a criminal drug statute in the workplace;
- (e) Notifying the Commission within ten (10) days of Contractor's receipt of a notice of a conviction of an employee; and,
- (f) Taking appropriate personnel action against an employee of violating a criminal drug statute or require such employee to participate in drug abuse assistance or a rehabilitation program.

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

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

WIA Sec. 188 (a):

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

parolees, and other immigrants authorized by the Attorney General to work in the United States.

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

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

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

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

Education Standards and Procedures: The undersigned applicant certifies that it shall comply with the provision outlined in the Workforce Investment Act of 1998 [Sec. 195 (9)(B)]: Except as otherwise provided in this title [WIA title 1], the following conditions are applicable to all programs under this title: Standards and procedures with respect to awarding academic credit and certifying educational attainment in programs conducted under such chapter shall be consistent with the requirements of applicable State and local law, including regulation.

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

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

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

The undersigned authorized representative of the applicant herein certifies that the statements above pertaining to Debarment, Suspension and Other Responsibility Matters; Nondiscrimination; Conflict of Interest; Education Standards and Procedures; Documentation of Financial Stability and Reporting Requirements are true and correct as of the date of submission.

Upper Rio Grande Workforce Development Board

This does not preclude a given Board from requiring additional assurances as part of their local application requirements.

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

The applicant must notify the URGWDB in writing if the authorized signatory changes.

Certified by:

Signature of Authorized Official

Typed/Printed Name of Signatory

Signatory's Official Title

Provider Name

Date: ___ / ___ / ___ (mm/dd/yyyy)