



**WORKFORCE SOLUTIONS**  
**UPPER RIO GRANDE**

Brewster Culberson El Paso Hudspeth Jeff Davis Presidio

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**Request for Proposal  
# PY10-RFP-276-800**

**Innovative Workforce Service Delivery**

**Release RFP**

**August 31, 2010, 8:00 AM MDT**

**Proposal Submission Deadline**

**September 29, 2010, 5:00 PM MDT**

**Upper Rio Grande Workforce Development Board**

**221 N. Kansas St., Ste 1000**

**El Paso, Texas 79901**

**(915) 772-2002 t**

**(915) 351-2790 f**

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

## INTRODUCTION

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 Workforce Board area, 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 Workforce Board area 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 complement and enhance the services already being provided in the Workforce Board area. 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 Board 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; and
- 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 strategic alliances which builds a gainfully employed workforce based on employer needs in a competitive global economy.

### Our Mission

To provide skilled workers for employers by advancing education, employment and economic development opportunities.

### 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 E<sup>3</sup> 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.

## Section 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 possessing the capacity and demonstrated ability to perform successfully under the terms and conditions of a contract with the Board may respond to this RFP. Eligible organizations include public entities, community-based organizations, faith-based organizations, non-profit organizations, private-for-profit corporations, and other qualified providers. Minority, disadvantaged and female-owned businesses are encouraged to respond to this RFP. A consortium, joint venture or team of organizations with complementary skills and experience is permitted to respond to this RFP. However, the plan must demonstrate that all contractual responsibility rests solely with one legal entity and that the proposed arrangement would enable the Respondent to provide efficient and quality management and operation of the Business Services Unit for the Board. Under Texas House Bill 1863 and the Texas Government Code, the Board is prohibited from entering into a contract for the Management and Operation of the Workforce Solutions Upper Rio Grande Business Services Unit with any entity that provides workforce education or workforce training services. The Board is also prohibited from awarding a contract to a party excluded from federal procurement or non-procurement programs by the U.S. General Services Administration and not be debarred and/or suspended from conducting business with Federal or State funded agencies.

### 1.4 Authorized Board Contact

The authorized Workforce Board contact person for this procurement is Martin Bombach, Acting Chief Financial Officer, Upper Rio Grande Workforce Development Board, 221 N. Kansas St., Suite 1000, El Paso, Texas 79901, Telephone: (915) 772-2002, Ext. 205, Fax: (915) 351-2790 or via email at [martin.bombach@urgjobs.org](mailto:martin.bombach@urgjobs.org)

### 1.5 Availability of RFP Packets

Request for Proposal packets will be available beginning on and after 8:00 a.m. MDT, Tuesday August 31, 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 Workforce Board Web Site at [www.urgjobs.org](http://www.urgjobs.org) under the Procurement section.

### 1.6 Respondents' Technical Assistance

Questions that are asked prior to the Proposal Submission Deadline of September 29, 2010, will be answered in a question and answer publication to be posted to the Workforce Board's Web Site at [www.urgjobs.org](http://www.urgjobs.org) within three (3) working days after the date of request. Respondents are encouraged to check the Workforce Board's website prior to the Proposal Submission Deadline for questions and answers, 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 Acting Chief Financial Officer immediately for assistance. Questions should be addressed to:

Workforce Solutions Upper Rio Grande  
ATTN: Martin Bombach, Acting Chief Financial Officer  
221 N. Kansas, Suite 1000  
El Paso, Texas 79901  
Phone (915) 772-2002, ext. 205 /Fax: (915) 351-2790  
E-mail: [martin.bombach@urgjobs.org](mailto:martin.bombach@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 the Respondents' written questions submitted to the Acting Chief Financial Officer prior to the Proposal Submission Deadline, 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 unit representative must physically receive responses to this RFP no later than:

**5:00 PM MDT Wednesday, September 29, 2010**

**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, Workforce Board reserves the right to:

1. Amend or withdraw this RFP at any time
2. Reject any and all bids
3. Re-issue this RFP

1.9 Funding

Funding for activities and services under this RFP is provided by State Wide and WIA Funding. Additional funds for activities and services may be provided through discretionary funding from the Texas Workforce Commission (TWC) or other funding sources. Funding is contingent upon and subject to change based upon Congressional appropriation and the allocation and receipt of such funds by the Board from TWC.

1.10 Expected Outcome of this Procurement

It is anticipated that the Workforce Board may award one contract to a qualified organization/individual to enter into a one-year contract to provide Innovative Workforce Service Delivery with an option to extend for two (2) additional one-year contracts based on performance, need, availability of funds, and what is deemed to be in the best interest of the Workforce Board.

The Workforce Board reserves the right to award more than one contract if it is determined to be in the best interest of the Workforce Board.

1.11 Types of Contracts to be Awarded

A contract will be negotiated on a demonstrated performance basis. There will be no contract negotiated with a straight 100% cost reimbursement structure. All contracts awarded will have a significant portion of the funds tied to the achievement of measurable outcomes. The type of contract will be determined at the time of contract negotiation with each successful respondent.

1.12 Historically Underutilized Business (HUBs)

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

1.13 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.

|                         |                                     |
|-------------------------|-------------------------------------|
| Issue RFP               | August 31, 2010                     |
| Submission Deadline     | September 29, 2010 at 5:00 p.m. MDT |
| Evaluation of Responses | September 30, 2010                  |
| Contractor Selection    | September 30, 2010                  |

Section 2 - Statement of Work

2.1 Service Delivery Model Concept

The purpose of the RFP to solicit and secure qualified provider(s) that demonstrate a service delivery model that focuses on recruiting identified high need unemployed or underemployed individuals to successful completion of the project that yield high skill and high demand occupation; with placement at a high wage; and follow-up services to better ensure job retention.

The Workforce Board envisions a network of workforce system contractors that perform beyond compliance and minimum standards, focusing on customer satisfaction, consistency in the delivery of services and results. Accordingly successful Respondents will be expected to meet the following management standards:

- Performance beyond compliance and minimum standards, in addition to meeting core business practices.
- A customer service plan that delineates clear and concise standards for service and commitment to our customers.
- Customer Choice - empowerment of customers to make well-informed decisions through access to up-to-date and relevant workforce related information.
- Integration - not just the co-location, but also the integration of systems, resources, and services into a flexible, responsive and seamless system.
- Accountability – Successful Respondents awarded a contract resulting from this RFP will be held accountable for and judged by meaningful results and outcomes.

The purpose of the Proposal Narrative is to demonstrate how the proposed services will meet the Workforce Board Strategic Plan goals, document organizational capacity and demonstrated effectiveness. At a minimum, the following items should be addressed in the Proposal Narrative:

## 2.2 Mission, Vision, and Goals

Respondents should describe how they would ensure that the Workforce Board’s mission, vision, and goals are the drivers for managing and operating an Innovative Workforce Service Delivery model within the Workforce Solutions Upper Rio Grande system. In addition, describe how the Respondent would ensure that the delivery of workforce services is aligned with the Board’s Strategic Plan goals.

## 2.3 Design an Approach for Management of the Project

The narrative must describe the approach or plan to effectively and efficiently manage people, processes, and resources necessary to achieve the stated vision, mission, and goals for the Workforce Board. The management approach should demonstrate an understanding and capability to operate a quality employer-driven workforce system. The management approach should also display a commitment to and an understanding of customer service, continuous improvement and high performance.

- Describe the Respondent’s management plan for operations and the strategies for meeting each of the following performance measures:
  - Program Completion Rate
  - Entered Employment Rate
  - Employment Retention Rate
  - Average Quarterly Wage
- Describe how customer progress will be tracked through the various levels of services. Explain how this will impact and/or enhance case management, customer progress and performance outcomes.

## 2.4 Integration with Workforce Solutions Upper Rio Grande Career Center Services

Respondents should describe the strategies and actions to integrate the resources of programs to serve customers with barriers to employment and self-sufficiency. Include plans for integration

and coordination with our One-Stop partners and other contracted service providers and the Respondent's plans for delivery of the following integrated non-duplicative services:

- Universal Services
- Outreach and Recruitment
- Intake and Eligibility
- Information and Referral
- Assessment and Testing
- Enrollment in Training
- Case Management
- Job Search
- Support Services
- Post-Employment Services
- Employer Services
- Child Care Services

#### 2.5 Customer Satisfaction

Respondents should define a customer service plan that delineates clear and concise standards for service and commitment to Workforce Board customers. In addition, Respondents should describe what Customer Satisfaction indicators (internal and external) will be surveyed, the frequency for measuring customer satisfaction, and how the information will be used to improve service delivery and customer service. Explain how improvements will be implemented.

#### 2.6 Quality Management

- Explain Respondent's Quality Management plan in order to ensure that an overall Total Quality Management approach is implemented.
- Provide the organization's internal monitoring procedures to ensure program quality and compliance with all applicable regulations and policies.
- Provide copies of all monitoring reports issued within the last two (2) years by funding agencies other than the Workforce Board.
- Provide copies of financial audits for the last two (2) years.

#### 2.7 Data Integrity and Validation

- Describe how the accuracy, integrity and security of the customer data and information in TWIST and WorkInTexas.com (WIT) will be ensured.
- Describe the measures that will be taken to ensure the accuracy, completeness and timely submission of client-related documentation and TWIST data entry; prevention of enrollment of ineligible individuals; assurance that program participation requirements are met; and documentation of client progress and outcomes.
- Describe the measures that will be taken to ensure the accuracy, completeness and timely submission of employer documentation, such as job orders and job postings.

#### 2.8 Follow-up

Describe how follow up activities will be provided to ensure that each job seeker and employer receives the best possible services and that job retention is maximized.

### 2.9 Innovations and Value-Added

Describe any innovations and/or value-added items that will be provided by the Respondent. Include proprietary curricula, technological innovations, case management innovations, special programs, staff capacity building, or other noteworthy services to customers. Please also include any types of matching funds or in-kind contributions that will be provided under this proposal. Include a timeline of how these items will be implemented if selected.

### 2.10 Personnel

The Workforce Board experience has proven that the qualifications of the Management Team are critical to the successful outcome of any contract resulting from this RFP. Therefore, Respondents should provide the resumes and qualifications of the organization or management team assigned.

- Describe the organization or management direct workforce system center experience in Texas. If there is no direct workforce system center experience in Texas, then please describe where similar experience was gained.
- Describe the program knowledge of the proposed management staff including knowledge of: Workforce Investment Act programs, TANF/Choices programs and any other workforce-related funding.
- Describe your organization's current mission, philosophy, and vision as it relates to the operation of the workforce centers.
- Provide an organizational chart, which clearly depicts your organization's model, that management's relationship to others in your organization and specifically identifies the where point of day- to-day relationships with the Workforce Board will lie.
- In addition to the organizational chart listed above, include a staffing chart identifying the number and types of positions for this project. Include the projected staff to customer ratio for each of the centers. Provide a job description and required qualifications for each position identified. Please include a Salary Administration Schedule.

### 2.11 Performance Measures

- Describe how the Respondent will achieve the performance measures and how the Respondent will monitor performance on an ongoing basis to ensure expected outcomes are achieved.
- Respondents are required to provide to the Workforce Board staff ongoing real-time reports on identified performance measures. Explain the steps that Respondent would implement in order to provide accurate information on a timely basis as required.

### 2.12 Services to Program Specific Customers (i.e. WIA Adults, Dislocated Workers, Older Youth, TANF/Choices, SNAP E&T, etc.)

- Describe the strategies and initiatives you would implement in order to provide services to each program specific population(s) that your organization intends to serve. Please specifically list any special population(s) that your organization will not serve.
- Describe the challenges anticipated in providing services to each program specific population. Provide a detailed explanation of how these challenges will be met and resolved.

- In particular, describe specific strategies you would implement to ensure achievement of the TANF/Choices required participation rates; and specific strategies you would implement to ensure achievement of the Food Stamp Employment and Training Entered Employment rates.
- Describe specific strategies you would implement to ensure that the program specific expenditure benchmarks are met while at the same time ensuring performance outcomes are met.
- Describe specific strategies you would implement to ensure that successful program performance is met. Also, in order to monitor performance, describe measurable outcomes to be implemented in order to ensure performance would be met.
- Describe specific strategies you would implement to ensure that staff assisted services are provided as required by customers.
- Describe specific strategies you would implement to ensure that effective and proper delivery of the following services is provided to program specific customers:
  - Outreach and Recruitment
  - Intake and Eligibility
  - Information and Referral
  - Assessment and Testing
  - Focused Case Management
  - Follow-up
- Describe specific strategies you would implement to ensure services to individuals with disabilities are available.
- Describe Respondent processes to measure and/or report success on any of the above elements.

### 2.13 Workforce Board Expectations of Selected Provider

Respondent selected for contract negotiations to become workforce service provider of the Workforce Board system are expected to comply, at a minimum, with the following:

- Immediate response to System demands and/or needs.
- Will adhere to Workforce Board Strategic Plan.
- Will operate under the umbrella of the “Workforce Solutions Upper Rio System.”
- Will implement Continuous Process Improvement, and Process Mapping to optimize delivery of services and customer satisfaction, consistent with the Workforce Board initiatives.
- Will provide timely and accurate responses to the Workforce Board staff requests.
- Will be responsible for the delivery of quality services with optimal customer service.
- Will have a sound and reliable financial management system.
- Will have an outstanding and timely quality/integrity of data.
- Will operate in an ethical and forthright manner.
- Will achieve a fair rate of return on the taxpayer’s investment.
- Unless directed by the Workforce Board staff, Contractor and Contractor staff will not act as spokespersons for the system.

Explain how Respondent will ensure compliance with each one of the Workforce Board expectations.

## 2.14 Description of Administrative and Financial Management Systems

Describe your organization's administrative and financial management experience and capabilities to include, but not limited to the following points:

- Experience in managing and accounting for multiple federal, state and local funding sources in accordance with Generally Accepted Accounting Principles (GAAP); and
- Disclose any real or potential liabilities that might affect its ability to perform a contract if awarded. Such liabilities may include (as applicable) but are not limited to, delinquent federal, state, city or county taxes; lawsuits of any kind; amounts owed to creditors, banks, individuals, or audit exceptions. Describe any liabilities and/or disallowed costs currently or previously incurred by your organization. Explain the circumstances and their status.
- Describe the local lines of authority.
- Designate who will have local signatory authority.
- Describe the accounting system that will be used to manage this contract.
- Describe the record keeping process to include local accessibility of all financial management and administrative records. If financial piece of the contract will be managed part at corporate level and part at local level, describe in detail what will be managed at each level.
- Describe system to be used to track, manage, and report training obligations.
- Describe the funds management process to include but not limited to, budget management and expenditure management. Include monitoring and oversight responsibilities.

The Workforce Board is required to assess its workforce service contractors to ensure the contractors meet the requirements of the Workforce Board's fiscal integrity evaluation prior to the award of the contract and at each renewal of the contract. The objective of the fiscal integrity evaluation is to assess a workforce service contractor's fiscal system includes all the necessary elements of a sound financial system. In addition, the evaluation includes the review and consideration of the contractor's financial history as well as any adverse judgments or findings, such as administrative audit findings or sanctions by a court of law.

- Please state Respondent agreement to comply with the fiscal integrity evaluation.

## Section 3 – Submission

### 3.1 Consideration for Funding

Each respondent must submit an offer (proposal) and other supporting documentation in strict accordance with these instructions. When evaluating a proposal, the Workforce Board will consider how well the respondent complied with these instructions. The Workforce Board will consider any failure on the part of the respondent to comply with these instructions to be an indication of the type of conduct it can expect during contract performance. Therefore, the Workforce Board encourages respondents to contact the Acting Chief Financial Officer by facsimile transmission, email or regular mail to request any additional clarification that may be needed to comply with these instructions.

### 3.2 Format

Each respondent is required to submit one (1) original and three (3) copies of the complete proposal response 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 Workforce Board. Respondents are encouraged to identify “Proprietary” information as such. 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 8 ½ inch by 11-inch paper, with all pages sequentially numbered and either stapled or bound together. Font size will be no smaller than 11 point, single space.

In addition, the respondents are required to submit a copy of the complete proposal response in a reproducible master disk prepared or converted to Microsoft Office Software (Word, Excel, etc).

- I. Cover Sheet: Must be signed by the individual having Contract Signature Authority. (Attachment A)
  
- II. Financial Documentation: All vendors must provide evidence of financial stability prepared by a certified public accountant. Please see below for the specific required documentation that must be attached to application to be approved.
  - Private for Profit
    - Articles of Incorporation and By-laws
    - An audited balance sheet, financial statement or audit for the most recent year.
  - Private Non-Profit
    - IRS Tax exemption certificate
    - If your organization has more than \$500,000 in annual revenues, please attach an A133 audit
    - If your organization has less than \$500,000 in annual revenues, please attach a copy of IRS Form 990 (most recent year’s)
    - Provide an audited balance sheet, financial statement or audit for the most recent reporting period.
  - Community-Based Organization
    - IRS Tax exemption certificate (a copy of 501(C)3) and (one of the 3 bulleted items)
    - If your organization has more than \$500,000 in annual revenues, please attach an A133 audit
    - If your organization has less than \$500,000 in annual revenues, please attach a copy of IRS Form 990
    - Provide an audited balance sheet, financial statement or audit for the most recent reporting period.
  
- III. References: Respondent must provide the following information on a minimum of three (3) non-workforce board contracts for work that is similar in nature and complexity including: (1). Name of the organization; (2). Contact Name; (3). Telephone number and email address; (4). Nature and scope of the services provided; (5). Time frame of the services provided; and (6) service outcomes.

- IV. Budget Summary: Respondent must provide a detailed description and schedule of charges will be required for the services with a maximum of ten percent (10.0 %) of the direct service expenditures for administrative costs. (Attachment B) Respondent must describe how the Respondent calculated the administrative costs.
- V. 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 C)
- VI. Certificate of Good Standing. Attach a copy of the respondent's current (as of the date of the submission) Certificate of Good Standing or Certificate of Account Status from the Texas Comptroller of Public Accounts. Web Site address to obtain this certificate is: <http://www.window.state.tx.us/m23taxes.html>.
- VII. Proposal Narrative: Respondent must describe in detail all the components as outlined in the Statement of Work in Section 2 of this RFP.

### 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                 |
| Financial Documentation         | X                |               |                   |
| References                      | X                |               |                   |
| Budget Summary                  | X                |               | B                 |
| Assurances and Certification    | X                | X             | C                 |
| Certificate of Good Standing    | X                |               |                   |
| HUB Certificate (If Applicable) | X                |               |                   |

## Section 4 – Evaluation and Selection Process

### 4.1 Evaluation Process

The evaluation process will consist of:

- a. An initial review for responsiveness and compliance with the technical specifications and other criteria specified in the RFP;
- b. Only responsive proposals will be evaluated and scored by a proposal evaluation panel. Responsive proposals will be evaluated on specific areas by all reviewers using the same standardized instrument;
- c. Proposals will be deemed non-responsive for:
  - 1) Failure to follow the prescribed format for submitting the proposal.
  - 2) Failure to sign and submit the Cover Sheet, Assurances, and Certifications, including the Certificate of Good Standing from the State

Comptrollers Office (if applicable). If the Certificate of Good Standing is not applicable, the respondent must indicate the same and provide a reason for non-applicability i.e., non-profit organization, etc.

- d. Review and scoring by evaluators;
- e. Presentation of evaluations, scoring and recommendations of proposal review team to the Workforce Board Chief Executive Officer;
- f. Discussion and appropriate action by the Workforce Board Chief Executive Officer in selecting proposed contractor(s) for contract negotiations.
- g. Successful Respondents maybe subject to an on-site visit to evaluate administrative and financial management systems. Contractors will be required to attend a contractor training session to ensure they are cognizant of contractor responsibilities, reporting requirements, payment methods and performance measures to ensure successful contract performance.

#### 4.2 Proposal Review Team

A proposal review team will be assigned to evaluate all responsive proposals received by the Workforce Board. The review team will use the evaluation criteria as outlined below. It should be noted that the contract(s) resulting from this RFP will be awarded to the respondent(s) whose proposal(s), conforming to the RFP, is determined to provide the “best value” to the Workforce Board. Therefore, the proposal(s) offering the lowest cost or receiving the highest technical score may not necessarily be the proposal that is selected for award.

#### 4.3 Evaluation Criteria and Rating Scale

There are 100 points available. The review and evaluation of proposals shall be based on the following criteria:

Organizational Capacity (Maximum 20 Points)

Proposals will be evaluated to identify the organization’s structure, staff qualifications, number of staff proposed, competency in dealing with highly automated systems, and the financial and technical resources necessary to maintain administrative and fiscal accountability.

Demonstrated Performance (Maximum 25 Points)

Proposals will be evaluated to identify demonstration of successful performance in managing business and employer service activities and the ability to meet or exceed contracted performance targets as presented in respondent’s most recent contractual agreements.

Operational Plan (Maximum 25 Points)

Proposals will be evaluated to identify the design factors as outlined in the Statement of Work in Section 2 of this RFP, for thoroughness, effectiveness, innovation, required reporting content and compliance with regulatory agencies.

Cost Analysis (Maximum 30 Points)

All responses are rated as to reasonable and necessary costs. Itemization and detailed explanation of all costs is required. All costs associated with the requested services

clearly must be clearly stated. Proposals are required to include an individually hourly rate and a detailed schedule of charges in addition to personnel cost.

Section 5 – Governing Provisions and Limitations

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

- 5.1 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.
- 5.2 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.
- 5.3 The Board is not responsible for any costs incurred in services provided by Respondents, prior to the commencement date of any contract.
- 5.4 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.
- 5.5 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.
- 5.6 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.
- 5.7 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.
- 5.8 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.
- 5.9 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.

- 5.10 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.
- 5.11 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.
- 5.12 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.
- 5.13 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.
- 5.14 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.
- 5.15 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.
- 5.16 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.
- 5.17 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.

- 5.18 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 exempt 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.

## Section 6 – Inquiry and 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

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.”

PROPOSAL COVER SHEET

RFP to obtain proposals for Innovative Services Management #PY10-RFP-276-800

Due: 5:00 P.M. MDT Date: September 29, 2010

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

\*\*\*\*\*

Submitted By: \_\_\_\_\_

Legal Name of Respondent Agency: \_\_\_\_\_

Physical address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_ e-mail address: \_\_\_\_\_

Signature and Title of Individual having Contract Signature Authority:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

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: \_\_\_\_\_

HUB Certification Number \_\_\_\_\_

## BUDGET SUMMARY

Respondent must also include a budget narrative that describes in detail cost associated with each budget item below.

| <b>SECTION A - PERSONNEL</b>       |                 |
|------------------------------------|-----------------|
| Personnel                          | TOTAL<br>Budget |
| Salaries                           | \$ -            |
| Fringe Benefits                    | \$ -            |
| Contract Labor (including mark-up) | \$ -            |
| <b>Total Personnel</b>             | <b>\$ -</b>     |

| <b>SECTION B - NON-PERSONNEL</b>                      |             |
|---|-------------|
| Travel  | \$ -        |
| Staff Development                                     | \$ -        |
| Mileage   | \$ -        |
| Recruitment   | \$ -        |
| Benefit Administration                                | \$ -        |
| Occupancy Related Costs                               | \$ -        |
| Communications  | \$ -        |
| Information Systems                                   | \$ -        |
| Professional Fees (Auditing, Legal, Consulting, etc.) | \$ -        |
| Marketing   | \$ -        |
| Supplies  | \$ -        |
| Postage & Freight                                     | \$ -        |
| Printing  | \$ -        |
| Dues & Subscriptions                                  | \$ -        |
| Insurance   | \$ -        |
| Equipment & Furniture Rental                          | \$ -        |
| Equipment & Furniture Purchases & Related Costs       | \$ -        |
| Miscellaneous   | \$ -        |
| <b>Total Non-Personnel</b>                            | <b>\$ -</b> |
| <b>Total Operating</b>                                | <b>\$ -</b> |

| <b>SECTION C - TRAINING SERVICES</b> |             |
|--------------------------------------|-------------|
| Assessment                           | \$ -        |
| Adult Basic Education                | \$ -        |
| Job Readiness Training               | \$ -        |
| Individual Training Accounts         | \$ -        |
| On-the-Job Training                  | \$ -        |
| Subsidized Employment                | \$ -        |
| Incumbent Worker Training            | \$ -        |
| Work Experience                      | \$ -        |
| <b>Total Training Services</b>       | <b>\$ -</b> |

| <b>SECTION D - SUPPORT SERVICES</b> |             |
|-------------------------------------|-------------|
| Transportation                      | \$ -        |
| Child Care                          | \$ -        |
| Incentives                          | \$ -        |
| Needs Related Payment               | \$ -        |
| Educational Supplies                | \$ -        |
| Tools, Uniforms                     | \$ -        |
| Test Fees                           | \$ -        |
| Other Support Services              | \$ -        |
| <b>Total Support Services</b>       | <b>\$ -</b> |
| <b>Total Direct</b>                 | <b>\$ -</b> |

| <b>SECTION E - OVERHEAD</b>     |             |
|---------------------------------|-------------|
| Contractor Administrative Costs | \$ -        |
| <b>Total Overhead</b>           | <b>\$ -</b> |

|                    |             |
|--------------------|-------------|
| <b>Grand Total</b> | <b>\$ -</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 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 Respondent certifies that neither it nor its principals:

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

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

**Conflict of Interest:** The undersigned respondent certifies that:

No manager, employee or paid consultant of the Bidder is a member of the Policy Board, President, or an employee of the Workforce Board;

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

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

The undersigned respondent certifies that:

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

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

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

- (a) Publishing a policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace and specifying the consequences of any such action by an employee;
- (b) Establishing an ongoing drug-free awareness program to inform employees of dangers of drug abuse in the workplace, 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 Attorney General to work in the United States.

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

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

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

By signing, the respondent certifies that it will comply with all other regulations implementing the laws cited above. This assurance applies to the respondent's operation of the WIA title 1 - financially assisted program or activity, and to all agreements the respondent makes to carry out the WIA title 1-financially assisted program or activity. The respondent understands that the United States, the Texas Workforce Commission and/or the Local Workforce Development Board(s) has 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 respondent certifies that it shall comply with the provision outlined in the Workforce Investment Act of 1998 [Sec. 195 (9)(B)]: Except as otherwise provided in this title [WIA title 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 respondent certifies that it shall comply with the Texas Workforce Commission rules including Subchapter C, Chapter 841 of 40 TAC with regard to providing documentation of financial stability. As part of their local application requirements, Local Workforce Development Boards are to specify their local protocol for documentation and submission requirements.

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

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

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

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

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

Certified by:

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Signature of Authorized Official

---

Typed/Printed Name of Signatory

---

Signatory's Official Title

---

Provider Name

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ (mm/dd/yyyy)